

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, August 7, 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
Betty Wells, City Secretary
David Olson, Interim City Attorney
Cathy Ezell, Finance Director
Toby Cohen, IT Manager
Donna Fisher, Human Resource Director
Jennifer Howell, Police Chief
Mike Praslicka, Deputy Fire Chief
Brian Dybala, Golf Course Director
Kacey Roman, Building Official

Visitors: Ron Bachman
Edith Fischer
Sam Reyna
Kenny & Donna Hayes
Pam Dancy
Mark & Carol Parker
Con McCleester
Mrs. Rossow
Janice Kopp
Ms. Bonner
David McGinty
S. Shaw
Manning Rollerson
Karla Clark
Ron & Margaret Bachman
Melanie Oldham
Ruben Renobato
Annette Payne
Bob Brooks
Amanda Goredel

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.

Mayor Bass closed Regular Session at 6:04 PM.

CLOSED SESSION:

Council entered executive session at 6:04 PM.

Mayor Bass made a motion to include Mr. Hightower, Mr. Begle and Mr. Kelty into Executive Session, seconded by Councilman Cain with a 4-0 motion passed.

Executive Session regarding;

(Consultation with Attorney) Pending or potential Litigation

- a. Veolia
- b. Marinell Music vs. City of Freeport
- c. Chris Duncan Demand Letter
- d. Civil Action No. 3:22-cv-00284; Brennon Malone v. City of Freeport.
- e. Vernor Material and Equipment vs. City of Freeport, Texas.

In accordance with Texas Government Code Annotated, Chapter 551, Sections 551.071.

Executive Session recessed at 6:54 PM and Council entered into Regular Session.

COUNCIL BUSINESS – REGULAR SESSION:

Take any action resulting from Executive Session.

A motion was made by Mayor Bass, seconded by Councilman Cain to authorize the City Manager to send a letter giving notice of non-renewal to Veolia, all present voting “Aye” 5-0, Council unanimously approved the motion to send a letter giving notice to Veolia of non-renewal.

CITIZENS’ COMMENTS:

Sam Reyna spoke of the Charter Amendments that were not submitted with the last Charter Review, he said that Councilmen Pena and Muraira tabled the discussion until a Ward D representative was elected. He spoke of the timeframe of when the amendments can be placed on the ballot, he asked if this has been done and if it will be done on the next election.

Manning Rollerson handed out a paper with his concerns to Council. He said he has concerns with the tax abatements, the lack of public housing, and drug trafficking through the Port Freeport, and asked why nothing is being done.

Zeola Bonner spoke to council for the consideration of changing the Rec Center hours to earlier so more people are able use the facility.

Jeff Pena 224 West Park said the Kid Fest this year was better than last year and is only getting better. He said this event was started by the suggestion of Mario Muraira ten years ago. He said the words he hears about City Hall and Council are, lazy stooges, complicit rats, and arrogant thugs. He said he does not argue this. He spoke of the new ordinances and budget discussion on tonight’s agenda. He spoke of the new street construction of 10th-12th Streets being done by Lucas, he said the streets are faltering. He spoke of the sewer and the lack of inspections. He spoke of the current charges against the Mayor for the attempted physical assault against himself. He spoke of retaliation the residents feel.

Pam Dancy spoke of her concern of the bus stops not having shelter. She spoke of the homeless not having a shelter.

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

Presentation by Edith Fischer for the annual Brazosport Tourism Report.

Edith Fischer presented to council the annual Brazosport Tourism Report.

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

Finance Director Cathy Ezell present to council the Third Quarter Investment Report for FY 2022-2023.

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.

Consideration and possible action on the approval of City Council Meeting Minutes, from July 17, 2023, and Strategic Plan Workshop Minutes from July 22, 2023.

Consideration and possible action approving Ordinance No. 2023-2701, adopting and enacting the recodified Code of Ordinances for the City of Freeport.

Consideration and possible action approving Resolution No. 2023-2808 revising the Personnel Policy regarding Worker's Compensation.

Consideration and possible action approving the Annual Interlocal Agreement with Brazoria County from October 1, 2023 to September 30, 2024 for road maintenance operations.

A motion was made by Councilman Matamoros to approve the Consent agenda, seconded by Councilman Cain with a 4-1, Council approved the Consent Agenda. Councilman Pena voted "Nay"

COUNCIL REGULAR AGENDA

Public Hearing: Consideration and possible action on replat Velasco Townsite Lot 19A Block 16 0.437 Acre- 1 Lot – 1 Block being a replat of Lots 19,20,21,22,23 & 24 Block 16 Velasco Townsite Vol.32, Pg. 14 P.R.B.C.T.C.C.F.N. 2023029506 O.P.R.B.C.T. Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 7:24 PM.

Building Official Kacey Roman presented to council a replat Velasco Townsite Lot 19A Block 16 0.437 Acre- 1 Lot – 1 Block being a replat of Lots 19,20,21,22,23 & 24 Block 16 Velasco Townsite Vol.32, Pg. 14 P.R.B.C.T.C.C.F.N. 2023029506 O.P.R.B.C.T. Brazoria County, Texas. She said this was approved by Planning and Zoning.

Mayor Bass closed the Public Hearing as 7:25 PM.

A motion was made by Councilman Cain to approve the plat to approve the replat Velasco Townsite Lot 19A Block 16 0.437 Acre- 1 Lot – 1 Block being a replat of Lots 19,20,21,22,23 & 24 Block 16 Velasco Townsite Vol.32, Pg. 14 P.R.B.C.T.C.C.F.N. 2023029506 O.P.R.B.C.T. Brazoria County, Texas, seconded by Councilman Matamoros. With all present voting "Aye" 5-0 council unanimously approved the motion.

Public Hearing: Consideration and possible action for plat of Lot 1a and Lot 8a, block 47 of the Freeport Townsite, in the City of Freeport, Brazoria County, Texas a replat of Lots 1,2,3,4,5,6,7 and N.70 Ft of Lot 8, Block 47 according to the Map of Record in Volume 2, Page 95 of the Plat Records of Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 7:26 PM.

Building Official Kacey Roman presented to council a plat of Lot 1a and Lot 8a, block 47 of the Freeport Townsite, in the City of Freeport, Brazoria County, Texas a replat of Lots 1,2,3,4,5,6,7 and N.70 Ft of Lot 8, Block 47 according to the Map of Record in Volume 2, Page 95 of the Plat Records of Brazoria County, Texas. She said this was approved by Planning and Zoning.

Mayor Bass closed the Public Hearing at 7:28 PM

A motion was made by Councilman Pena to approve the plat, to approve for plat of Lot 1a and Lot 8a, block 47 of the Freeport Townsite, in the City of Freeport, Brazoria County, Texas a replat of Lots 1,2,3,4,5,6,7 and N.70 Ft of Lot 8, Block 47 according to the Map of Record in Volume 2, Page 95 of the Plat Records of Brazoria County, Texas, seconded by Councilman Cain. With all present voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2023-2811, for rifle resistant body armor grant.

Police Chief Jennifer Howell presented to council Resolution No. 2023-2811, for rifle resistant body armor grant. She said this is a 100 percent funded grant.

A motion was made by Councilman Cain to approve the resolution, seconded by Councilman Pena to approve Resolution No. 2023-2811, for rifle resistant body armor grant, with all present voting "Aye" 5-0 council unanimously approved Resolution No. 2023-2811.

Consideration and possible action approving Resolution No. 2023-2812, for body camera upgrade project grant.

Police Chief Jennifer Howell presented to council Resolution No. 2023-2812 for body camera upgrade project grant. She said this is 25 percent match grant, 75 percent will be covered by the grant and the City will have to pay the 25 percent.

A motion was made by Councilman Pena to approve the resolution, seconded by Councilman Matamoros to approve Resolution No. 2023-2812, with all present voting "Aye" 5-0 council unanimously approved Resolution No. 2023-2812.

Consideration and possible action approving Resolution No. 2023-2813, for mobile video upgrade project grant.

Police Chief Jennifer Howell presented to council Resolution No. 2023-2813 for mobile video upgrade project grant. She said this is a 100 percent covered grant, but it will not cover the installation.

A motion was made by Councilman Pena to approve the resolution, seconded by Councilman Matamoros to approve Resolution No. 2023-2813, with all present voting "Aye" 5-0 council unanimously approved Resolution No. 2023-2813.

Discussion of Fiscal Year 2023-2024 annual budget.

Finance Director Cathy Ezell presented to council the discussion on the annual FY budget for 2023-2024. She said what is being presented tonight is staff's perspective of the budget, we are asking for Council's input. She discussed the General Fund Summary and the revenue total for the General Fund is \$18.4 million for FY 2023/2024. She discussed the General Revenue Summary, she said most areas are increasing, but there was a decrease from the intergovernmental revenue of more than \$2 million, this is the last of the ARPA Funds for Covid. There was discussion by Ms. Ezell on the General Fund Expenditure Summary, and major changes in operational funds and the capital improvement funds including: Facilities & Grounds, Equipment & Vehicles, Streets & Drainage. Ms. Ezell discussed the Water & Sewer Fund, along with the revenues and expenses of the Water & Sewer Fund. She said the proposed budget includes a proposed rate increase which leaves us with an estimated \$122K ending fund balance. With out the rate increase we would end with a negative \$477K ending fund. She reviewed the upcoming calendar dates for the August 21, 2023 second budget workshop; September 5, 2023 Budget, and Tax Rate Public Hearings, and potential vote to adopt the Budget, and adopt the Tax Rate. September 15, 2023, is the deadline to adopt Budget and Tax Rate.

Pam Dancy asked questions on IT, and the Library. Ms. Ezell said software is for all departments, she said software and computer expenses will always be ongoing.

There was discussion by Councilman Pena on the cuts he feels need to be made of the Golf Course, Museum and the Rec Center, he said he does not want any rate increases to the public.

Karla Clark asked about the money that is in protest from the Appraisal District that will provide additional tax dollars? Ms. Ezell said she is unable to answer this right now. Karla Clark also spoke of the contracts with BWA and Veolia, and spoke of the employee benefit coverage.

Ms. Goredel said she believes that Golf is fun, she said maybe advertising may need to be done more in the Brazosport area for the Golf Course.

There was discussion by Councilman Matamoros, he said the golf course brings people to Freeport. He spoke of the shelters for the bus stops and the discussion the EDC has had on this, and he believes we have applied for a Grant that can help with this also. He said some of the requests in the Budget won't be funded. He spoke of the rate increase for water and sewer rates he does not want this to happen, but he understands why it has to happen, we cannot keep going into the negative, he spoke of the issues of Veolia.

Pam Dancy spoke of Veolia going over budget, and the tax payer having to cover the cost.

Kenny Hayes spoke of BWA and how they operate.

Melanie Oldham spoke of the water rights with DOW. She said she thinks the City is in good shape.

Mayor Bass said he believes we need reserves, and we may need to make some cuts.

Consideration and possible action on setting the public hearing for the Fiscal Year 2023-2024 Budget.
Finance Director Cathy Ezell presented to council the possible action on setting the public hearing for the Fiscal Year 2023-2024 Budget. She said staff is requesting this be set for September 5, 2023 with the adoption of the Budget on this date.

A motion was made by Mayor Bass to set the public hearing on the budget for September 5, 2023, seconded by Councilman Cain with discussion that followed.

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

Consideration and possible action on setting the City of Freeport proposed 2023 tax rate, setting public hearing (if necessary), and directing staff to publish the Notice of Proposed 2022 Tax Rate.

Finance Director Cathy Ezell presented to council the City of Freeport proposed 2023 tax rate, setting public hearing (if necessary), and directing staff to publish the Notice of Proposed 2022 Tax Rate. She said staff is recommending council approve a tax rate in the amount of \$0.533 per \$100 of valuation, she said this proposed rate is not to exceed rate, she said with this rate council must only adopt a tax rate that is equal to or less than \$0.533 but not more if this is approved. Ms. Ezell said staff recommends holding the Public Hearing on the Tax Rate on Tuesday September 5, 2023 with the adoption on the same day. She said this vote must be a record vote.

Karla Clark said without the amount that is under review she doesn't understand how we can discuss this kind of thing because that is a lot of money that will be out there. Ms. Ezell said this has been certified by the County and it is under the percentage, so we are required to proceed. David Olson said these are house keeping items, we have to do this.

A motion was made by Mayor Bass to set the proposed Tax Rate not to exceed \$0.533 per \$100 in property valuation, seconded by Councilman Cain with discussion that followed.

Councilman Pena asked what the current Tax Rate is? Ms. Ezell said the current tax rate, it is \$0.60. Councilman Pena said the \$0.533 is a lower amount, he asked will this be a relief on residents' taxes? Ms. Ezell said no, not to everyone. In some cases, property taxes will go up depending upon their appraised value set by the County Appraisal District.

Mayor Bass said the home evaluations are higher, and the City of Freeport has nothing to do with the increase of the home appraisals. He said this is just to put a proposed tax rate to not exceed.

Mayor Bass called the motion to a vote, with all present voting 4-1 motion passed.

Councilman Pena "Nay", Councilman Matamoros "Aye", Councilman Rossow "Aye", Councilman Cain "Aye", Mayor Bass "Aye".

A motion was made by Mayor Bass to set the Public Hearing for the Tax Rate on September 5, 2023 at 6:00 PM at 430 North Brazosport Blvd., Freeport, TX, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked if there is a deadline for this? Ms. Ezell said yes, the last day is the 15th of September 2023.

Mayor Bass called the motion to a vote, with all present voting 4-1 motion passes.

Councilman Pena, "Nay" Councilman Cain "Aye", Councilman Matamoros "Aye", Councilman Rossow "Aye", Mayor Bass "Aye".

A motion was made by Mayor Bass to direct staff to publish the notice of the public hearing on the proposed 2023 Tax Rate, seconded by Councilman Cain, with all present and voting 4-1 motion passed, Councilman Pena voted "Nay"

Consideration and possible action approving Resolution No. 2023-2809, for amending the Master Fee schedule regarding new rates for new sewer taps, water rates, and sewer rates.

Motion was made by Mayor Bass to table this item until August 21, 2023 seconded by Councilman Pena.

Consideration and possible action approving Ordinance No. 2023-2702, allowing fences to be constructed past the front building line in W-R Zoning district.

Building Official Kacey Roman presented to council Ordinance No. 2023-2702, allowing fences to be constructed past the front building line in W-R Zoning district. She said the way our current ordinance reads you cannot build a fence past the front building line.

Amanda Goredel said she would appreciate if Council would approve this ordinance.

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

Councilman Cain asked if it would have been easier to change the definition from front and back yard?

Councilman Pena asked if this will conflict with easements and levee? Ms. Roman said no.

Mayor Bass called the motion to a vote, with all present voting "Aye" 5-0 council unanimously approved Ordinance No. 2023-2702, allowing fences to be constructed past the front building line in W-R Zoning district.

Consideration and possible action approving Resolution No. 2023-2810, to appoint a member to the Charter Review Commission.

City Manager Tim Kelty presented to council Resolution No. 2023-2810, to appoint a member to the Charter Review Commission. he said we have one vacancy on the Charter Review Commission. We have two applications from individuals who want to serve on this Commission.

A motion was made by Councilman Matamoros to approve the resolution with Donna Hayes filling the vacancy on the Charter Review Commission, seconded by Councilman Cain, with discussion that followed.

Mrs. Hayes spoke to council of her interest to serve on the Charter Review Commission.

Mayor Bass called the motion to a vote, with all present voting "Aye" 5-0 council unanimously approved Resolution 2023-2810, to appoint a member to the Charter Review Commission.

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

There were nine residents present who spoke in favor of this ordinance, and there were 2 residents present who spoke which opposed this ordinance. Mr. Kelty and Mayor Bass read emails from other city residents and non-residents of which some were in support and some were opposed to this ordinance.

Building Official Kacey Roman presented to council Ordinance No. 2023-2698, amending the Short-Term Rental Ordinance. Mrs. Roman explained the changes that were requested for the amendments to the existing ordinance. This ordinance was unanimously approved by the Plan and Zoning Commission.

Mayor Bass asked if Ordinance No. 2023-2698 is inclusive of the old and new ordinance, or is it just inclusive of the new? Ms. Roman said the old and the new.

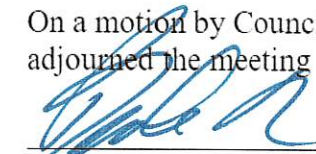
A motion was made by Councilman Cain, seconded by Councilman Rossow to approve Ordinance No. 2023-2698, amending the Short-Term Rental Ordinance, with discussion that followed.

There was discussion by council on the 200 ft spacing requirement, it was asked if this legally enforceable? There was discussion on the number of occupants per bedroom being two persons per room. There was discussion on the parking in Bridge Harbor. The question was asked if this is for all of Freeport including the ETJ? David Olson said this is just for within the City Limits. There was discussion of the current number of STRs which are registered in the City, the ones that are pending, and the ones which have been sent notice for not complying. There was discussion on the registered STR being grandfathered, and the new STR will have to abide by the new rules. Councilman Pena said he feels we are over reaching and limiting the growth of Freeport.

An amended motion was made by Councilman Cain to approve the ordinance with grammatical and enumeration corrections, seconded by Councilman Rossow with all present and voting 4-1 Council approved Ordinance No. 2023-2698, amending the Short-Term Rental Ordinance with the corrections discussed by council to include the corrections on page 2, to be properly enumerated, and changing "his" to "their" in the ordinance. Councilman Pena voted "Nay"

Adjourn

On a motion by Councilman Pena to adjourn, seconded by Councilman Cain, with 5-0 vote, Mayor Bass adjourned the meeting at 10:18 PM.



Brooks Bass, Mayor



Betty Wells, City Secretary