

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, October 21, 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- Absent
Councilman Brooks Bass
Councilman Ken Green
Councilwoman Sandra Loeza
Councilman Roy E. Yates

Staff: Tim Kelty, City Manager
Betty Wells, City Secretary
Chris Duncan, City Attorney
Brenda Miller-Ferguson Human Resource Director
Courtland Holman, Economic Development Director
Laura Tolar-Special Projects Coordinator Assistant City Secretary
Billy Shoemaker-Building Department Director
Ray Garivey-Freeport Chief of Police
Donna Fisher, Human Resource Specialist
Brian Dybala, Golf Course Director
Chris Motley, Freeport Fire Chief

Visitors: Melanie Oldham Angie Williams
Edmeryl Williams Jerry Meeks
Donna Hayes Richard Weatherly
Mario Muraira Sam Reyna
Kenny Hayes Bob Koole

Call to order.

Mayor Pro Tem Brooks Bass called the meeting to order at 6:00 p.m.

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

City employee Donna Fisher was presented with a certificate recognizing her as Employee of the Month for September 2019

Citizen's Comments

There were no citizen's comments.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from October 21, 2019

Consideration of approving the Mayor and City Secretary to sign and attest a real estate lease agreement with Creative Design & Marketing for Suite 205 on 2nd floor of City Hall.

On a motion by Councilwoman Loeza, seconded by Councilman Yates, with all present voting “Aye”, Council unanimously approved the Consent Agenda

REGULAR SESSION

Consideration of approving Freese and Nichols to study the Inflow and Infiltration of the sewer system.

Tim Kelty, City Manager presented to council the problems that the City has with our Infiltration and Inflow sewer system. He explained that infiltration occurs when the ground water rises above the level of pipes, and seeps into the pipes through cracks from the aging of infrastructure. Inflow is where you have surface water from storm water, and it makes its way into the pipes. The issue that the City has with infiltration and inflow is that during dry weather our waste water treatment plant handles about 750,000 gallons a day. During heavy wet weather that flow exceeds 5 million a day. The City has to make infrastructure improvements to our collection system. Mr. Kelty said his goal is to get a new plan and go before TCEQ, with Freese and Nichols and negotiate a new agreement which will give the City more time to deal with this problem. Brooks Bass asked that Mr. Richard Weatherly and Mr. McDonald from Freese and Nichols speak to Council and the public of the plan. Mr. Weatherly explained that there has been a lot of work done by Veolia. They will review the work that has been done and determine where the city has the biggest problems. This plan will be presented to TCEQ and negotiate a new schedule. Mr. McDonald with Freese and Nichols said this is a multi-year process. Freese and Nichols will build the City’s Geographic Information System (GIS). This will be actual digital mapping of the City’s waste water system. This will be done by the existing paper records that the City has. Freese and Nichols will review the work that has been done and determine where the city has the biggest problems. This plan will be presented to TCEQ and negotiate a new schedule. Brooks Bass asked if they will be working with Veolia, Mr. Weatherly said they will be working very closely with Veolia. Mr. Kelty said that there is money set for this project, and he also said that he is looking for potential sources for grant funding as well.

On a motion by Councilman Yates, seconded by Councilman Green, with all present voting “Aye”, Council unanimously approved Freese and Nichols to study the Inflow and Infiltration of the sewer system.

Consideration of approving online sales, terms and conditions with PublicSurplus.com for online auction.

City Manager Tim Kelty presented to Council the approving of the online auction for the City’s items that were previously declared surplus.

On a motion by Councilwoman Loeza and seconded by Councilman Yates with all present and voting “Aye” Council unanimously approved online sales, terms and conditions with PublicSurplus.com for online auction

Consideration of approving Ordinance No. 2019-2587 establishing a master fee schedule

Billy Shoemaker Building Department Director presented to Council Ordinance No. 2019-2587. He said that what this ordinance will do is take all the fees and put them all on one Master Fee Schedule. Tim Kelty said that one of the authorities of the City Council is to set fees within the City. There are a number of things that the City was charging fees for that had not been authorized by City Council. There was no kind of foundation for those fees being charged. All of these problems will be cleaned up through this ordinance. Brooks Bass asked City Attorney if he reviewed this and if he feels that this is prudent and necessary.

On a motion by Councilwoman Loeza and seconded by Councilman Green with all present and voting "Aye" Council unanimously approved Ordinance No. 2019-2587 establishing a master fee schedule.

Consideration of approving Resolution No. 2019-2611 approving the master fee schedule.

Billy Shoemaker, Building Department Director, presented Council with possible action of a proposed Resolution No. 2019-2611. City Manager Tim Kelty explained to Council that this Master Fee schedule will list all the fees that are charged throughout the City. Mr. Kelty said the other thing about this is that if the City ever needs to change or adopt fees all that will need to be done is another similar type resolution. This will make it a lot cleaner and easier as time goes by. Councilman Bass asked about the fees that were being charged that were not approved by Council. He asked if the Master Fee list was published on our website. Mr. Kelty explained that some our fees such as food and beverage license fees were being under charged. Billy Shoemaker said that on the Building fees the City is now charging a per square foot. This was researched with other local cities and this is the method these cities use.

Councilman Bass asked if there are any significant changes that Council needs to be aware of. The only change from the Freeport Fire Department is the International Fire Code permitting, Fire Chief Motley said that we have never had the fees before.

Melanie asked about the golf course fees, she asked if the fess were increasing. Golf Course Director Brian Dybala said that the golf course has always had rates, but there has been no rate change in a few years. The new fee for a round of golf increased by five dollars. Ms. Oldham also asked about the erosion by the driving range and if the fees will go towards fixing this problem. Mr. Kelty said the golf course is supported by the general fund. Councilman. Yates commented that the pages are not numbered. Councilman Bass recommends that the pages be numbered. Billy Shoemaker also said that the pool inspection fee was left off, and was added.

On a motion by Councilman Yates with the addition of page numbers and the pool inspection fee, seconded by Councilman Green. with the addition of page numbers and the pool inspection fee, With all present and voting "Aye" Council unanimously approved Resolution No. 2019-2611 approving the master fee schedule.

Consideration of approving a 380 agreement between the City of Freeport and the EDC

Courtland Holman Economic Development Director presented to Council a 380 Agreement between EDC and the City of Freeport he said that with this agreement this will pay off the balloon payment that is due November 2019 to the First State Bank of Clute. He said that this has been taken to the EDC Board for discussion, with no action taken. Mr. Holman said that this is a grant effort to pay off the balloon payment to the Bank of Clute. He said that according to Bond Counsel it is not worth the effort to refinance. Bond Council's recommendation is to pay off the note. Mr. Holman said that the EDC has sufficient funds in their unallocated resources, and the City has sufficient funds in their unallocated resources. If the city approves up to \$300,000.00 then the EDC will be doing projects for the City in the fiscal years 2021 and 2022. In the amount of \$150,000.00 a year for each authorized project. Councilman

Bass asked what an authorized project would consist of. Mr. Holman said, street, sewer and water, and infrastructure. Melanie Oldham asked what guarantee the public will have that these projects would be completed. She asked who will be making sure that these projects are being enforced. Mr. Kelty said that it would be him, the City Manager. Councilman Green asked how we found ourselves in this position. Mr. Kelty said that this money was actually for the Marina Project. Councilman Green asked if the EDC was making these payments, is this in the EDC budget. Councilman Green requested that this item be tabled and discussed in Executive Session. Melanie Oldham asked if the Bond Council would be invited at some point since Chris Duncan represents both the City and the EDC. Councilman Bass asked if there would be an immediate danger to the budget of the EDC if this does not get approved tonight. The balloon payment is due November 21, 2019.

On a motion by Councilman Green and seconded by Councilman Yates with all present and voting “Aye” Council unanimously tabled approving the 380 agreement between the City of Freeport and the EDC until the next Council meeting.

WORK SESSION:

Councilman Green spoke about the pot holes need to be worked on. He said that 2nd Street looks terrible, it needs to be mowed. He also said that he had a couple employees who talked with him about the transition over the City’s payroll for employees, he said that he thinks it was just a misunderstanding and he was unable to answer the question to the employees.

Councilman Bass said that he spoke to City Manager Tim Kelty about Pecan Street from 8th down to the school, he said that they have most of the concrete done. He said that they will be looking into the time frame of the contracts, he thinks on a personal stand point this is taking too long. This is a main way for kids to get to Freeport Elementary. He thinks that in future projects that we have provisions. He also said going back to the tabled item he wants to make sure that everyone understands that we are not tabling to have a back room discussion, but to make sure that everyone has understanding on this issue for the next discussion. This not something that will come up in executive session but is something that will come up before the people of the City of Freeport.

Councilwoman Loeza had nothing to discuss.

Councilman Yates had nothing to discuss.

City Manager Tim Kelty said that he and Assistant City Manager Stephanie Russell went to a seminar. He said that they got some really good information about funding. He said that he spoke to the General Land office at the TML conference about funding for the Golf Course. He said that he would like Brian Dybala to meet with the rest of Council and share what was brought up.

Update on reports / concerns from Department heads

Brian Dybala, Director of Freeport Golf Course said that the erosion has been surveyed and he said that holes ten and eleven that run along the river. He said that number eleven hole is starting to lose river bank. He said that they have lost about five feet in over the last month. He said that the irrigation lines were brought in about ten to twelve feet after Harvey, and this is already exposed. Mr. Kelty said that he has asked Freese and Nichols to bring in some emergency measures. He said that we will start losing the fairway if we don’t do something quickly. He also said that this is something that has to be permitted through Army Core of Engineers. Melanie Oldham asked who will pay for this. Councilman Bass suggested to Brian to reach out to Freese and Nichols and reach out to other companies as well. Brian

also said that this Fiscal Year is the most rain he has seen. He also said that this year the golf course had close to twenty-six thousand rounds of golf played.

Open session was closed at 6:54 pm and Council entered into Executive Session.

CLOSED SESSION:

Executive Session regarding economic development (Projects 2019-2 and 2019-3) and Attorney Consultation (Potential Litigation) in accordance with Vernon's Texas Government Code Annotated, Chapter 551, 551.087 and Chapter 551, 551.071.

REGULAR SESSION

Mayor Pro Tem Brooks Bass opened regular session at 7:16 pm

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

No action taken.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye", Mayor Troy Brimage adjourned the meeting at 7:16 PM.

Mayor, Troy Brimage
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas