

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, May 4, 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

Manning Rollerson	Vanessa Villar
Vander Williams	Nick Irene (Facts Newspaper)
Donna Jones	Melanie Oldham
David Towers	Melinda Washington, (Outreach Coordinator from the GLO)

Call to order.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was a moment of silence for the first responders. The Pledge of Allegiance was conducted by Mayor Bass.

The meeting was paused at 6:03pm, there were technical difficulties with the sound from the audio-visual conference call system. This issue was fixed, and the meeting resumed at 6:04pm by Mayor Bass.

Citizen's Comments

Manning Rollerson spoke of his concern on the COVID-19. He said that he heard there was a positive case at American Rice, and he wants to know where we stand on the positive and negative tests in the City of Freeport. Mayor Bass said that we will discuss this, in item number one.

Melanie Oldham said that she was curious why there were no supporting documents from the agenda online, she said that she liked being about to see the documentation that is being discussed in the council meetings.

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

Emergency management briefing COVID-19.

Freeport Fire Chief, Chris Motley said that there are two active cases in the City of Freeport, and there are six recovered. Chief Motley said that the operations is back to one station. He said that they are running calls, and the moral has changed with the department because they are no longer feeling isolated. He said that call volume has been normal. Chief Motley said supplies are good, they are still waiting on gowns to come in. Mayor Bass “asked if when they are sent out for a call, do you have to suit up in complete PPE gear”? Chief Motley said, “that the dispatchers screen the calls with questions, this is to make sure EMS is aware of how they need to prepare for the call.” Mayor Bass asked about the sanitizing of the EMS vehicles, Chief Motley said that the Department just purchased two decontamination machines that releases a very fine mist that will decontaminate all the vehicles. He said that the machines should be delivered in about six weeks. Chief Motley reminded everyone to keep practicing social distancing, and to keep doing personal hygiene, with washing hands with soap and water. Councilman Roy Yates asked if there were any testing locations in the City of Freeport. Chief Motley said yes at, 905 North Gulf Boulevard. He said that there are locations listed on the Brazoria County Health Departments website. Councilwoman Loeza asked if there is a place that can test and see if you have had the virus. Chief Motley said to speak with your family physician to get a referral from them.

Freeport Police Chief, Ray Garivey said that the entire Police Department is safe and healthy. He said that he wants to thank the residents, businesses, and City Manager Tim Kelty for providing the department with food. He said that it was a great weekend, there were very little calls. He thanked the citizens for this. Chief Garivey said that he wants to thank the Houston Food Supply that came out for the last two weekends and provided food for several in our area. He said that the supplies at the Police Department are good.

City Manager, Tim Kelty said that based on phase one of the Governors order, the city has re-opened the beach, we also brought back city staff to regular work hours daily. There is still temperature testing of the staff. Mr. Kelty said that several facilities are still closed. City Hall, parks equipment, and the Freeport Recreation Center. The Freeport Golf Course is open to members only. Tim Kelty said that the drive-thru at City Hall is open for Court and Water payments.

Mayor Bass said regarding the drive-thru, be careful with a large vehicle because the lanes are very narrow. Mayor Bass also spoke of the emergency response meetings that are held every day at 1:30pm with the County Judge, as well as the head of the Brazoria County Health department. Mayor Bass stresses social distancing, hand washing and hand sanitizer. He told Manning Rollerson there is testing sites set up. The closest is in Freeport, at 905 N. Gulf Blvd., and a free clinic is at the Brazoria County Fair Grounds in Angleton. He said in order to be tested, you must call and be screened to see if you have the symptoms to be tested. Mayor Bass said with everything that is opening, to still stay safe. He asked Manning Rollerson if he was satisfied with the response? Manning Rollerson said his concern is the free testing is in Angleton, how will people get to that location? Mayor Bass said that he thinks that the testing should be free and available to everyone.

Donna Jones asked that the speakers to please announce who they are, and what department they work for.

Presentation of the Investment Report for the quarter ending March 31, 2020.

Assistant City Manager Stephanie Russell presented to council the Investment Report for the quarter ending March 31, 2020.

Mayor Bass asked the City Secretary, Betty Wells to check, and make sure the agenda items are posted on the website for the public to view.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from April 20, 2020, and Special Meeting on April 30, 2020.

Consideration of request for road closure on May 22, 2020, of portions of following streets. East Park and Fourth Street, down 2nd Street to Brazosport Blvd. to Freeport Municipal Park, for the Brazosport High School Graduation Parade.

Mayor Bass addressed item # 4, he said that special recognition for the graduating seniors is having to be set aside due to the COVID-19 pandemic. Mayor Bass said there will be a parade and special t-shirt made for the class, he is encouraging everyone to come out, social distance down the street for this very special day for the graduating seniors.

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye," 5-0 Council unanimously approved the Consent Agenda.

REGULAR SESSION

Public Hearing: Public Hearing and possible action of a proposed replat Muhm and Halbin Subdivision a two-lot subdivision of the Lolita Ruth McNeill Muhm called 2.437 acre tract. Recorded in volume 1237, page, 113 of the Brazoria County deed records and the Mary Ann Halbin called 0.706 acre tract and called 0.161 acre tract recorded in volume 1682, page 72 of the Brazoria County deed records situated in the T. B. Bell League abstract 41. City of Freeport Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 6:34pm.

Freeport Building and Code Department Director, Billy Shoemaker presented to council the proposed replat Muhm and Halbin Subdivision a two-lot subdivision of the Lolita Ruth McNeill Muhm called 2.437 acre tract. Recorded in volume 1237, page, 113 of the Brazoria County deed records and the Mary Ann Halbin called 0.706 acre tract and called 0.161 acre tract recorded in volume 1682, page 72 of the Brazoria County deed records situated in the T. B. Bell League abstract 41. City of Freeport Brazoria County, Texas. Mayor Bass asked if this has gone to Planning and Zoning, Mr. Shoemaker said that it has and that Planning, and Zoning approved the replat. No one from the public spoke or asked to speak in regard to this issue.

Mayor Bass closed the Public Hearing at 6:37pm.

On a motion by Councilman Cain, seconded by Councilman Green, with all present voting "Aye" 5-0 Council unanimously approved the Lolita Ruth McNeill Muhm called 2.437 acre tract. Recorded in volume 1237, page, 113 of the Brazoria County deed records and the Mary Ann Halbin called 0.706 acre tract and called 0.161 acre tract recorded in volume 1682, page 72 of the Brazoria County deed records situated in the T. B. Bell League abstract 41. City of Freeport Brazoria County, Texas.

Discussion and direction regarding Sales Tax Overpayment and Repayment Options.

Assistant City Manager Stephanie Russell presented to council the Sales Tax overpayment and repayment options. Per the request from council Ms. Russell contacted the State Comptroller to request an extension of longer-term payback. This request was accepted by the State Comptroller with the agreement from 29 months to 58 months. The payback is the same \$533,636.43, but the monthly reduction of our sales tax distribution will be 57 months in the amount of \$9,201.00 and the final month \$9,179.43. Mayor Bass asked if there is interest applied. Ms. Russell said there is no interest, she said that this is not actually a payment, but a reduction of the amount of sales tax that the city will get. Mayor Bass asked how the city became aware of this? Ms. Russell said that back in February the city was notified that a business had done an audit, and it was discovered that they had over paid. 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. Mayor Bass asked if this was from the large construction period for our area? Ms. Russell said that it does look like this is when this happened. City Manager Tim Kelty said that this does happen, but usually not in this large of an amount.

Melanie Oldham asked how this EDC will pay their portion? Assistant City Manager Stephanie Russell said that there is no actual payment being made by the city. The city's allocation will be reduced by this amount so the calculation will not change for the EDC, they will be impacted by this but there will be no actual payment from the EDC to the city, to pay this. Mayor Bass asked Ms. Russell if the State Comptroller will deduct the amount each month from our sales tax, and we will deduct the percentage that would normally go to the EDC? Ms. Russell said that this is correct.

On a motion by Councilman Cain, seconded by Councilwoman Green, with all present voting "Aye" 5-0 Council unanimously approved the discussion and direction regarding Sales Tax Overpayment and Repayment Options.

Consideration and possible action awarding Request for Qualifications (RFQ) #2003, Engineering Services, to Freese and Nichols, Inc.

Assistant City Manager Stephanie Russell presented to council the Request for Qualifications #2003 for Engineering Services, for Harvey related projects. Some of these are roads, the golf course, & the beach entrance road. The projects that are included under this contract are eligible for reimbursement funding of 90% from FEMA. These projects require engineering, and in order to do that, the city had to go out for Request for Qualifications (RFQ). This was advertised in the Facts newspaper on March 23, 2020 and on March 30, 2020. The city received two responses; these were opened on April 20, 2020. Freese and Nichols, Inc. and Baker & Lawson, Inc. are the two companies that responded. Staff recommends that we award the request to Freese and Nichols, Inc. Based on the evaluation criteria they are the most qualified. Mayor Bass asked if there was a cost amount for this? Ms. Russell said with this, Council is just awarding the RFQ, she said that staff will have to go and negotiate a contract with the engineer, and they will have to follow the federal regulations.

Resident Melanie Oldham said that over a year ago it was announced that there had been some severe erosion at the Freeport Golf Course, she asked if anything has been done for this problem? Ms. Russell said that since the embankment is part of a bigger water system, the city cannot just go out and make improvements. Ms. Russell said that they have been in touch with the Army Corps of Engineers, with how we should proceed. Ms. Oldham also said that the golf course has been designated as being contaminated by TCEQ she said that DOW paid five million, for the city to not dig deeper than ten feet, will this be a factor in how to fix the erosion? Mayor Bass said that everything has been turned over to Freese and Nichols to look at this too.

Manning Rollerson asked if the Army of Engineers is giving the city a grant for the work? Ms. Russell said no, the damage here at the golf course has been identified as damage from Hurricane Harvey. And with the city already receiving federal funds from the federal government the city is not eligible for grant money from the Army Corps of Engineers.

Councilman Green asked, "once we award this request, we will then find out how much this will cost"? Stephanie Russell said "yes, this is the first stage, the city figures out who is most qualified for the award and once this is awarded then you begin the negotiation process."

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye" 5-0 Council unanimously approved awarding Request for Qualifications (RFQ) #2003, Engineering Services, to Freese and Nichols, Inc.

WORK SESSION:

Mayor Bass said that he cannot stress enough the date of May 22, he said for us to get out and help support our Seniors class of 2020, he said that we will announce the time. He also asked that we please keep following the rules. He said that the City has had low numbers of positive cases. But we must keep following the rules, and as the Governor and the County Judge has said "this is not over yet."

Councilman Green asked about a resident in his Ward who has some parrots and love birds, she was concerned because she was told that she would have to remove these birds from her property. Mr. Green asked if he could get some information on this, so that he can share with the resident. Mayor Bass said that we will get Freeport Code/Permit Director, Billy Shoemaker to get in touch with him on this matter.

Councilman Cain said that he was asked by a citizen why Pier 30 has not opened? Mayor Bass said that every business must follow as they view the executive order by Governor Abbott. As a city we are doing our best to interpret the orders and follow them accordingly. He said that we encourage the businesses to follow the orders. Councilman Cain said he is understanding that it is not the city that is keeping them from opening. Mayor Bass said no there is nothing the city is doing to stop Pier 30 from operating.

Councilwoman Loeza asked about some of the facilities being open, she said that she was asked today why the Golf Course is only opened to members only, and not to the public? City Manager Tim Kelty said the social distancing. He said that the golf course has one cart per player unless they are from the same household. He said that Freeport Golf Course Director, Brian Dybala said that we are limited by the number of carts that we have. During the weekends when the course is the busiest, we are using most of the golf carts with just members. Mr. Kelty said that members are able to go to the course, they do not have to interact with staff because they are members, they are not having to interact with payments and transactions. If we allow the public to come in, then staff will have to interact with payments and transactions. He said that we will open as soon as possible. Councilwoman Loeza said there cannot be two people in the same cart? Mr. Kelty said unless they are from the same household. Councilwoman Loeza asked, how will they know? Mayor Bass said a lot of it is just the honor system. It is following the guidelines from the Governor.

Councilman Yates said that he did not have anything, but he wanted to clear up one thing. He said he did go to high school.

City Manager Tim Kelty said that he wants to say that he appreciates the people that are participating online. He said that the agendas have been kept to a minimum, because we want to have participation from the public. He said coming up there will be larger agendas, because there are things that will have to start move forwarding. Mr. Kelty said that he appreciates council's patience as well.

Update on reports / concerns from Department heads

Freeport Fire Chief, Chris Motley said that he wanted to give an update on Manning Rollerson's question about the Port Freeport. He said that he has an official word from the Port Freeport they have no known active or positive cases, nor any signs of someone being sick at the Port Freeport. He said that there is temperature scanning of all entering the facility.

Mayor Bass said that the city is doing temperature scanning of city employees that come into city buildings, and there are certain guidelines that must be met to enter the building and to work that day.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 7:01 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas