

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, July 3, 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
Scott Bounds, Interim City Attorney
Betty Wells, City Secretary
Cathy Ezell, Finance Director
Toby Cohen, IT Manager
Donna Fisher, Human Resource Director
Craig Graham, Freeport Police Department
Mike Praslicka, Freeport Fire Department
Ana Silbas, Main Street Coordinator

Visitors:	Jim Maddox	Brian Jarrard
	Stephanie Bass	Ruben Renobato
	Sam Reyna	Nicole Mireles
	Manning Rollerson	Kenny Hayes
	Karla Clark	Pam Dancy
	Ron Bachman	Chris Duncan
	Mrs. Rossow	Skip Derbonne
	Gayle Derbonne	

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:

Nicole Mireles 2002 North Ave G, said she is frustrated that a Councilman is being allowed to go onto Social Media and talk about the Mayor, Councilmembers and staff in the negative way he is and telling lies. She said she has never seen Council conduct business as we are now.

Karla Clark 411 Sailfish, spoke of the livelihood of people and having to go to Planning and Zoning, or BOA and being turned down in the middle of their prep of their business or homes because of new ordinance. She spoke of a resident not being allowed to put fencing on Front Street. She spoke of text messaging between Councilmembers, she said this needs to stop. She feels council needs to turn their phones off during meetings.

Manning Rollerson 126 West 6, said he was charged with terroristic threat twice, from Freeport PD. He said if someone is in fear and we just turn a blind eye, we are lying. He said this City Government is built on disaster. He spoke of the MUD Project, and asked where are the homes? He said nothing is being done.

Chris Duncan spoke of demo of Theater in downtown Freeport. He said he comes with a plea for mercy and call to action. He said there is a condemnation hearing set for July 19, a meeting to demo this building. He said he has spoke with the owner of this building, she asked that he help her try and save the building. He said he is filing a Request for Determination of Eligibility to have the building registered with the National Register of Historic Buildings. He asked that the citizens that want to save this building to step up. He asked that Council and staff to cancel this meeting on July 19.

Sam Reyna 2002 North Ave G, spoke of the 380 Agreement by City of Freeport and Troy Brimage. He spoke of the taxes paid on this from day one. He spoke of the \$4 million taxable value that satisfied the 380 Agreement. He thanked Mr. Brimage for loving the City. Mr. Reyna thanked Kacey Roman for the help in getting wheelchair ramps, and help with remodels, he said he submitted four names to Ms. Roman, and one was approved. He thanked the Mayor for voting against the TIRZ District.

Pam Dancy 313 S. Front, spoke of her property and flooding that happens since 2014, when Mr. Brimage put drains behind the homes. She said Mr. Brimage has done good, but he has also done things that should not have been done. She said she is sick of this, she said this is not right.

Jeff Pena 224 West Park, spoke of July 4th. He spoke of the City and the sewer problems, street repairs and inspections going unanswered. He spoke of the witnesses on council, with reported denials and no comments. Mr. Pena spoke of more information that will come forward regarding the sheriff investigation against the Mayor. He asked the suspension of the City Hall renovation until the procurement process is vetted for fairness and legality was followed. He said he would like the procurement documents be placed with residents, joint committee of staff and citizens.

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 June 20, 2023.

Consideration and possible action approving the road closures from 12:00 PM-9 PM for Kidfest August 5, 2023.

Consideration and possible action approving Employee Holiday Calendar for FY2023/2024.

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

Mayor Bass opened the Public Hearing at 6:25 PM.

Public Hearing: Public Hearing on Consideration and possible action regarding request for Plat of Lot 18a, block 746 of the Velasco Townsite, an addition to The City of Freeport a Replat of Lots 15,16,17,18,19,20,21, Block 746 According to the Map of Record in Volume 32, Page 14 of The Deed Records of Brazoria County, Texas.

Building Official Kacey Roman presented to council request for Plat of Lot 18a, block 746 of the Velasco Townsite, an addition to The City of Freeport a Replat of Lots 15,16,17,18,19,20,21, Block 746 According to the Map of Record in Volume 32, Page 14 of The Deed Records of Brazoria County, Texas. Planning and Zoning approved this.

Mayor Bass closed the Public Hearing at 6:27 PM.

A motion was made by Councilman Matamoros seconded by Councilman Cain with all present voting "Aye" 5-0, Council unanimously approved request for Plat of Lot 18a, block 746 of the Velasco Townsite, an addition to The City of Freeport a Replat of Lots 15,16,17,18,19,20,21, Block 746 According to the Map of Record in Volume 32, Page 14 of The Deed Records of Brazoria County, Texas.

Consideration and possible action approving Maddox Properties LLC sales contract and development agreement.

City Manager Tim Kely presented to council possible action approving Maddox Properties LLC sales contract and purchase agreement.

Brian Jarrard spoke of the project location near the intersection of Skinner Street, and Ave K and L. He spoke of the proposed layout, and the development being 122 lots, he spoke of the land not owned by the City and the process to procure these. He explained the developer, and he feels they are the right team to work with the City on this project. He spoke of the current successful projects that are ongoing now in parts of this area. He discussed types of homes that will be built and the price point being \$200,000-\$300,000. He spoke of the builders, and the square footage of the homes. Mr. Jarrard said construction will be 122 homes and should begin in about a year from now.

There was a lengthy discussion by council on the length of the TIRZ. It was said usually it is the term of the series of Bonds, but once the obligations are met the TIRZ is no longer needed and it is dissolved. The term of the TIRZ is approved by Council. There was explanation on the PID, this is assessed to only the property owners in this district. The PID and the TIRZ are financing mechanisms that generate revenue as a result of a new development. The question was asked is this something that is common in building these types of subdivisions? Mr. Jarrard said yes.

Karla Clark asked if these will be built by local builders? Mr. Jarrard said as of now no builder has been selected yet, but Lannar Homes and Anglia are two of the builders that they have used. Ms. Clark said it is very important to make sure there is a disclosure of the PID.

Manning Rollerson said \$200,000-\$300,000 is not a good price range for the City of Freeport.

There was a lengthy discussion on the developer's finances, discussion on the appraised value of the land being \$150,000 for the 19 acres. Councilman Pena said we are giving away the equity on this property. It was said that selling this property for the certified appraised value is not giving it away, but it is meeting the needs of the people. It was asked if these homes will be rental properties. Mr. Maddox said no, these homes are for sale for owner occupation. It was asked if there could be a walkway to SFA Park. Mr. Jarred said that is something they have looked at and are considering.

A motion was made by Councilman Cain, seconded by Councilman Matamoros to approve the sales contract and purchase agreement with Maddox Properties LLC. The motion passed 4-1 with Councilman Pena voting "Nay"

Consideration and possible action approving the Engagement Letter to conduct the annual audit for FY2023/2024.

Finance Director Cathy Ezell presented to council the Engagement Letter to conduct the annual audit for FY2023/2024. She said staff recommends Brooks Watson to conduct the audit. Mr. Brooks explained the internal control and audit procedures, and what this means to his company. This will include the Audit for the EDC as well.

A motion was made by Mayor Bass seconded by Councilman Cain with all present voting "Aye" 5-0, Council unanimously approved the Engagement Letter to conduct the annual audit for FY2023/2024.

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

Building Official Kacey Roman presented to council Ordinance No. 2023-2696, allowing with a Specific Use Permit the development of Mini-Storage units for C-2 Zoning District. She said Planning and Zoning approved this on the June 27 meeting. She said anyone that would want to open a Mini Storage would have to come before Planning and Zoning with the detailed plans for approval.

Karla Clark supports this.

Councilman Pena asked if Councilman Matamoros should recuse himself from the vote, because he has a lawsuit with Mike Morgan, the owner of Bottom Dollar, who wants to build this Mini Storage Unit. Mr. Bounds gave his legal opinion of Councilman Matamoros recusing himself. Mr. Morgan the owner, said there is no lawsuit.

A motion was made by Mayor Bass seconded by Councilman Matamoros with all present voting "Aye" 5-0, Council unanimously approved Ordinance No. 2023-2696, allowing with a Specific Use Permit the development of Mini-Storage units for C-2 Zoning District.

Consideration and possible action on Change order #1 for Phase 2 concrete street contract with Lucas Construction.

Assistant City Manager Lance Petty presented to council Change order #1 for Phase 2 concrete street contract with Lucas Construction. He said Lucas Construction located on Ave A, from DeZavala to Fisher during Phase II concrete streets reconstruction an 8" water pipe was exposed, the water line is in conflict with the storm water box, it consists of asbestos and has had previous repairs. Lucas is asking for an additional 21 calendar days to be added to the contract. This repair will not increase the contract price.

There was a comment made by Councilman Pena about the outstanding issues with Lucas Construction in terms of the work they are doing. He said they have done shoddy work and asked why we would give them more money to do additional work. Mr. Kelty said Lucas Construction has done excellent work for the City of Freeport. He said there have been issues, and they have been addressed. Lucas Construction has stood behind their work and made the corrections as needed.

A motion was made by Councilman Matamoros seconded by Councilman Rossow, to approve Change order #1 for Phase 2 concrete street contract with Lucas Construction. The motion passed 4-1, with Councilman Pena voted "Nay".

WORK SESSION:

Councilman Pena asked for additional security in Executive Session. He asked what the plan is for the Front Street drainage? Mayor Bass said there will be a meeting with Ms. Dancy and the appropriate people and personnel. Councilman Pena said he would like this on the next agenda, Mayor Bass said to follow the procedure and he will second it. Councilman Pena asked what is the policy for texting in open and closed session? He said he would be interested in making this part of the agenda. He asked for the plan in holding the Street Department and Lucas Construction accountable for the hundreds of failures and poor installations. He asked about a plan for reserving our historic buildings? He said he thinks we need a no-demo list.

Councilman Cain thanked everyone that participated in the Fishing Fiesta, he said this has been a part of Freeport for 76 years. He said the fireworks were outstanding. He said he hopes all enjoys the 4th of July. He thanked Mr. Duncan for standing up to try and save the theatre. He said he hopes we can get with the owner so Mr. Duncan will know what he is up against. Councilman Cain said he thinks the historic buildings need to be saved, if possible. He said he does not agree with a no-demo list. We cannot have vacant and unsafe buildings in the City regardless of its status.

Councilman Matamoros thanked all the residents that came to the meeting, those that spoke, and those who watched online. Councilman Matamoros said there is a new house build on Ave O, and dirt from the build is falling into the drainage ditch, he asked if we can have this removed. He said there is a ditch on Skinner and Ave L, that has very high grass. He said please be careful with the celebration of the 4th of July. Councilman Matamoros said we definitely care about the historic buildings and need all building owners with such buildings, to replace damaged, broken, missing bricks on the buildings. He said this also is a part of it.

Councilman Rossow said Ward D is doing good. He said he wants to give kudos to the fireworks display. He said he and his wife attended the Fishing Fiesta, and everyone was nice and kind. He said on 2nd Street by the Port Café there are hedges that needs to be trimmed, you cannot see around it, he said this is on the City ROW so we should be able to trim.

Mr. Kelty said we are just about to release to Council the updated version of our Municipal Code from Municode. He said we have been working on the recodification of our code for over a year. Mr. Kelty said Betty has been leading this effort and we will be delivering you packages to review. He said part of recodification is they look at our code for conflicts, and inconsistencies with new state laws, he said it has been over a decade since the last recodification for the City. He said we are nearing the completion for the Strategic Planning so he will be getting this to council for review and scheduling a meeting.

Mayor Bass spoke about the Fishing Fiesta he said this is put on by the Lions Club, he said they need volunteers. He said this is a non-profit that helps with a number of things, including glasses for children. He said the fireworks were amazing, it was all a job well done. He said please stay hydrated to all the workers.

Update on reports / concerns from Department heads.

Councilman Pena asked about the alleys in downtown, he said there was a gas leak that turned into a watermain bust and the streets were not replaced correctly. He asked what is the plan to get these fixed and drivable again? He said he wants to make sure everyone is aware a dumpster was removed, so AmeriWaste would not have to drive the truck on this alley. He asked what happens here? Mayor Bass said this needs to be placed on an agenda. Mr. Petty said the alley has been addressed, stabilize has been placed. He said it is more stable now than it was. There was discussion by Mr. Petty on the street repair.

CLOSED SESSION:

Mayor Bass made a motion to invite Tim Kelty, Betty Wells, Lance Petty and Cathy Ezell in Executive Session seconded by Councilman Cain with all present and voting "Aye" 5-0 council unanimously approved the motion.

A motion was made by Councilman Pena to invite a police officer into Executive Session. With a lack of second, motion failed.

Regular session was adjourned at 8:08 PM and entered into Executive Session. Councilman Pena left and did not attend Executive Session.

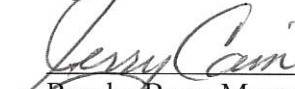
Executive session was adjourned at 8:28 PM and entered into Regular Session.

OPEN SESSION:

No action was taken from Executive Session

Adjourn

On a motion by Councilman Cain, seconded by Councilman Matamoros, with 4-0 vote, Mayor Bass adjourned the meeting.



Brooks Bass, Mayor
Mayor Pro Tem



Betty Wells, City Secretary