

State of Texas

County of Brazoria

City of Freeport

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

Staff: Tim Kelty, City Manager  
Lance Petty, Assistant City Manager/PWD  
David Olson, City Attorney  
Betty Wells, City Secretary  
Cathy Ezell, Finance Director  
Toby Cohen, IT Manager  
Donna Fisher, Human Resource Director  
Freeport Police Department  
Jennifer Howell, Police Chief  
Chris Motley, Fire Chief

Visitors:	David McGinty	Karla Clark
	John Gray	Justin Pulliman
	Ron Martin	Nicole Mireles
	Sam Reyna	Melanie Oldham
	Ted Ross	Margaret McMahan
	Kenny Hayes	Con & Diane McCleester
	Pam Dancy	Ron Bachman
	Brenda Laird	Manning Rollerson
	Annette Muti	Ona Johnson
	Sandra Wood-Wicke	Ben Kelty
	Raul Ramirez	Mrs. Rossow
	Desiree Pearson	Tommy Pearson
	James Carter	Jack Bullman

**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 City Manager Tim Kelty.

## **CITIZENS' COMMENTS:**

Diane McCleester 97 Dolphin, spoke of Zoning WR and said this means Waterfront Residential. She spoke of the number of STR's in the City. She said she would like to see this ordinance for STR's amended. She spoke of parking in Bridge Harbor.

Nicole Mireles 2002 North Ave. G, spoke of the last meeting and comment that was made by Councilman Pena. She spoke of the unprofessional and obscenity of his comment. Ms. Mireles spoke of a letter that was mailed out, she said these were not mailed out by Concerned Citizens of Freeport.

Karla Clark 411 Sailfish said she did a PIR after the last meeting on the registered STR, she said this list had 14 registered STR's in the City of Freeport. She spoke of allowing Bridge Harbor to make a HOA.

Pam Dancy South Front Street, spoke of the letter that came in the mail, she asked that this letter be put on the agenda. She spoke her concerns in this is the letter. She said she thinks Councilman Matamoros should step down from the EDC until this is all cleared up. She spoke of her concern on the words from Executive Session in the last meeting.

Jeff Pena 224 W. Park, asked questions about the street repair, the sewer problems throughout the City, about failed drug test, and sexual misconduct by past Police Chief, he asked about the representation of Mayor Bass for Councilman Cain, being his attorney. He spoke of a criminal investigation that is going on by BCSO from the attack and threats by Mayor Bass, he said until this is resolved he will continue to be concerned for everyone's safety, he asked that there be an armed officer in Open and Executive Session Meetings.

Justin Pulliam, Rosenberg, said he appreciates that one City Councilman on this board is concerned about the issues of the people, instead of only the political establishment. He said he learned that Police Officer K-9 Zirko died last Thursday. He said there should be cameras and property check at the handler's residents. He said he appreciates the new Chief. He said it is a 2<sup>nd</sup> degree felony if your actions cause a police animal to die. He said he hopes there will be accountability here in all areas of the City.

John Gray Brazoria County Scanner, asked for a moment of silence for Zirko. He spoke of the street speed limit signs and safety signs in the City being covered by trees. He said if any revenue has been collected, it should be returned, and these trees need to be cleaned up.

Manning Rollerson 126 West 6, asked about the Matamoros lawsuit. He said he has concern of a Councilman sitting on Council that has sued the City. He spoke of the temperament between Councilman Pena, and Mayor Bass. He said our City looks dysfunctional.

Sam Reyna 2002 North Ave G, spoke of the Overland Group, and Dollar General Market. He spoke of the TIRZ, and property taxes the city will get from the new Dollar General Market.

Rob Giesecke Port Commissioner Port Freeport, said as an entity we have not been good neighbors. He said there is a 50% turnover in commission members in the last two years. He said in the last meeting with the new board, they constituted a new position with a liaison for the City of Freeport, he said he will be fulfilling this role.

Ronnie Martin, 1850 West 8<sup>th</sup>, said he received the letter, he said it was not signed. He said this is the same as cyberbullying. He said whoever did this, is a coward. He spoke very highly of the Police Chief and said he wants to thank her.

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

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

City Manager Tim Kelty, and Police Chief Jennifer Howell presented the Employee of the Month for the month of May to Joaquin Torres.

Presentation by Gulf Coast Transit District on the Non-Fixed Route System.

Ted Ross, Director of Operations presented to Council the Shared Ride System. He explained the scheduling will be done on an app, online, or you can call. He said this is a door to door system, and they can book a ride the same day, it is a shared ride system. He said the price for the rider will stay the same.

There was discussion by Council on a QR Code, the wait time, how this will be funded, the pickup sites in Freeport. There was discussion on the bus stops now, and the concern of still having any shelter over these stops, there was discussion on the type of vehicles that will be used.

**COUNCIL REGULAR AGENDA**

Consideration and possible action on the approval of City Council Meeting Minutes, from June 5, 2023 and the Special Meeting on June 7, 2023.

A motion was made by Councilman Cain seconded by Councilman Matamoros with all present voting "Aye" 5-0, Council unanimously approved the City Council Meeting Minutes for June 5, 2023 and the Special Meeting on June 7, 2023.

Consideration and possible action approving Resolution No. 2023-2803 designating property owned by the City of Freeport for Parking in the downtown.

Margaret McMahan read a statement on behalf of the Main Street Board, she said the Historic Museum and Main Street Board supports this, and ask Council to approve this Resolution.

City Manager Tim Kelty presented to council Resolution No. 2023-2803 designating property owned by the City of Freeport for Parking in the downtown. He said the location is on 4<sup>th</sup> Street where old City Hall was located.

A motion was made by Councilman Cain, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked where the restrooms will be located? Mr. Kelty said this has not been determined yet. The question was asked of who will pay for this? Mr. Kelty said the City.

Mayor Bass called the motion to a vote, with a 4-1 vote, Resolution No. 2023-2803 passed. Councilman Pena voted "Nay".

**Public Hearing: Second reading and consideration of resolution approving an economic development agreement to be enacted by the Freeport Economic Development Corporation and Overland Group.**

Mayor Bass opened the Public Hearing at 7:25 PM.

Robert Johnson EDC Director said this project must be approved by Council, he said the EDC Board voted unanimously to approve.

There was a lengthy discussion by council on the stakeholders, the contracts, and discussion on the esthetics and landscaping. The question was asked if there needed to be approval by Planning and Zoning.

Karla Clark supports the Dollar General Market.

Nicole Mireles supports Dollar General Market.

Anette Muti supports this Dollar General Market.

Ronnie Martin said the Main Street Board supports this unanimously.

Mayor Bass closed the Public Hearing at 7:46 PM.

City Manager Tim Kelty read the resolution for the second reading.

A motion was made by Mayor Bass to approve resolution approving an economic development agreement to be enacted by the Freeport Economic Development Corporation and Overland Group, seconded by Councilman Cain with a 4-1 vote motion passed. Councilman Pena voted "Nay".

**Consideration and possible action approving annual appointment of TIRZ Chairman.**

City Manager Tim Kelty presented to council the annual appointment of TIRZ Chairman.

A motion was made by Councilman Pena to reappoint Shonda Marshall for the remainder of the term, seconded by Councilman Cain with all present and voting "Aye" 5-0 council unanimously approved the annual appointment of TIRZ Chairman.

**Consideration and possible action approving the purchase of new fuel system.**

Assistant City Manager Lance Petty presented to Council the purchase of the new fuel system. He said staff recommends approving the proposed fueling system, the cost is \$68,639.20 this will be city owned equipment, and we will go out for bids for the fuel.

Councilman Cain asked if we need three bids? Mr. Petty said no, this is through the Buy Board.

A motion was made by Councilman Cain, seconded by Councilman Rossow with all present and voting "Aye" 5-0 council unanimously approved the purchase of new fueling system.

**Consideration and possible action approving street repairs.**

Assistant City Manager Lance Petty presented to council the possible action approving street repairs. He said this is the Alley at East 5<sup>th</sup> North to FS 1 and for seal coating at the South Parking Lot at FS 1. He said the roads are checked daily, and this alley is falling apart. The cost for this with B3 Resources LLC will be a total of \$21,000 and staff recommends B3 Resources LLC.

A question was asked by Council if we have used B3 Resources LLLC before, Mr. Petty said yes, the T-Dock and the parking lot at Riverside. The question was asked for the location of this repair. Mr. Petty showed on the map the location. There was discussion on the seal coat being used.

A motion was made by Councilman Cain, seconded by Councilman Matamoros to approve road repair at the Alley of East 5<sup>th</sup> North of FS 1 and seal coating on South Parking Lot at FS 1 to B3 Resources, LLC with discussion that followed.

Councilman Pena asked Mr. Olson if we are required to take the lowest bid? Mr. Olson said you can take the best bargain for the City. Councilman Pena said he would recommend that the City go with Asphalt Maintenance Inc. Councilman Cain clarified his motion to B3 Recourses, LLC and Councilman Matamoros seconded.

Mayor Bass called the motion to a vote, with a 4-1 vote council approved road repair at the Alley at East 5<sup>th</sup> North of FS 1 and seal coating on South Parking Lot at FS 1 to B3 Resources. Councilman Pena voted "Nay".

Mayor Bass asked Attorney Olson about a City Agenda item referencing additional road improvement he said this was handed before Council, and asked if we can move forward? Mr. Olson said yes because of the agenda language.

Assistant City Manager Lance Petty said this is another road that has major issues. This is the alley at East 5<sup>th</sup> and Cherry Street, it runs to the dead-end, he said we got quotes from the same companies, and again we recommend the contract to B3 Resources, LLC.

A motion was made by Mayor Bass for the additional funding for road improvements at the alley at East 5<sup>th</sup> and Cherry Street, work to be done by B3 Resources, LLC for \$28, 300, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked about the price difference between the two jobs by the same contractor. He asked that we go to the contractor and ask that the dollar amount be the same per square foot.

Mayor Bass amended his motion to for the additional funding for road improvements at the alley at East 5<sup>th</sup> and Cherry Street, to be done by B3 Resources, LLC as presented. In addition, for Mr. Petty to call and try to request B3 Resources, LLC revise estimate to go across the board or be comparable to go along with the other bid of the other alley, seconded by Councilman Matamoros with all present and voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action approving Resolutions appointing members to the Beautification/Parks and Rec Board and the Senior Citizens Commission.

City Manager presented to council Resolutions appointing members to the Beautification/Parks and Rec Board and the Senior Citizens Commission.

A motion was made by Councilman Cain, seconded by Mayor Bass to approve Resolution No. 2023-2804 to appoint Randy Johnson, Catherine Johnson, Vince Baker, for a two-year term, and appoint Jack Bullman, David McGinty, Brianna Sidney, and Douglas Dominguez for a one-year term, with all present voting "Aye" 5-0 council unanimously approved Resolution No. 2023-2804, for Beautification Parks/Rec Board.

Ms. Laird spoke to council as to why she wants to serve on the Senior Citizen Commission.

A motion was made by Mayor Bass to approve Resolution No. 2023-2805 to appoint Brenda Laird to the Senior Citizen Commission for a two-year term, seconded by Councilman Pena with all present voting "Aye" 5-0 council unanimously approved Resolution No. 2023-2805.

### **WORK SESSION:**

Councilman Pena thanked all the citizens for coming out and for the comments made by the citizens. He spoke of the Industrial tax dollars that the City may lose and the imperativeness to try a pursue the tourism economy, to help hedge our industrial tax. He said he looks forward to the STR workshop with all the stakeholders. He spoke of the comment made by Ms. Mireles, he said it was not an attack on any one person. He asked where the next workshop will be. He asked that the request made by a resident, that the letter be placed on the agenda. Councilman Pena asked what happened to the K-9, and asked if there will be a response by the City? Mr. Kelty said there will be a statement made. Councilman Pena asked that there be security in place if we go into Executive Session. He said he is happy that the City recognized Juneteenth holiday, and hopes next year we can celebrate in a bigger way. He spoke of the board assignments on the EDC. He asked about the importance of Councilman Matamoros continuing to serve? Mr. Kelty said it is to make improvements at some of the City Parks, he is seeking contributions from various industries. He still has some work to do to get these donations. Councilman Pena thanked Mr. Giesecke, for speaking at the meeting tonight.

Councilman Cain thanked Mr. Giesecke for coming out and speaking, and for accepting the position as liaison for the City of Freeport. He spoke of Mr. Gray's comment of the trees covering the safety signs, he asked that this please get cleaned up. Councilman Cain said the heat was 109 degrees, he said please make sure the City workers are properly supplied with water and Gatorade.

Councilman Matamoros thanked all the residents who attended the Council meeting tonight as well as online, he thanked all the residents who spoke tonight. He thanked Mr. Giesecke. Councilman Matamoros said he wanted to thank Mr. Petty and his crew for getting the stop sign replaced on Ave J, and Skinner, as well as the "No Swimming" signs at the boat ramp. Councilman Matamoros made statements of the letter that was sent out. He said that there is a lot of false information in this letter. He said if there are any issues, please come to me. He touched base on a few allegations. He said there was a settlement proposed, but the EDC voted no, and it went to trial. It cost the EDC twice the amount than the settlement offered. He said he did not benefit one cent from this lawsuit. He said hopefully we can get this behind us, he said he is not suing anyone. Councilman Matamoros said please come to him with any issues.

Councilman Rossow said Ward D is doing well. He spoke of the calls he has received for the grass. He said he is receiving calls of the citation's residents are getting for the grass. He said he is here to serve, you can contact him by phone or text, or come by the house. He said he is not absent, but present every day.



Mayor Bass said he appreciates Councilman Pena and Councilman Muraira to make the motion approve the Juneteenth Holiday. He said he and Councilman Rossow were at Juneteenth in Angleton and fed 700 people celebrating Juneteenth. He thanked Rob for being here tonight, and he said he knows he will help in working with his Board of Commissioners in trying to get Cody Vasut to repeal the house bill that was passed.

Mr. Kelty announced he attended the HGAC Meeting this morning and the City of Freeport was awarded \$1.833 million dollars. He said Cathy Ezell worked very hard on this application. He said this is to fund water improvements. He said the plan is to upgrade the pumps at Ave F, as well as the rehabilitation of the ground storage tanks. Mr. Kelty said we also received two award letters for two generators, there are three other applications we are waiting on.

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

Chief Howell made a statement on the death of K-9 Officer Zirko. She said when the handler arrived to his residence on Thursday, he found K-9 Officer Zirko was deceased. She said the vet's office was contacted with the request of a necropsy, "a dog autopsy" to be performed to find the cause of death. She said there is an internal investigation being done by the City, as well as BCSO doing an external criminal investigation. She said she cannot release a lot of information. Mayor Bass said please give this the seriousness this deserves, he was a team member and we have to figure this out.

Councilman Pena asked about the alley repairs that have been done from the gas leak, and the watermain being busted he said there is still the smell of gas and he wants to know if Centerpoint can go and take another look at this? He spoke of the high grass violations, and messages from residents saying they received notice of high grass, followed by pictures of the City. He spoke of EDC property, and the old Police Station. He asked when the broken mailbox will be replaced? Mr. Petty said that, Lucas contacted the resident of date of repair. There was discussion on street repair to 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup>. Mr. Petty said, it will be repaired.

**CLOSED SESSION:**

There was no closed session

**OPEN SESSION:**

Adjourn

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

  
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Brooks Bass, Mayor

  
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Betty Wells, City Secretary