

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, November 4, 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
Stephanie Russell, Assistant City Manager
Betty Wells, City Secretary
Chris Duncan, City Attorney
Brenda Miller-Ferguson Human Resource Director
Courtland Holman, Economic Development Director
Billy Shoemaker-Building Department Director
Ray Garivey-Freeport Chief of Police
David Hoelewyn, Street Department Director
Danny Gillchriest, Police Captain
Nat Hickey, Property Manager
David Fernandez, Freeport Police Department
Abidel Martinez, Freeport Fire Department
John Pride, Freeport Fire Department
LeAnn Strahan, Freeport Museum

Visitors:	Angie Williams	Cliff Vandergriff
	Edmeryl Williams	Donna Hayes
	Mario Muraira	Sam Reyna
	Kenny Hayes	Bob Koole
	Tommy Pearson	Desiree Pearson
	Manning Rollerson	Sabrina Brimage
	Brenda George	David Towers

Call to order.

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

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

Assistant City Manager Stephanie Russell presented to Council the fourth quarter financials.

Citizen's Comments

Manning Rollerson said that the sign outside says, "Freeport Strong" He said that his city had administration that fought against the people in the East End of Freeport. He said that every city administration worked against the people on the East End. He also stated that if the Council continues to pray in the meetings, that he will petition a lawsuit.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from November 4, 2019

Consideration of approving Ordinance No. 2019-2588 enacting and adopting a supplement (S-23) codifying ordinances adopted by City Council from September 2018 to June 2019.

On a motion by Councilman Bass, seconded by Councilman Green, with all present voting "Aye", Council unanimously approved the Consent Agenda

REGULAR SESSION

Public Hearing: Public Hearing and possible action of a proposed replat. being a Plat Partition Survey of Bernard Acres 1.28 Acres-2 Lots. Amended plat of lots 81, 82 and 83 Block 1, Bernard Acres, Section II, according to the recorded plat in volume 8, page 33 Plat Records, Brazoria County, Texas.

Public Hearing was opened by Mayor Troy Brimage at 6:09 PM. Billy Shoemaker, Building Department Director explained that this property line is being moved over to the left. This will incorporate the road that already exist onto this tract of property. He said that this is just a plat amendment, not a true re-plat. Mr. Kelty City Manager said that this is in the ETJ and that there are structures on each lot. Billy Shoemaker said that this is at the residents' request. Mayor Brimage closed the Public Hearing at 6:11 PM.

On a motion by Councilman Bass, seconded by Councilwoman Loeza Mayor Brimage closed the Public Hearing at 6:11 PM.

On a motion by Councilman Bass and seconded by Councilman Green with all present voting "Aye", Council unanimously approved replat. being a Plat Partition Survey of Bernard Acres 1.28 Acres-2 Lots. Amended plat of lots 81, 82 and 83 Block 1, Bernard Acres, Section II, according to the recorded plat in volume 8, page 33 Plat Records, Brazoria County, Texas.

Public Hearing: Public Hearing and possible action of a proposed replat. being a Plat Partition Survey Prihoda Subdivision 0.30 Acre-2 Lots. Amended plat of a 0.30-acre tract of land adjoining Bastrop Beach Subdivision in the S.F. Austin Survey, abstract 30, in the J. S., Hall Survey, abstract 217, and the J.M. Musquez Survey abstract 332, Brazoria County, Texas.

Public Hearing was opened by Mayor Troy Brimage at 6:12 PM. Billy Shoemaker, Building Department Director presented to Council the property re-plat in the city's ETJ. This is a gifted property between family members. They are dedicating an easement on the far right of the designated property for drainage. Billy Shoemaker said that this is the only changes.

On a motion by Councilman Bass and seconded by Councilwoman Loeza, Mayor Troy Brimage closed the Public Hearing at 6:13 PM.

On a motion by Councilman Bass and seconded by Councilwoman Loeza with all present and voting "Aye" Council unanimously approved the proposed replat. being a Plat Partition Survey Prihoda Subdivision 0.30 Acre-2 Lots. Amended plat of a 0.30-acre tract of land adjoining Bastrop Beach Subdivision in the S.F. Austin Survey, abstract 30, in the J. S., Hall Survey, abstract 217, and the J.M. Musquez Survey abstract 332, Brazoria County, Texas.

Consideration of authorizing the purchase of public safety vehicles for the Freeport Police Department.

Assistant City Manager Stephanie Russell spoke to Council on the replacing of three public safety vehicles, there was \$127,000.00 included in this year's budget. She said that staff is recommending that we purchase two of the vehicles through the HGAC Buy Contract, she said that the total for this is over \$50,000 and it needs Council approval. The total for the two vehicles is \$85,000.00. She said this will leave the balance to purchase the third vehicle. Councilman Bass asked if this is cheapest offer, we can get. Stephanie said that going with HGAC Buy it is typically the best price because it is competitively bid. Councilwoman Loeza asked if we will trade in the old vehicles. The old vehicles will be declared surplus and will go out for auction. Councilman Yates asked where Lake Country Chevrolet is located. This is done through HGAC Buy where they go out for bids.

On a motion by Councilman Bass and seconded by Councilman Green with all present and voting "Aye" Council unanimously approved the purchase of public safety vehicles for the Freeport Police Department

Consideration and possible action to appoint a candidate to fill vacancy on the Freeport Economic Development Corporation Board.

City Manager Tim Kelty recommended to Council the appointment of Kenny Hayes to the Freeport Economic Development Corporation Board. Mr. Hayes lives in the City of Freeport, he is building a new home here in the city. Mr. Hayes serves as a representative on the Brazosport Water Authority. He is retired and will be able to make the meetings. He is a leader and is knowledgeable The EDC received applications from Melanie Oldham, Jennifer Hawkins, Kenneth Green, Paul Crow and Kenny Hayes.

On a motion by Councilman Green seconded by Councilwoman Loeza. With all present and voting "Aye" Council unanimously approved appointing Kenny Hayes to fill vacancy on the Freeport Economic Development Corporation Board.

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

Assistant City Manager, Stephanie Russell presented to council the proposed 380 Agreement between The Freeport Economic Development and The City of Freeport. She said that the background on this is back in 2014 the City of Freeport and the EDC went into an agreement to refinance a loan for 1.3 million dollars with the First State Bank of Clute. How this was done was not the cleanest and it ties the city to the loan itself. And now it is time to pay off the loan in November of this year. The amount of the balloon payment due is around the amount of, \$765,000.00. The EDC does not have the funds available to pay off this balloon payment. The City cannot loan the EDC money, which is why we are proposing this 380 Agreement. If the agreement is approved EDC will do projects for the City of Freeport. Which will include street drainage, sewer and water infrastructure. Councilman Bass asked if the City would over see and choose the projects. The way that this will work is that council and staff will choose the projects, then the city will present these projects to the EDC for approval of the projects and then it will be

presented to the City Council for final approval. These projects will be budgeted in next years budget for the EDC. Councilwoman Loeza asked if we would save money by paying off the balloon payment, and do we have the option to renew the note again. Refinance was looked at, but refinancing will hurt the city because the city will have to disclose the refinance. Mayor Brimage said that if we will be looking at bonds to help with the city's infrastructure the refinance will hurt the city. Councilman Bass asked when the City can expect the return. The EDC will repay through projects over the next two following years, 2021-2022.

On a motion by Councilman Bass and seconded by Councilwoman Loeza with all present and voting "Aye" Council unanimously approved the 380 agreement between the City of Freeport and the EDC.

Consideration of authorizing the transfer of ownership block 529 and lot 10 in the Velasco Townsite, from the City of Freeport to the Freeport Economic Development.

City Manager Tim Kelty presented to council the transfer of ownership of the property block 529 and lot 10 in the Velasco Townsite. This had come before council earlier this year which Council authorized Tim Kelty to sale the property to both property owners adjacent to the property. Mr. Kelty said after this was authorized by Council, City Attorney Chris Duncan informed him that the property can transferred to the EDC. The property owners on the East Side has intentions to build two homes facing the side street. EDC Director Courtland Holman will do a 380 Agreement with the property owners

On a motion by Councilwoman Loeza and seconded by Councilman Yates, with all present voting 3 to 1, Council approved the. transfer of ownership block 529 and lot 10 in the Velasco Townsite, from the City of Freeport to the Freeport Economic Development. Councilman Bass opposed.

Consideration of appointment of members to fill vacancies on the Historical Commission and Main Street Advisory Board.

City Manager Tim Kelty spoke to Council he said that at the beginning of last year it came to the attention that the 501C3 for the Freeport Historical Museum had been revoked by the State. The Board that was the foundation board basically became de-funct. The City had a Historical Commission and Main Street Advisory Board a few years ago. This is a Board that is appointed by Council. The Board according to our ordinances still exist, we just have not appointed anyone to it. The Foundation Board has still been meeting with LeAnn Strahan just as in an informal capacity. The recommendation for the appointments will be to appoint the five members that are on this committee to one-year term and to appoint Carolyn Weatherly to two-year term. There will still be vacancies on the board that will have to fill. There is a total of nine members for this board. Brooks Bass asked if we will have to change the ordinance from nine to six members if we decide to go with six members.

On a motion by Councilman Bass and seconded by Councilman Yates, with all present voting "Aye" Council unanimously approved the appointment of members to fill vacancies on the Historical Commission and Main Street Advisory Board.

Consideration of approving Resolution No. 2019-2612 an amended application by Centerpoint Energy.

City Manager Tim Kelty spoke to council of approving Resolution No. 2019-2612 an amended application by Centerpoint Energy he said that the Federal Government has lowered the tax rates on organizations and as a result they were ordered to reduce the rates. They proposed a rate and the TCUC reviewed it and negotiated with them. Mr. Kelty said that he recommends this.

On a motion by Councilman Bass and seconded by Councilman Green, with all present voting “Aye” Council unanimously approved Resolution No. 2019-2612 an amended application by Centerpoint Energy

WORK SESSION:

Mayor Troy Brimage spoke to David Hoelewyn about the streets of Munson and Ave G and F the condition the streets are in. David said that the Code Department has spoke with the contractor and they have tried fixing the streets but have not repaired it right. Mr. Kelty said that he spoke with Billy Shoemaker and he said that the contractors were being delayed by a week. Mr. Kelty spoke with the contractor and advised that he expects this to be done by the end of the week. Mayor Brimage said to let’s push this and get this done. He also said to make sure that we are moving forward on the engineering with the flooding and the pumps.

Councilman Green thanked David Hoelewyn on the repair of potholes on some streets. He also said that he has had several people voice their concern about the railroad on Broad Street. David Hoelewyn said that this repair is in this budget.

Councilman Bass thanked David Hoelewyn on the work that has been done on the side streets in Ward B. He said that he is concerned about the drainage, he said that he wants to be mindful on how the water will drain from the new streets. Since Broad Street has been over laid and raised it up, it has basically made a barrier. We need to make sure this water is going to get to the drain at the end of the block. We just need to make sure that we have the adequate elevation to make sure that the water drains to those boxes. He spoke to Mr. Kelty about the road work in our ETJ over the bridge next to Dow headed into Clute he said that this ridiculous. He said that every Citizen should send an email to Tx Dot to get this repair done.

Councilwoman Loeza said that repairs have been started on Victoria Street and this will help but she wants to know how long this will take to get done. Mr. Vandergriff with Sorrell said hopefully four weeks. She also said that there is a big pothole on 1900 Block Yellowstone, and another on 1900 block on Ave H.

Councilman Yates asked about the pumps behind Mikes Machine Shop. David Hoelewyn said that we are still where we were. He said that parts should be in the middle of November. He said that pumps are working, but they must turn one on manually because of the barring problem. One pump is always on automatic. Mr. Brimage said that we must set this as priority, get the Engineers on this and tell us what we need to do, and get it done.

City Manager Tim Kelty spoke about Antonelli’s. Mr. Kelty said it is the rehabilitation of the building as a historic marker and location. Also there has been talk about rehabilitating it back into a functioning café or shop. He said that we are looking at the cost for both. He also spoke about the Mystery Boat, he said that this project has been completed except for the outriggers. He said that these proposals are together and there is another proposal as well to bring to Council. He also said that there is the pre-trial hearing for Jeff Pynes former City Manager. He said that the Judge did not grant a continuance and the Trial will start on November 12, 2019. Mr. Kelty also thanked Chief Garivey for the CPA class, he said that it was the largest he has ever seen in his twenty years.

Update on reports / concerns from Department heads

Courtland Holman said that he has several things that are coming up. He said that the main one is a work shop with the EDC Board on Tuesday November 5. He said that he will discuss the TIRZ. at the next EDC meeting on November 12, 2019. He said that he will have Travis James coming to do a presentation. This will also be done again at the next City Council meeting on November 18, 2019. He said that the Public Hearing must be published by November 22, 2019, and then have a Public Hearing on the Tax Increment Reinvestment Zone (TIRZ) on December 6, 2019. Mr. Holman said that the TIRZ boundaries must be in place by the end of the year. Mr. Kelty said that EDC has agreed to fund the establishment of this, but it will take City Council action to establish it.

Open session was closed at 6:59 pm and Council entered 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 Troy Brimage opened regular session at 7:48 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 Yates, with all present voting "Aye", Mayor Troy Brimage adjourned the meeting at 7:48 PM.

Mayor, Troy Brimage
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas