

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, June 3, 2019 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 Troy Brimage  
Councilman Brooks Bass  
Councilman Ken Green  
Councilwoman Sandra Loeza  
Councilman Roy E. Yates

Staff: Tim Kelty, City Manager  
Laura Tolar, Asst. City Secretary/Special Projects Coordinator  
Wallace Shaw, City Attorney  
Nat Hickey, Property Manager  
Brian Dybala, Golf Course Director  
David Hoelewyn, Street Department Director  
Ray Garivey, Police Chief  
Stephanie Russell, Finance Director  
Kim Townsend, Parks & Recreation Director  
Loni Kershaw, Human Resources Director  
Jerry Meeks, Veolia  
Donna Fisher, Human Resources Clerk

Visitors: Miguel Jimenez Nicole Mireles  
Sam Reyna Sabrina Brimage  
Manning Rollerson Melanie Oldham

Call to order.

Mayor Troy Brimage called the meeting to order at 6:00 p.m.

Citizen's Comments

Manning Rollerson addressed council concerning east end.

**CONSENT AGENDA**

Consideration and possible action on the approval of City Council meeting minutes from May 13, 2019.

Consideration of approving Resolution No. 2019- 2580 reappointing qualified persons to the Library Board of said City; James Walker.

Consideration of approving Resolution No. 2019- 2581 reappointing qualified persons to the Board of Adjustments of said City; Roddy Mohler and Sammye Moore.

Consideration of approving Resolution No. 2019-2582 reappointing qualified persons to the Planning Commission of said City; Clift Vandergrift.

Consideration of approving Resolution No. 2019-2583 reappointing qualified person to the Beautification/Parks Board of said City; Margaret L. McMahan

Consideration of approving Resolution No. 2019-2584 reappointing qualified persons to the Economic Development Corporation of said City; Marinell Music, Mark Fruidentberg, Mingo Marquez and Lesa Girouard.

Consideration of approving Resolution No. 2019-2585 reappointing qualified persons to the Charter Review Board of said City; Sandra Barbree, Amy Carrales, Donna Hayes, Ana Silbas.

Consideration of approving Resolution No. 2019-2586 reappointing qualified persons to the Senior Citizens Commission of said City; Ona Johnson, Sammy T. Moore, Martha Westbrook and Jane Hawkins.

On a motion by Councilwoman Loeza, seconded by Councilman Bass, with all present voting “Aye”, Council unanimously approved the consent agenda.

## **REGULAR SESSION**

Public Hearing of a proposed replat being a Subdivision of 27.6011 Acres (1,202,307 sq. ft.) Being a partial replat of the replat of 330.599 Acres of the Velasco Townsite B.C.C.F. No. 2015055039 located in the Christian Henniger Survey, A-211, City of Freeport, Brazoria County, Texas.

Mayor Brimage opened the public hearing at 6:08 p.m.

Melanie Oldham stated that she hoped the new council isn't making a deal with Mr. Wong. She questioned whether we were going to help Mr. Wong again.

City Manager Tim Kelty stated that this replat was being done as a housekeeping item for the already developed Olin Property, which is being subdivided from the rest of Mr. Wong's property. He stated that the plat had been submitted last year and the city had not acted on it. He recommended council approval.

Councilman Brooks Bass asked if this was subdividing out any additional property than the Olin property.

Mr. Kelty stated no.

Manning Rollerson stated that he had concerns about new homes not being built.

Nicole Mireles stated that new homes are being built throughout the city.

Mayor Brimage closed the public hearing at 6:17 p.m.

On a motion by Councilman Bass, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved closing the public hearing.

On a motion by Councilman Bass, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved the replat being a Subdivision of 27.6011 Acres (1,202,307 sq. ft.) Being a partial replat of the replat of 330.599 Acres of the Velasco Townsite B.C.C.F. No. 2015055039 located in the Christian Henniger Survey, A-211, City of Freeport, Brazoria County, Texas.

Public Hearing of a proposed replat being a 4.358 Acre Tract Lots 1-24A, Block 786 & Lots 1-24, Block 813, of the City of Velasco, Vol. 32, Pg. 14 B.C.D.R. located in the Alexander Calvit Survey, Abstract No. A-49 in Brazoria County, Texas

Mayor Troy Brimage opened the public hearing at 6:18 p.m.

Mr. Kelty stated that this replat reduced the street right of way ten feet due to two existing homes being built within the street right of way. Mr. Kelty added this was something council had looked at before and requested.

On a motion by Councilman Bass, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved closing the public hearing and approved the replat being a 4.358 Acre Tract Lots 1-24A, Block 786 & Lots 1-24, Block 813, of the City of Velasco, Vol. 32, Pg. 14 B.C.D.R. located in the Alexander Calvit Survey, Abstract No. A-49 in Brazoria County, Texas.

Consideration and possible action on an agreement with BASF Corporation for the first right of refusal on the purchase of effluent from the City’s wastewater treatment plant.

Mr. Kelty stated that the city legally has the ability to sell effluent water from the WWTP. This agreement gives BASF the option to buy. If they exercise the option in the future BASF will have to inter into a purchase agreement and build the infrastructure.

Mayor Brimage said that the city has to dump a minimum amount. He added that the city will negotiate the money when it comes to fruition.

Mr. Kelty said that \$400 would be due at signing from BASF and the first annual payment would start in September.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting “Aye”, Council unanimously approved an agreement with BASF Corporation for the first right of refusal on the purchase of effluent from the City’s wastewater treatment plant.

Consideration of approving Resolution No. 2019-2587 amending the budget for the Freeport Economic Development Corporation budget for the 2018-2019 fiscal year.

Economic Development Corporation Director Courtland Holman stated that the new fiscal budget is being amended to allow him to do his job appropriately.

Mr. Kelty said that the current budget was inadequate and that he had already seen positive results regarding economic development.

Mr. Bass stated that the EDC property needed maintenance and asked if the amended budget allowed for it.

On a motion by Councilman Bass, seconded by Councilman Green, with all present voting “Aye”, Council unanimously approved Resolution No. 2019-2587 amending the budget for the Freeport Economic Development Corporation budget for the 2018-2019 fiscal year.

Consideration of approving Resolution No. 2019-2588 approving a procurement policy for the city.

Finance Director Stephanie Russell stated that staff did not have written policy and limits set regarding purchasing. This policy ensures a competitive process. Procurement cards will limit who and how much can be spent.

On a motion by Councilman Bass, seconded by Councilman Green, with all present voting “Aye”, Council unanimously approved Resolution No. 2019-2588 approving a procurement policy for the city.

Consideration of approving Resolution No. 2019-2589 adopting Financial Management policies.

Finance Director Stephanie Russell stated that the financial management policies create an overall umbrella regulating financial management of city funds. It ensures that we maintain appropriate amounts in our reserves. It also calls for the creation of a capital improvement plan. Ms. Russell added that it puts on paper policies that the city is beginning to implement.

On a motion by Councilman Bass, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved Resolution No. 2019-2589 adopting Financial Management policies.

Consideration of approving Ordinance No. 2019-2573 amending Sections 52.15 And 52.16 of the Code of Ordinances to increase the rates for water and sewer services.

Stephanie Russell stated that water and sewer rates had not been raised in a while. This increase is for 10% and should generate approximately an additional \$200,000 per year.

Mr. Kelty said that commercial accounts generate more revenue than residential. The residential rates for the city are currently still the lowest in the area even after the 10% increase. He said that an enterprise fund should break even but recently the general fund has been covering some of the expenses adding that water and sewer costs have gone up.

On a motion by Councilwoman Loeza, seconded by Councilman Bass, with all present voting “Aye”, Council unanimously approved Ordinance No. 2019-2573 amending Sections 52.15 And 52.16 of the Code of Ordinances to increase the rates for water and sewer services.

Consideration of approving Resolution No. 2019-2590 authorizing the submission of a Community Block Grant Disaster Recovery application to the Texas General Land Office and authorizing the City Manager to act as the City’s Executive Officer and authorized representative in all matters pertaining to the City’s Participation in the CDBG-FR Program.

This item was tabled.

Consideration of approving revisions to the personnel policy.

Loni Kershaw presented to council the proposed changes to the personnel policy in Sections 9.04, 9.08, 9.11 and included adding section 9.16.

On a motion by Councilman Bass, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved revisions to the personnel policy

Discuss and considering approving Ordinance No. 2019-2574 amending the code of ordinance in regard to the department of engineering.

Mr. Kelty explained that the code of ordinances only allows for a full time or part time engineer. This change would include “contractual” terminology. In this case, the engineer would be paid per the terms of a contract.

On a motion by Councilman Bass, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved revisions to the personnel policy.

Consideration of authorizing the City Manager to negotiate an engineering general services agreement with recommended engineering firm.

Mr. Kelty said that four firms were interviewed. Freeze & Nichols was very well qualified and were unanimously recommended by the Interview Committee. He added that if authorized, he will negotiate a contract for council approval.

On a motion by Councilwoman Loeza, seconded by Councilman Yates, with all present voting “Aye”, Council unanimously approved authorizing the City Manager to negotiate an engineering general services agreement with recommended engineering firm.

### **WORK SESSION:**

Mayor Brimage announced that there was a death of a 23-year old over the weekend when a boat he was riding in hit the train trestle. He added that everyone involved did an amazing job responding to the emergency. He said that approximately 2,800 employees from BISD had a crawfish boil and was glad they chose Freeport. The Fire Department and the Police Department was participating in DARE camp. He told the Parks Department and Street Department that he had received a lot of compliments on the good work they are doing and to pass it on to their employees.

Councilman Ken Green stated that the new house near Broad Street looks nice. He also said he had seen the city working on sidewalks.

Councilman Brooks Bass had nothing to report.

Councilwoman Sandra Loeza questioned if we knew the status on the highway construction between Clute and Freeport.

Councilman Yates had nothing to report.

City Manager Tim Kelty announced that he is working on a number of agreements including: a wholesale water agreement with Surfside and sewer agreement with Bryan Mound, and would soon be bringing them for council action.

### Update on reports / concerns from Department heads

Golf Course Director Brian Dybala said the Golf Course had its first tournament using the new pavilion. The turnout was great but the pavilion was hot and that needed to be addressed.

EDC Director Courtland Holman announced that they had attended ICSC. He added that he’s been speaking to two master developers, a strip center, a restaurant and two medical facilities.

Finance Director Stephanie Russell stated the audit report should be on the next council agenda.

Street Department Director David Hoelwyn said that had completed 25 concrete jobs and two wheelchair ramps. He said staff was working on mowing and the street sweeper and completed one full round around the city. He notified council that mosquito spraying cannot be done during the day.

Police Chief Ray Garivey said that over 100 officers had attended a crawfish boil.

Jerry Meeks with Veolia said that they had been working on water and sewer leaks.

Human Resourced Director Loni Kershaw said that she had been working with the Recreation Center to get summer staff hired.

Open session was closed at 7:20 pm and Council entered into Executive Session.

**CLOSED SESSION:**

Executive Session regarding economic development (Projects 2019-2 and 2019-3) in accordance with Vernon's Texas Government Code Annotated, Chapter 551, 551.087

Executive Session regarding personnel matters (City Manager Tim Kelty) in accordance with Vernon's Texas Government Code Annotated, Chapter 551, 551.074

Executive Session regarding personnel matters (Legal Counsel/City Attorney) in accordance with Vernon's Texas Government Code Annotated, Chapter 551, 551.074

**REGULAR SESSION**

Mayor Troy Brimage opened regular session at 8:19 pm

Consideration in open session of taking action on any matter discussed in closed executive session

No action taken.

Adjourn

On a motion by Councilman Yates, seconded by Councilman Bass, with all present voting "Aye", Mayor Brimage adjourned the meeting at 8:20 PM.

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Mayor, Troy Brimage  
City of Freeport, Texas

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Assistant City Secretary, Laura Tolar  
City of Freeport, Texas