

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, May 18, 2020 at 6:00 p.m. at the Freeport Riverplace, 733 Mystery Harbor Lane, 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  
LeAnn Strahan, Freeport Destination Director  
Chris Motley, Freeport Fire Chief  
Ray Garivey, Freeport Police Department Chief  
Billy Shoemaker, Director for Building and Code via teleconference  
Lance Petty, Freeport Public Works Director  
Courtland Holman, Freeport Economic Development Corp., Director  
Jason Schneider, Freeport Fire and Ems

Visitors: Ty Morrow Jerry Meeks (Veolia)  
Ted Dahl Nick Irene (Facts Newspaper)  
Nicole Mireles Melanie Oldham  
David Towers Sam Reyna  
Jeff Pena

Visitors, Via Teleconference: Manning Rollerson Mehran Bavarian  
Vander Williams Jessie Parker  
Lila Diehl Eric Hayes

**Call to order.**

Mayor Brooks Bass called the meeting to order at 6:03 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Invocation was a moment of silence for the people that have contracted the disease, and for the families of those that have lost family to the disease. The Pledge of Allegiance was conducted by Mayor Bass.

## **Citizen's Comments**

Ted Dahl spoke to council about the re-zoning. He said that he made an agreement with the city, and that he owns the majority of Lot 48. He also said that Dow made an agreement with some waterfront property with paving Casco Road. He said that he sent a copy of this email to several people including the Mayor.

Nicole Mireles spoke to council about the gunfire on her street on North Ave G. She commended the Freeport Police Department and the Freeport Police Chief on their response to the call. Mayor Bass called Police Chief Garivey up and acknowledged his award for 100 Club Officer of the Year.

Melanie Oldham thanked City Manager Tim Kelty and Assistant City Manager Stephanie Russell for having the agenda and all the supporting documents on the website.

Jeff Pena asked what will happen to the VIC building since they have relocated to the downtown area. Mr. Pena also thanked the PD for their social media. Mr. Pena said that he would like to discuss item #7, Mayor Bass said that we would discuss this item once it has been presented.

Manning Rollerson said that he has concern about a request that he has emailed, and no one has gotten back to him. He also asked why Veolia let the water run for so long when the line was broken.

Jessie Parker asked how she can have a conversation with her Councilman? Councilman Green gave Ms. Parker his email address.

Edmeryl Williams said that she has concern about the water that comes into her yard now when it rains. She said that it does not drain. Her address was given so that Public Works Director, Lance Petty so that he can meet with her, and get the problem resolved.

Jerry Meeks with Veolia spoke to council about the water line break. He said that a fire hydrant was hit, and the line blew up under the street. He said that his crew was called out to repair the break. Mr. Meeks said that the fire hydrant has not been repaired yet. Mayor Bass asked what size pipe this was, Jerry Meeks said that it is a six-inch pipe. Mayor Bass said that the city will be getting the individual that struck the fire hydrant and caused the damage to pay for the damage. The city will be seeking reimbursement for these damages. Jerry Meeks said there will be an invoice prepared by Veolia and submitted to the city. Councilwoman Loeza asked if the test results from the water have come back yet? City Manager Tim Kelty said that the test results came back on the water, on Monday morning, and the boil notice was lifted.

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

### Emergency management briefing COVID-19.

Freeport Fire Chief, Chris Motley said that the city is still having the conference calls on Monday, Wednesday and Friday with the County Judge. He said that his department is preparing for the Memorial Day weekend, and that all the personnel are back to one station. He also spoke about Setrac, which is the hospital side of EMS. This is where they get information for medical issues and medical response policy. Chief Motley said that they received the decontamination machine, and there will be training this week for other departments on the use of the machine. He expressed again, the importance of social

distancing, face masks and washing hands with soap and water. Chief Motley made the reminder that hurricane season begins on June 1. Councilwoman asked if there were any more active cases in the City of Freeport. Assistant City Manager Stephanie Russell said that there have been no more confirmed positive cases.

Freeport Police Chief, Ray Garivey said that all the PD employees are safe and healthy. He said that the supplies are good. He said that the doors have been opened back up to the public, he just asks that they wear face mask and use hand sanitizer that is available at the door before they enter. Chief Garivey said that the beach is open, and people are social distancing. Mayor Bass if Chief Garivey could tell what happened at Crystal Beach. Chief Garivey said that it got very crowded. There was the Topless Jeep Weekend. He said that folks just were not obeying the rules.

City Manager Tim Kelty said that the Rec Center and the Golf Course departments are busy with making improvements. He said that there have been face shields placed to protect our employees and the public, so that they can reopen to the public soon. He also said that the drive thru is open at City Hall to take court and water payments.

Mayor Bass said that COVID-19 has not gone away. He said as of today the largest increase in Brazoria County was this weekend with positive cases. He said that what we are doing is to protect our parents, our grandparents and our small children. Mayor Bass said that we all must be responsible.

## **REGULAR SESSION**

### **Consideration and possible action on the approval of City Council meeting minutes from May 4, 2020**

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting “Aye” 5-0 Council unanimously approved the meeting minutes from May 4, 2020.

### **Consideration of approving Ordinance No.2020-2600 for proposed 2019-2020 budget amendment # 3.**

Assistant City Manager Stephanie Russell presented to council proposed Ordinance No. 2020-2600 for 2019-2020 budget amendment #3, Ms. Russell said that the amendment includes a reduction of revenue and expenditures to the general fund. She said that the net impact to the general fund is a net revenue less expenditures and transfers of \$185,275. Ms. Russell said that she proposes that we move capital expenditures out of the general fund. Mayor Bass asked if these are steps that have not been taken in the past. Ms. Russell said she believes years ago it looks as if there were separate funds, and just over the years they went away. Melanie Oldham said that we have a revenue loss of \$729,000.00. Ms. Oldham asked about the reduced salaries of \$181,000.00 based on vacancies savings. She asked if the city hired the Public Works Director. Mayor Bass introduced Lance Petty the Freeport Public Works Director. Mayor Bass said that there are some reorganization happening, and these will be presented to council. Melanie Oldham said that she wants to compliment City Manager Tim Kelty, and Assistant City Manager Stephanie Russell for dividing up the funds.

On a motion by Councilman Yates, seconded by Councilman Cain, with all present voting “Aye” 5-0 Council unanimously approved Ordinance No.2020-2600 for proposed 2019-2020 budget amendment # 3.

### **Consideration and possible action of approving Resolution No. 2020-2629 for a proposed amendment to the Freeport Personnel Policy Handbook, regarding Weapons in the Workplace and Workplace Violence.**

Freeport Human Resource Director, Brenda Ferguson presented to council Resolution No. 2020-2629 for a proposed amendment to the Freeport Personnel Policy Handbook, regarding Weapons in the Workplace and Workplace Violence. She said that staff recommends approving this resolution. She said

that these revisions were drafted with the assistance and approval of Freeport Fire Chief, Chris Motley and Freeport Police Chief Ray Garivey. Mayor Bass asked if Mr. Yates can carry his gun into any City building. Ms. Ferguson said no, that no weapons can be brought into any city building without written permission from City Manager or his delegate. Chief Motley said that they researched the Penal Code as well as what was passed by Legislation last September. Councilwoman Loeza asked how each employee knows of the changes made to the handbook. Ms. Ferguson said that each employee is given a copy of the change and an acknowledgement form to sign, stating that they received the policy change and they understand.

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting “Aye”5-0 Council unanimously approved Resolution No. 2020-2629 for a proposed amendment to the Freeport Personnel Policy Handbook, regarding Weapons in the Workplace and Workplace Violence.

Consideration and possible action of Freese and Nichols task authorization # 12 for the engineering design for work to be done on the stormwater pump station on Velasco Blvd.

City Manager Tim Kelty presented to council the Freese and Nichols task authorization #12 for the engineering design for work to be done on the stormwater pump station on North Velasco Blvd. Mr. Kelty said this authorization will allow the engineering to take this out for bids for the recommended work. He said that the total estimated cost for this is \$187,000.00. Mr. Kelty said that this is the pump station that handles all the water from the North Side of Velasco. Mayor Bass said that this item is something that has been discussed. Councilman Yates asked if this price is just for the electrical work for the pump station? City Manager said there is a list of things in the proposal of work that they are proposing to do, mostly electrical related. Councilman Yates asked if they were leaving the same pumps and the same generator. Mr. Kelty said yes.

On a motion by Councilman Cain, seconded by Councilman Green, with all present voting “Aye”4-0 Council approved Freese and Nichols task authorization # 12 for the engineering design for work to be done on the stormwater pump station on Velasco Blvd. Councilman Yates voted “Ney”

Discussion and direction regarding to initiate Certificate of Obligation Bonds.

Assistant City Manager Stephanie Russell presented to council the discussion and direction to initiate Certificate of Obligation Bonds. She said that this is to start the discussion and get direction from council. She said that the city had paid off it’s 2003 Certificate of Bond Obligation last fiscal year. She said that this in preparation for this fiscal year, city council approved a prepayment on the city’s 2008 Certificate of Obligation to keep a level debt rate. Mayor Bass asked does this affect our budget? Ms. Russell said that this will enable us to keep doing the infrastructure projects. Mayor Bass asked how will we pay it off? Ms. Russell said you pay it off by our property tax debt rate, she said that this is not proposed to change at all. The property tax rate will stay the same so residents will not see an increase in the tax rate on this portion of their tax bill. Melanie Oldham asked about the seven million dollars she said that it shows that 86% will go to infrastructure. And this will be divided between wards. She asked how this will be divided. She also asked about the interest rates on the bonds. Ms. Russell said that this will be done by categories, she said that streets and drainage will be the first, then each budget year council will decide which projects to fund. Ms. Russell said for the interest rate our Municipal Advisors will put together a packet and go out for sales for the bond.

Mayor Bass thanked staff and asked if there were any questions, or concerns.

Consideration and possible action of approving the EDC Housing Development.

Freeport Economic Development Director, Courtland Holman said that he recommends council approve the development agreement with Waterstone Development Group Housing, LLC. He said that he also recommends that the 19 acres that are bounded by Avenue J, Skinner Street, Avenue M and Varner Street be transferred to the Freeport Economic Development Corp. He said that there are claw backs in the agreement. Mayor Bass asked what the minimum house value? Mr. Holman said that they are asking for a minimum house value of \$185,000.00. He said that some will be higher, and some may be lower. Mayor Bass asked if Waterstone has approved the agreement. Mr. Holman said he knows that they have the agreement, but he is not sure if the agreement has been approved. Councilwoman Loeza asked how many houses will be built? Mr. Holman said there will be 82 homes on the main property and 5 on the secondary property. Councilwoman Loeza asked how much time they will have before they start building? Mr. Holman said that they have 30 months to complete the infrastructure, he said that we did not give them a timeline on the development of the homes. Mayor Bass said that he would feel more comfortable if the EDC Board had approved the contract, and then the signed contract brought to council. Mayor Bass said that he would like to see something that says a timeline on how long it will be before the builder begins to build the homes. Councilman Yates asked what do you call infrastructure? Mr. Holman said this is the streets, the underground infrastructure, the bridges, drainage, sidewalks and street lighting. Mr. Holman said that this is all listed in the proposal, he also said that the ditches will be improved.

Jeff Pena said that he looked at the agreement online, and his concerns are possible oversight. He said that there is an official process and procedures. He said that he is surprised that this project is being brought to council before it was approved by the EDC Board. Mr. Pena said that he recommends that we have an application process for any of our projects, we need to review their experience and credentials. He said that we need to check the financing, bonding and insurance. Mr. Pena said there needs to be a clear project and sight plan, so that there is transparency. Mr. Pena asked about the comment Ms. Russell made on the two things the city makes money from. He said one is industrial tax, and the other property tax. He said if we will be having a development project that we don't sacrifice the whole purpose of doing that project.

Melanie Oldham said that she read through the agenda packet. She said that she spoke to Mr. Kelty and Mr. Holman and they explained to her what the PID is. She asked if the city owns the land, & did they go out for bids before deciding on Waterstone. She said that she doesn't understand the deadline on completing the houses. Ms. Oldham asked about a paragraph that talks about not using the normal code enforcement process, but instead using a housing handbook, written by the company. She said that she feels this agreement is not detailed enough.

EDC Director, Courtland Holman said it is hard to find developers for small projects. He said that he had three developers and they did not work out. Mayor Bass said that there are some things that he likes. Councilman Yates asked if Mr. Holman felt that we should go forward with this project. Mr. Holman said yes. Mayor Bass said that he wants the EDC to sign this first and then bring this back to council.

On a motion by Mayor Bass, seconded by Councilman Green, with all present voting "Aye" 5-0 Council unanimously tabled this item until the first meeting in June.

#### Consideration and possible action adopting By-Laws of Tax Increment Revitalization Zone (TIRZ) Board.

Freeport Economic Development Director, Courtland Holman presented to council the adoption of By-Laws of Tax Increment Revitalization Zone (TIRZ). Mr. Holman said that staff recommends that council approve the By-Laws for the TIRZ Board. Mr. Holman also said that staff recommends council to appoint the Chairman of the TIRZ Board so that other members of the Board can be appointed. Mr. Holman said that the Board cannot take any action until council takes an administrative action. City Manager Tim

Kelty said that the Board met and recommended these By-Laws, and that the Chairman be appointed, and he said that Trey Sullivan has been acting as the Chairman for the EDC Board currently.

On a motion by Councilman Yates, seconded by Councilman Cain, with all present voting “Aye” 5-0 Council unanimously approved the adoption of the By-Laws of Tax Increment Revitalization Zone (TIRZ), and appointing Trey Sullivan as the President of the TIRZ Board.

#### Discussion for Boards and Commissions appointments and re-appointments.

Mayor Bass said that this is just discussion. This will be placed on the June 1, 2020 meeting where we will appoint and re-appoint members of the Boards. The Mayor said that on the city’s website you can find the Boards and Commissions that are open. Mayor Bass said that these Boards and Commissions are sometimes hard to fill. Once these positions are filled, we will be having a meeting with every Board to discuss each Board and Commission & to explain what its purpose is.

Mayor Bass said that there is no action needed on this item.

#### Consideration and possible action authorizing the application process for recertification as a Texas Main Street City.

Freeport Destination Director, LeAnn Strahan presented to council the recertification as a Texas Main Street City. She said that staff recommends the Mayor to sign the Letter of Intent, so that the city can proceed with our application process to recertify Freeport. She said that this is due on May 31, 2020. She said that the deadline for the application for recertification is July 31, 2020. Ms. Strahan said there is no application fee, but there is an annual fee of \$535.00 and \$ 500.00 training fee. Councilwoman Loeza asked how long has the city been out of the program? Ms. Strahan said that it ended in 2012. Mayor Bass asked what the requirement is for the number of members on this Board? Ms. Strahan said per our ordinance we will require nine members. Ms. Strahan said that this is our Historical Commission and our MainStreet Advisory Board so there are members that are already in place. She said that there must be nine members, and five shall be residents of the city. She said that four members shall be appointed to two-year terms in odd number years. Mr. Kelty said that there are already six members that are serving on this Board and there are three vacancies on this Main Street Board. Councilwoman Loeza asked do we have to pay an annual fee to be in this program? Ms. Strahan said yes, it is \$535.00 yearly. Mayor Bass asked if Ms. Strahan can get nine people to serve, Ms. Strahan said yes, she does.

On a motion by Councilwoman Loeza, seconded by Councilman Yates, with all present voting “Aye” 5-0 Council unanimously approved authorizing the application process for recertification as a Texas Main Street City.

#### **WORK SESSION:**

Mayor Bass said that he commends the city workers, they are doing a fantastic job. He said our residents as well, the numbers are low for Freeport. Mayor Bass said that the parade has been cancelled. The Seniors will be able to have a graduation ceremony. He said on May 22, 2020 there will be a celebration at the Freeport Police Department from 6pm-8pm, the students will receive A t-shirt, Bar BQ sandwich and a few other things that were donated.

Councilman Green had no announcements or comments.

Councilman Cain said that the lift station on the end of Yaupon makes a very bad squeaking noise when the pump comes on. He said it is possibly a loose belt. Is there something we can do to check into this?

Councilwoman Loeza asked why the houses on Skinner and Ave M have stopped being built? EDC Director, Courtland Holman said that there is a violation of their agreement. Councilwoman Loeza also asked about the bulky, heavy trash pickup. She asked if this is not stacked properly will Waste Connections not pick it up? City Manager Tim Kelty said to call City Hall to let us know, because this should be picked up weekly. Ms. Loeza asked if the large project on the pool has been completed. Tim Kelty said the work has been completed and the pool is ready to open, and hopeful we will be able to open soon.

Councilman Yates had no announcements or comments.

City Manager Tim Kelty had no announcements or comments.

#### Update on reports / concerns from Department heads

There was no comment from Department heads.

Open session was closed at 8:12 pm and Council entered into Executive Session.

#### **CLOSED SESSION:**

Executive Session regarding a.) Attorney Consultation: Consider potential litigation regarding real property and, b). Deliberation about Real Property in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072.

#### **REGULAR SESSION**

Mayor Brooks Bass reconvened regular session at 8:24 P.M.

On a motion by Mayor Bass, seconded by Councilwoman Loeza, with all present voting “Aye” 5-0 Council unanimously approved that City Attorney Chris Duncan, to take legal action to secure the title to the property South of 4<sup>th</sup> Street, formally used by the railroad.

#### Adjourn

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting “Aye”, Mayor Brooks Bass adjourned the meeting at 8:33 PM.

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Mayor, Brooks Bass  
City of Freeport, Texas

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City Secretary, Betty Wells  
City of Freeport, Texas