

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, April 20, 2020 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 Jerry Cain
Councilman Ken Green
Councilwoman Sandra Loeza
Councilman Roy E. Yates

Staff: Tim Kelty, City Manager
Stephanie Russell, Assistant City Manager
Betty Wells, City Secretary
Laura Tolar, Assistant City Secretary/ Special Projects Coordinator
Chris Duncan, City Attorney
Brenda Miller-Ferguson, Human Resource Director via teleconference
LeAnn Strahan, Freeport Destination Director via teleconference
Chris Motley, Freeport Fire Chief
Ray Garivey, Freeport Police Department Chief
Billy Shoemaker, Director for Building and Code

Visitors: Via Teleconference

Mario Muraira
Vander Williams
Jacque Weatherly
David Towers

Nicole Mireles
Nick Irene (Facts Newspaper)
Jerry Meeks, Veolia
Adam Conner, Freese & Nichols

Call to order.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and the Pledge of Allegiance was conducted was by Mayor Bass.

Citizen's Comments

Melanie Oldham called in and said that she wants to speak on item #5 the Social Media policy for city employees, she said that she thinks the rules need to be more specific. She asked what is and what is not appropriate for employees to say on the city's website. She said this is a freedom of speech issue. Ms. Oldham said she can understand the city wanting to have some control over information that the employees are giving out. Ms. Oldham also spoke on the presentation item #2 Direction regarding Water

and Wastewater rate study. She said that the rates were increased this year by 7%, and it is proposed for 2021 an increase of 16% for residential and 22% for commercial. She said that she wants to make sure that the citizens have a right to speak on this. Mayor Bass said this is something that we will take up during our budget process, and the residents will have the opportunity to speak on this.

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

Emergency management briefing COVID-19.

Mayor Bass spoke about the eighteen new COVID-19 cases in Brazoria County as of today's date. He said that Freeport has seven cases, three have recovered and there are four active cases. Mayor Bass said that it is imperative that we continue to practice social distancing, washing our hands or using hand sanitizer, and wearing face mask when outside of our homes. He said that we need to protect each other. Mayor Bass said that Greg Abbot stated there will be a relaxation on some of the orders, there will be more information on this next Monday. Mayor Bass said that we must follow the directions as best as we can. He said the City is strong.

Freeport Fire Chief, Chris Motley said there has been daily conference calls for the last three weeks with Brazoria County. Chief Motley said that they are following up with a meeting with Sectrac, this is the hospital side of emergency management. Chief Motley said that the EMS has a PPE shortage in gowns. There was a local industry that stepped up to help with this shortage. Chief Motley said that the hand sanitizer is still in good supply. He said that the dispatchers are screening the calls with a series of questions so that the department will know what level of PPE is required for each call that comes in. Chief Motley also stated if you call for an ambulance, then you need to use this ambulance call, so that the PPE equipment is not being wasted. He reminded us all to keep hand washing regularly with soap and water, hand sanitizer will kill the bacteria, but will not remove it. Stay home when you are sick, cover your cough and sneezes and dispose of the tissue. Mayor Bass asked, "if there was anything more that the department needs at this time", and Chief Motley said "no".

Freeport Police Chief Raymond Garivey spoke to council, he said that the department is still servicing the community. He thanked the community for the supplies that have been dropped off at the Police Department. Chief Garivey also spoke about Easter Sunday and there were no large gatherings. He said that his department along with the rest of the City employees are having temperature screenings before each shift.

City Manager Tim Kelty said that we must protect the public as well as our employees. Daily monitoring of temperatures for city employees, and face mask has been provided for each employee. City offices are closed to the public, beaches are closed, as well as the park equipment. The golf course was partly opened back up to members only, and they are not allowed to interact with the staff while on the course. Mayor Bass said that there is childcare service that is being provided to city employees, he and council appreciates the help from staff for our city employees.

Presentation and Possible Direction regarding Water and Wastewater Rate Study.

Assistant City Manager Stephanie Russell spoke to council about the Water and Wastewater Rate Study She said that this item does not need immediate action.

Adam Conner with Freese and Nichols presented the Water and Wastewater (W/WW Fund) Rate Study to council. Mayor Bass asked if the General Fund has been supporting the W/WW Fund? Mr. Conner said for the most part yes, that significant funding from the General Fund has been supporting the W/WW Fund. Mayor Bass asked if the W/WW Fund should be a stand-alone account with rates and fund itself? Mr. Conner said that Water and Sewer rates should generate revenues so that this is self-sufficient. Mayor Bass asked if the year 2021 with the proposed increase, the average residential utility bill of 5000 gallons

will be \$54.57, with an increase of about \$7.53 extra per month? Mr. Conner said this is correct if they use 5000 gallons a month. Mayor Bass asked during your research Freeport is the lowest utility bill other than Lake Jackson, in the Brazosport area? Adam Conner said this is correct. Mayor Bass asked if there is additional questions by our citizens, can we send the questions to you? Mr. Conner said yes. City Manager Tim Kelty said that staff recommends at a future meeting moving forward and adopting this recommended rate increase. Mayor Bass asked that this item be included in a budget workshops so the public can have input.

REGULAR SESSION

Consideration and possible action on the approval of City Council meeting minutes from April 6, 2020.

On a motion by Councilwoman Yates, seconded by Councilman Cain, with all present voting “Aye”5-0 Council unanimously approved the meeting minutes from April 6, 2020.

Consideration and possible action on the GRIP Resolution No. 2020-2626 from Centerpoint Energy.

City Manager Tim Kelty presented to council Resolution No. 2020-2626. This resolution will suspend the proposed Centerpoint utility rate increase for 45 days. This will make the new effective date June 18, 2020. Mayor Bass asked if this will cost the city anything, Mr. Kelty said no, this will cost the city nothing. Councilwoman Loeza asked if this is just for a review? Mr. Kelty said yes, the resolution offers a 45-day review before the rates will go into effect.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting “Aye”5-0 Council unanimously approved GRIP Resolution No. 2020-2626 from Centerpoint Energy.

Consideration and possible action on Resolution No.2020-2627, a resolution amending the Freeport Personnel Policy Handbook, regarding Social Media usage.

City Manager Tim Kelty said to council that it came to the attention of staff that prior to now, the City of Freeport did not have a policy on social media. He said that this will regulate the use of social media. As city employees we represent the city even off the job. He said that when he realized we did not have a policy he asked Human Resource Director, Brenda Ferguson, and Assistant City Manager Stephanie Russell to work on a policy.

Human Resource Director, Brenda Ferguson spoke to council about approving Resolution No. 2020-2627 amending the Freeport Policy Handbook regarding social media usage. She said this policy is to remind employees that they always represent the city, either on or off duty. She said that the city needs some guidelines for employees to use in regard as what is put on social media. Mayor Bass asked City Attorney Chris Duncan “is this an infringement of someone’s freedom of speech”. Chris Duncan said no, he reviewed this before it was presented to city council. He said if the employee has access to the internet at work, then the city can limit their use while they are working. The city can limit what a city employee says on the city’s social media. But if the employee is at home on their own internet connection it is limited as what the city can say unless they are representing themselves as speaking for the city. Councilwoman Loeza asked how we will we know if the employees have acknowledged this? Brenda Ferguson said there will be an acknowledgement form that will be signed by each employee saying that they have received and understand this policy. Mayor Bass said that he has concerns about the rights to have free speech. Councilwoman Loeza asked what will happen if this is violated? Brenda Ferguson said it states in the policy that if this is violated it can lead to disciplinary action. Mayor Bass asked if this has been made public to the employees yet, Tim Kelty said that it has not. It was presented to the Texas Municipal Human Resources Association (TMHRA) and was recommended by their attorneys.

Mayor Bass asked council if they would like to table this item until the employees have been made aware of this?

On a motion by Councilman Yates, seconded by Councilman Cain, with all present voting 4-1, Mayor Bass voted “ney” Council approved Resolution No. 2020-2627, a resolution amending the Freeport Personnel Policy Handbook, regarding Social Media usage.

Consideration and possible action on Sales Tax Overpayment and Repayment options.

Assistant City Manager Stephanie Russell presented to council the Sales Tax overpayment and repayment options. She said that this overpayment is from the years of September 2015-2018. The overpayment was paid back to the taxpayer in 2019, and it appears that the taxpayer is no longer operating in the city. Ms. Russell says that there are three options of repayment for this. Option 1 is full payment of the total \$533,636.43. Option 2 apply all future sales tax distributions to the amount due until the \$533,636.43 is paid in full. This will be at least two full months of sales tax. Option 3 is what staff recommends, which includes entering into a 29-month agreement in which \$18,402 would be deducted from the cities proceeds sent by the State for the first 28 months, and \$18,380.43 for the last month. This reduction of future sales tax revenue will have a percentage shared the EDC. Mayor Bass said that he appreciates all of Ms. Russell’s hard work on this. He asked if there any relief that the city can get from this with there being a pandemic? Ms. Russell said that she does not believe so, because the money was not the city’s and it has already been paid back. Councilman Yates asked if we can ask for better terms on the payback? Ms. Russell said that this is something that she can ask. Mayor Bass asked what is the deadline is for this? Ms. Russell said that she got this extended until May 14. Mayor Bass tabled this item until the next council meeting on May 4.

Consideration and possible action on Resolution No. 2020-2628 Approving and Adopting an Amended Investment Policy

Assistant City Manager Stephanie Russell presented to council Resolution No. 2020-2628, Approving and Adopting and Amended Investment Policy. She said that this is a house keeping item, she said each year council should review the city’s investment policy. She said there was a legislative session in 2019, and there were no changes that will impact our investment policy. She said that the only change that she is proposing, is to add an Investment Officer to include our accounting specialist position. Mayor Bass asked what does this do for us? Ms. Russell said this keeps us in compliance with the Public Funds Investment Act. Mayor Bass said this is a necessity? Ms. Russell said correct. Mr. Kelty said that this requirement had not been complied with in Freeport prior to Stephanie Russell becoming finance director.

On a motion by Councilman Yates, seconded by Councilman Green, with all present voting “Aye”5-0 Council unanimously approved Resolution No. 2020-2628 Approving and Adopting an Amended Investment Policy.

WORK SESSION:

Mayor Bass said there was an increase of COVID-19 in the city, but three have recovered and four are still active. He said to please continue social distancing. We are not out of the woods yet.

Councilman Green did not have any announcements or comments.

Councilman Cain said that he would like to see the city become a little more aggressive on the cars that are not running and are parked in front or back of the homes without tags. We need to put some pressure on these people to either get the vehicles running or to get them out of here.

Councilwoman Loeza said it that she has spoken to Billy Shoemaker, Building and Code Director about several vehicles, and he will be checking into this issue. She also said that there is a lot of trash, tree limbs, sofas, mattresses she said that it looks horrible. City Manager said that this should be picked up this week. The entire city had a city wide clean up. He said that Waste Connections will be picking up this week.

Councilman Yates said that there is a lot of junk cars, he said that there is one over by his house that he has complained about several times and nothing seems to happen. He said that he called the Highway department, because the traffic light at Chlorine Road and 288 B is on a timer and you sit there with backed up traffic and the light is not changing. He said that the best light in Freeport is on 288 B Ave A. He also said that the mask is insufficient for people like him with big floppy ears, he said that it will not stay on.

Open session was closed at 7:24 pm and Council entered into Executive Session.

CLOSED SESSION:

Executive Session regarding economic development (Project Wing Tip) (Project Easy Street) in accordance with Government Code Annotated, Chapter 551, Sections 551.087.

REGULAR SESSION

Mayor Brooks Bass re-opened regular session at 8:02 P.M.

No action was considered as a result of Executive session.

Adjourn

On a motion by Councilman Yates, seconded by Councilman Cain, with all present voting “Aye”, Mayor Brooks Bass adjourned the meeting at 8:02 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas