

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, July 17, 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, Not Present  
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, Interim City Attorney  
Betty Wells, City Secretary  
Cathy Ezell, Finance Director  
Toby Cohen, IT Manager  
Donna Fisher, Human Resource Director  
Jennifer Howell, Police Chief  
Chris Motley, Fire Chief  
Staff from, Freeport Fire Department  
Laura Cramer, GIS

Visitors: Ron Bachman  
Bobby Petty US Corps Eng  
Steven Parrish 1<sup>st</sup> Lt. US Army  
Sam Reyna  
Helen Harris  
Manning Rollerson  
Tommy Pearson  
Joe Penfield  
David Gibson  
Jeff Harris  
Robert Brooks  
Xenos Yuen  
David McGinty  
Bryan Williams US Corps Eng  
Toinette Addison US Corps Eng  
Kenny Hayes  
Pamela Dancy  
Ruben Renobato  
Desiree Pearson  
Chris Duncan  
Mrs. Rossow  
Kelly Bounds  
Efren Tobias

**Call to order.**

Mayor Pro Tem Cain, 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:**

Pam Dancy South Front Street, spoke of the property sold to Ray Garivey in 2018, she said the contract said he had three years to build. She said the property was sold two more times. She asked what is the policy on keeping up with, and making sure what is suppose to be done is being done? She said she hopes we are getting the property back from the DG Store.

Sam Reyna 2002 N. Ave G, spoke of the letter which was mailed out using someone else's address, the City's address, he said this is illegal, Mr. Reyna spoke of the penalties of mail fraud. He said he hopes City Officials try and find out who is behind this.

Tommy Pearson spoke of a resident that continues to bash his son, Troy Brimage. He spoke of the flooding on South Front not being caused from a pipe, but from the pumps not working properly. He said the pipes have nothing to do with the flooding, these accusations are false.

Manning Rollerson said he is concerned why the Mayor is not present at the meeting tonight, when there is a presentation by the US Corps of Engineers. He said this council doesn't fight for Freeport. He spoke of the East End Deal, and the 90 days to bring an item back to council. He spoke of the heavy trash, and the new home development.

Chris Duncan gave an update on the downtown theater, he said the bees have been removed, there has been a fence put up to secure the building, the paint has started. He thanked Eris Hayes and Lila Diehl. He invited council to come and help.

Jeff Pena 224 West Park, spoke of taking the oath, and the meaning of being good stewards to the citizens and the public assets. He spoke fat contracts, he spoke of crimes, and nothing to ensure accountability. He spoke of poor street repair, and the code enforcement abusive behavior and nothing being done, he said this is just plain stupid, and if the shoe fits wear it.

Mayor Pro Tem Cain recessed the regular meeting at 6:26 PM to open the Employee Benefit Trust Meeting.

Mayor Pro Tem reconvened the Regular City Council Meeting at 6:33 P.M.

**PRESENTATIONS/ANNOUNCEMENTS:** Announcements by Mayor, City Council and/or Staff.  
Presentation of Employee of the Month for the month of June 2023.

City Manager Tim Kelty presented the Employee of the Month for June 2023 to Mary Chavez. Mr. Kelty also recognized Fire department employees Lt. Kristopher Vierra and FF Ricky Swango III.

Presentation by U.S. Corps of Engineers of update on the Freeport Project.

Brian Williams, Project Manager for the U.S. Corps of Engineers for the Freeport and Vicinity Coastal Storm Ridge Management Project. He announced there will be a virtual public information session on July 27, 2023 at 11:30 A.M. Mr. Williams gave an overview of the Freeport Project.

**CONSENT AGENDA:**

Consent Agenda items are considered to be routine in nature and may be acted upon in one motion. Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.

Councilman Pena asked that item numbers 4 and 5 be moved to the Regular session.

Consideration and possible action on the approval of City Council Meeting Minutes, from July 3, 2023.

A motion was made by Councilman Matamoros seconded by Councilman Rossow with all present voting "Aye" 4-0, Council unanimously approved the Meeting Minutes from July 3, 2023.

### **COUNCIL REGULAR AGENDA**

Consideration and possible action approving Resolution No. 2023-2806, approving the recommendation of the Employee Benefits Trust in regard to the award of the Employee Health Insurance Contract.

Finance Director Cathy Ezell presented to council Resolution No. 2023-2806 approving the recommendation of the Employee Benefits Trust in regard to the award of the Employee Health Insurance Contract, she said the action that the EBT just approved for the health and vision insurance, this now has to come before Council with approval of this Resolution. She said this is the resolution of council approving the health insurance with Cigna and the vision with VSP.

A motion was made by Councilman Matamoros to approve the Resolution, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked, as this relates to item number five, Policy Handbook for Pregnancy Workers Act, does the policy have to be in place firstly, as far as the benefits, or was it presumed this resolution would be passed and it was already taken in consideration for the bidding process for the insurance?

Ms. Ezell said we are already doing what is being presented to council in the Pregnancy Workers Act, that will be brought forward next.

Mayor Pro Tem Cain called the motion to a vote, with all present voting "Aye" 4-0, Council unanimously approved Resolution No. 2023-2806 approving the recommendation of the Employee Benefits Trust in regard to the award of the Employee Health Insurance.

Consideration and possible action approving Resolution No. 2023-2807, amendment to the City Personnel Policy Handbook for Pregnancy Workers Act.

Human Resource Director, Donna Fisher presented to Council Resolution No. 2023-2807, amendment to the City Personnel Policy Handbook for Pregnancy Workers Act. She said there was a Federal Law that was passed for the PWA and it went into effect on June 27, 2023. Ms. Fisher said this will bring us into compliance with Federal Law.

A motion was made by Councilman Pena to approve the resolution, seconded by Councilman Matamoros with all present voting "Aye" 4-0, Council unanimously approved Resolution No. 2023-2807, amendment to the City Personnel Policy Handbook for Pregnancy Workers Act.

Public Hearing/Workshop regarding Short Term Rental Regulation for the City of Freeport.

Mayor Pro Tem Cain opened Public Hearing at 6:54 P.M.

City Manager Tim Kelty presented to council a workshop regarding Short Term Rentals for the City of Freeport. He said at a recent City Council meeting there was discussion on the amendment to the STR,

it was requested that staff schedule a workshop for the affected property owners before Council acts on the amendment. Notice was mailed out to all residents in the vicinity of Short term rentals that may be effected.

Helen Harris 123 Redfish Lane, spoke in favor of the amendments to this ordinance.

Kelly Bounds 41 Marlin, opposes the amendments to this this ordinance.

Ron Bachman 96 Dolphin Lane, spoke in favor of the amendments to this ordinance.

Pam Dancy said she does not like how this was handled.

Xenos Yuen an investor, opposes the amendments to this this ordinance.

Joe Penfield, said there is not problem in the City STR, the problem is in Bridge Harbor. He said there needs to be more effort put separating the residential areas.

Tim Kelty resident of South Front Street spoke in favor of the amendments to this ordinance.

City Manager Tim Kelty read an email from Karla Clark 411 Sailfish, she opposes the amendments to this this ordinance.

City Manager Tim Kelty read an email from Con and Diane McCleester of Bridge Harbor. They were both in favor of the amendments to this ordinance.

Mayor Pro Tem Cain closed the Public Hearing at 7:24 P.M.

There was a discussion by Councilman Pena on the usage and recreation of the waterfront. He said we need to hold a true workshop where the citizens and the Bridge Harbor community are present, he said this is a localized issue. He spoke on the revenue and terms of the HOT tax. Councilman Pena said this water is a blessing, he said he is a STR owner, a primary residence owner, and a second home investor owner, he said we need enforce the rules, and not hinder the other Wards. There was discussion by Councilman Matamoros on the issues for the residents of Bridge Harbor, the issues of the waterfront residents of Mystery Harbor and South Front, he said he does want investment, but not at the expense of our residents. He said this is something we need to tackle. Councilman Matamoros said we need to identify all STR owners, and give notice when we have created this ordinance, he said if they are not in compliance we need to get them into compliance. He said some are here that refuse to register and comply, it is a shame one is a Councilmember. He said we need to come up with an ordinance where the residents are taken care of. There was discussion by Mayor Pro Tem Cain he is 100 percent in support of STR, but he also feels this ordinance is important. He said he feels the ordinance needs to be a one size fits all, and all need to abide by the same rules. He said he has concerns for the parking restrictions, he said some may not have driveways, so this will mean, street parking. He spoke of the street parking in Bridge Harbor, that keeps emergency vehicles from getting through. He spoke of a separate ordinance for parking. Mr. Kelty said the ordinance provides for exceptions where designated on-street parking is available.

Consideration and possible action approving Ordinance No. 2023-2700, for closing and abandoning a portion of the Southerly ROW of North Gulf Blvd.

GIS Director Laura Cramer, presented to council Ordinance No. 2023-2700, for closing and abandoning a portion of the Southerly ROW of North Gulf Blvd, she said this is from Skinner Street to Terry Street. Ms. Cramer said the entire length of Gulf Boulevard ROW is 150 feet. This will vacate 45 feet.

Councilman Pena asked for clarification of where this is. Ms. Cramer showed him on the color-coded map that was provided.

A motion was made by Councilman Matamoros to approve the ordinance, seconded by Councilman Rossow with discussion that follows.

Councilman Pena asked why is this beneficial? Ms. Cramer said it brings all of the improvements that have been put on the property and for future improvements like the fire building out of the ROW and onto City property.

Mayor Pro Tem Cain called the motion to a vote with all present voting "Aye" 4-0, Council unanimously approved Ordinance No. 2023-2700, for closing and abandoning a portion of the Southerly ROW of North Gulf Blvd.

#### Discussion on Recodification of the Code of Ordinances for the City of Freeport.

City Manager Tim Kelty presented to council for discussion the recodification of Code of Ordinances for the City of Freeport. He said all ordinances adopted by Council that establish rules and regulations for the City are codified into a general Code of Ordinances in this book. This is the official set of local rules and laws that govern the City. He said the City code has not been recodified since 1996.

#### Consideration and possible action approving the sale of City owned levee property located at, and adjacent to, 104 Mystery Harbor Lane, to Chris Duncan.

City Manager Tim Kelty, presented to Council the sale of City owned levee property located at, and adjacent to, 104 Mystery Harbor Lane, to Chris Duncan. He said Mr. Duncan has provided a survey of the property and an appraisal report. Mr. Kelty said as City Manager he would recommend not selling the property between his neighbor's property and the river.

A motion was made by Councilman Matamoros, seconded by Councilman Rossow to table this until a future meeting, with a 3-1 vote motion passes Councilman Pena voted "Nay"

#### **WORK SESSION:**

Councilman Pena thanked all that came out and spoke at tonight's meeting. He spoke of the grand opening of Starbucks. He asked about the gas leak in the downtown alley with no notice given, he said he is concerned about the street repair that was previously done. He asked about the repairs of cracks, and damaged mailboxes on 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> Streets. He asked for more time on the STR to be able to speak with the residents. He also asked about the DG contract terms. He said he would like an explanation on the contradiction to the downtown theater.

Councilman Matamoros thanked all that attended and spoke at the meeting tonight. He thanked Ms. Roman and Mr. Kelty for helping with the property issue on Ave. J, he also thanked Councilman Rossow for bringing the issue to his attention. Councilman Matamoros thanked Lance Petty and the PWD for assisting a resident who had an issue where they were unable to mow the ditch beside their house.

Councilman Rossow spoke of the ribbon cutting today at Starbucks, he said everyone was smiling and laughing. He said he is always glad to see new development in the City of Freeport, he spoke of the new Taco Bell coming. He said hats off to Lance, and the Ave A street repair, he said it looks like it is coming along. He said he looks at it, but he leaves this to the people doing their job. He said he was very impressed with Ms. Roman and Mr. Kelty for taking care of an issue and this made about three families happy.

Mayor Pro Tem Cain said he wants to give a shout out to the EDC for their involvement in bringing Starbucks to town. He said I think this is a win for the citizens of Freeport. He said he too participated in the ribbon cutting and grand opening.

City Manager Tim Kelty said he would like to congratulate Councilman Rossow on his retirement. He said he would like to ask that all keep Mayor Bass and his family in your prayers. Mr. Kelty said in regards to Councilman Pena's questions, the gas leak that we put out notice for on Friday was a main line service that got hit by a vehicle, and the volume of gas escaping was significant. While there was no danger of it igniting, the smell of gas spread over a large area. He said in regard to the gas leak behind Councilman Pena's building, this was a service lateral that had been broken, and the volume was not of concern to a larger area. Mr. Petty said the time table to the 12<sup>th</sup> Street repairs he is waiting on a response of when the driveways will be repaired, they are supposed to be putting sod down tomorrow. He said the mailboxes will be put back as soon as the contractor comes down. Mr. Kelty said in regards to the DG, they will not be coming to Freeport, Mr. Kelty said the property still remains in the name of the City, and a resolution was passed dedicating the other property on 4<sup>th</sup> Street for additional parking. He said as far as the contradiction in the downtown theatre, a lot of rumors have been spread that resulted in the appearance of some contradiction that was not in fact true. He said, notice was hung for unsafe structure because of the building's deterioration and open roof. He said the City does not want this building to be torn down contrary to the word on the street that was being spread. He said we applaud Chris Duncan for his work in trying to save this building. He said structure engineering looked at the building, and we are not in fear of the building falling.

There was discussion by Tom Pearson about the stray cats in Freeport, he asked what do we do when the shelter is full? Joe Penfield said there are people driving in downtown setting out food for the stray cats.

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

#### **CLOSED SESSION:**

Mayor Pro Tem Cain made a motion to include Tim Kelty, Betty Wells, Lance Petty and Cathy Ezell into Executive Session, seconded by Councilman Matamoros with a 3-1 vote motion passes, Councilman Pena voted "Nay".

Open Session recessed at 8:22 PM and Council entered into Executive Session.

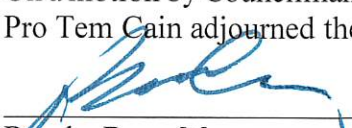
#### **OPEN SESSION:**

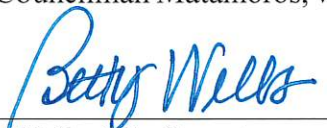
Open Session reconvened at 9:16 PM

No action was taken from Executive Session

Adjourn

On a motion by Councilman Pena to adjourn, seconded by Councilman Matamoros, with 4-0 vote, Mayor Pro Tem Cain adjourned the meeting.

  
\_\_\_\_\_  
Brooks Bass, Mayor

  
\_\_\_\_\_  
Betty Wells, City Secretary