

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, June 1, 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
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

Visitors: Cliff Vandergriff
Mario Muraira
Sam Reyna
Loren Hayes
Jerry Meeks (Veolia)
Melanie Oldham
Jeff Pena
Betty Page
Nicole Mireles
Eric Hayes
Ruben Renobato
David McGinty
Manning Rollerson
Nick Irene (Facts)
Ricky Fields

Visitors, Via Teleconference: Pam Tilley
Vander Williams
Christopher Breaux (Whitley Penn)
David Hunn (Freese and Nichols)
Mehran Bavarian (Freese and Nichols)
Blomquis Garcia
Jessie Parker
Jonathan Frels

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 by Mayor Bass.

JOINT MEETING WITH PLANNING AND ZONING COMMISSION:

Call Open of Meeting

Nicole Mireles, Chairperson for the Planning and Zoning Commission opened the Joint Meeting at 6:05.

Discuss and take possible action by the Planning Commission regarding creation of DT-1 ZONE

Mayor Bass said that his understanding of this meeting is to continue discussing in an open and transparent fashion. Planning and Zoning has had two meetings, one Public and one Regular Meeting.

Nicole Mireles said that she would rather see the new Zoning go to 5th Street and not to 8th Street. She also said that it is unclear to her about the residents that live in the Downtown area. She asked if we can offer the people a dual building living? She said which they live in the back of their business and have their business in the front of the building. She said that she is unclear on the “grandfathering” of the building owners downtown.

City Manager Tim Kelty said that Legal Nonconformance is if someone has a residential property for themselves, or they are renting their building as a residential property, and if they are living on the first floor they can continue living there indefinitely or rent indefinitely. He said if the building becomes vacant, they can put this property up for lease and continue as a residential property. If they decide to sell, the buyer may continue to use the property as a residential unit. He said that the only way to lose their legal nonconformance is if the property becomes vacant, and they do not list it as residential property, and it stays vacant for six months. Or if they allow a commercial business to move into the property.

Nicole Mireles asked about the dual if you have residential in back, and business is in the front. Mr. Kelty said if someone has a residential property and they want to use a portion of the building for a business then they can do this. If the building is not residential when and if this zoning passes, then it cannot be changed to serve as a residential purpose. Nicole Mireles asked if she is going to open a business, she will not be allowed to put a residential property in the building if one does not exist there now. City Manager Tim Kelty said that this is correct if this ordinance is adopted. He said that the purpose for this ordinance is to create more retail and commercial downtown, he said the more retail and commercial there will be more pedestrians downtown to shop. Nicole Mireles asked if there are businesses on the first floor this will allow for offices downtown as well. Tim Kelty said that yes there can be businesses on the first floor if they are there now, they can continue.

City Attorney Chris Duncan said anything that the building is used for now can be used forever. He said this will change if you stop using it for the original use for more than six months. If it is after six months, then the new rules will apply.

Cliff Vandergriff said that he now agrees that something needs to be done downtown, he said that in the beginning he was very critical of this zoning. He said that we must develop something. Mr. Vandergriff said that he has heard that some building has begun. He said right now this is not a downtown district.

Andrew Dill said he thinks this is a good idea, rather it is at 5th Street, or 8th Street. He said that he has walked downtown, and this is a walkable area. He said that he is for it.

Councilman Ken Green said that he agrees with what is being said. He said that it appears to him that the people who are in downtown will be able to control their own destiny and be a part of the future as the businesses will rise the price of the property, and the property owners will get the benefit.

Eric Hayes said that they were split on the line. He said that this ordinance is to cure a problem with downtown parking. His concern was expanding it past 4th Street, he said that if you go to the downtown district from 5th Street you get into residential housing. He said this area is already congested with parking. If you include more businesses, this may cause more problems for parking. He said for the safeguards, he believes everyone is protected if they continue their use.

Councilwoman Loeza said that she is for this, she feels that this is definitely a good idea.

Mayor Bass asked Attorney Chris Duncan if the State Legislature allows this item to be open to citizens comments? Chris Duncan said that it does, but Council is having a Public Hearing it will be more appropriate to address it at that time.

Melanie Oldham asked if the Marina is in or out of this plan? Mayor Bass said that if Planning and Zoning wants to make modifications to the zoning ordinance then they can do so through a motion.

On a motion by Cliff Vandergriff, to approve Zoning Ordinance as written and seconded by Andrew Dill, with all present voting 2-2. Nicole Mireles and Eric Hayes voted "Ney".

Mayor Bass advised that the Planning Commission discuss and comment on this item because the Planning and Commission Board did not do this once the motion was made.

Nicole Mireles said again that she has concerns with going to 8th Street.

Andrew Dill said that the reason they are going so far is the rail line property, he said that there is potential of the city getting this land. He said that he has talked with a few owners in downtown, and they are ready for the value of their property to increase.

Mayor Bass asked if there is any further questions or comments on the motion that has been made? He asked if there is a compromise between them to present a motion?

Eric Hayes said he believes the line needs to be drawn at 5th Street.

Cliff Vandergriff said that he would like to rescind his motion at this time.

Nicole Mireles said that the original map showed the Marina, and the map now does not show the Marina. Councilman Green said looking at how the map is drawn out, he said that he sees the waterfront, Barons Place, and adjacent to it the Gore Property. He asked why this is not in the new Zoning? Billy Shoemaker showed Mr. Green the boundaries that were being discussed.

Andrew Dill asked what the rationale was for taking out the waterfront. City Manager Tim Kelty said the reason for this being removed is that the legal description in the ordinance itself did not include that area of the waterfront. He said that he did not want to have a map that did not match the legal description.

On a new motion by Andrew Dill, to approve Zoning Ordinance as presented with the change of the Southern boundaries reduced from the from 8th Street to 5th Street, and to include the Northern Boundary extended all the way east along the waterfront to Pine street, and seconded by Eric Hayes, with all present voting "Aye" 4-0 the Planning and Zoning Commission approved the DT-1 Zone for City Council consideration.

ADJOURN PLANNING AND ZONING COMMISSION.

On a motion by Eric Hayes, seconded by Cliff Vandergriff, with all present voting "Aye", Nicole Mireles adjourned the meeting at 6:39 PM.

Citizen's Comments

Ricky Fields spoke to Council with his concern for the property at 23 North Ave F. He said that Brazoria County agreed to rebuild his property, but the issue is the City requires a garage and the County said that they will meet halfway with a carport. He asked Council if this is something that can be done? He also asked why must there be a garage. Mayor Bass assured Mr. Fields that he and the City Manager have been in contact with Nancy from Brazoria County Community Development, and this will be fixed somehow.

Manning Rollerson told Council that he comes today to address the issue of deep wounds. He said that he served our country with honor. Mr. Rollerson said that all men are created equal. He said that we need closure, and the video needs to be released. He also said that his daughter lives in the apartments behind the Minute Market, he said that in the summer she has no A/C and in the winter, there is not heat, and her bathtub is falling through the floor. He said that he has come to the city with this issue and nothing has been done, she has six kids. He said that he does not see any change in the city. He said we must live as brother and sisters, and we are still Freeport strong.

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

Emergency management briefing COVID-19.

Freeport Fire Chief, Chris Motley said that Sectrac is working as it should now. He said that Sectrac is part of the State side working with the hospitals, Ambulance Services, and medical fields planning for particular events, pandemics to active shooters or delivery of medicine to the field or the hospital. They oversee the delivery of supplies. Chief Motley said that we had one reported COVID-19 as positive through the Brazoria County Health, and one reported through Brazosport Memorial to the Infection Control Officer. Chief Motley said that they have enough HEPA filters that should take them through the rest of the year. Surgical masks have arrived as well. He said that he wanted to thank some local businesses that stepped up and helped with supplies when this pandemic began. Grapevine in Lake Jackson, Evco, CVS and an Angleton Volunteer EMS, his church St. Lutheran out of Conroe donated some N95 mask. Chief Motley said that TCEQ will be in the area doing some air monitoring by helicopter. The helicopter will be flying very low and hovering. Mayor Bass said that he wants to make sure the residents are aware. Today is the first day of hurricane season, and this will last until after Thanksgiving. He said to secure items and get a plan in order. Mayor Bass asked if we have a shelter in place, Chief Motley said this is in Bell County. Chief Motley said that the National Guard will have a

free COVID-19 testing site in Freeport. He said that you can register online, call in or just drive up. Councilman Yates asked when the helicopters will begin, Chief Motley said they have begun, and this will end June 30.

City Manager Tim Kelty said that Friday the Rec Center will open to members only. He said that the Golf Course is open to everyone, but the golf carts are single person use only, except for family members. The museum will open on Friday as well this will require social distancing. Mr. Kelty said that City Hall will open on Monday. He said that he wants to point out that we are not over the virus, the numbers are still increasing with active cases and new cases per day are up.

Mayor Bass announced again that Freeport Police Chief Garivey was awarded with one of the top 100 officers of the year through the 100 Club.

Freeport Police Chief Ray Garivey thanked the Mayor, his officers and the City of Freeport. Ray Garivey said that the Police Department is opened back up, but they are still practicing social distancing, wearing the face mask and doing their best to protect themselves as well as the citizens that they come in contact with. He said that the jail has remained operational. He said that the PD has the equipment that is needed, with thanks to the EMS/Fire Department. Chief Garivey said that there has been issues at the beach. He said that they are trying to remind people to social distance. He said that park equipment is still closed. Mayor Bass said that he has received numerous complaints on the noise complaints. Chief Garivey said that the person complaining can file a complaint against the violator. He said that they try to issue a warning first.

Whitley Penn Audit Presentation for Fiscal Year 2018-2019. And consideration of Engagement Letter to conduct audit for FY2019-2020.

Assistant City Manager Stephanie Russell said that the 2018-2019 Audit is on the City's website and is available for anyone to look at.

Christopher Breaux, with Whitley Penn presented to council the Audit Presentation for Fiscal Year 2018-2019. Mr. Breaux said that the Audit was completed in March of this year. Mayor Bass asked what the City scored overall, Mr. Breaux said that staff has done a wonderful job, kudos to the Assistant City Manager, the City Manager and all the finance staff. There were no questions from council on this presentation.

Mayor Bass asked Stephanie Russell about the future readjustments for the potential fees for the water and sewer. Ms. Russell said this is something that will be brought before council for next year's budget. Mayor Bass asked if this is passed then it will decrease the need for general revenue transfer to maintain this fund. Ms. Russell said this is correct.

Assistant Stephanie Russell presented to council the Engagement Letter to conduct the audit for FY2019-2020. She said that this will begin in July of 2020. Ms. Russell said that the fee to conduct the audit is the same as last year. Mayor Bass asked if the fee to conduct the audit is \$45,000, Ms. Russell said yes.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye" 5-0 Council unanimously approved Engagement Letter with Whitley Penn to conduct audit for FY2019-2020.

Freese and Nichols Presentation for the Wastewater Treatment Plant.

This item was moved further down the agenda, because the presenter was not available at this time.

REGULAR SESSION

Consideration and possible action on the approval of City Council meeting minutes from May 18, 2020

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting “Aye” 5-0 Council unanimously approved the meeting minutes from May 18, 2020.

Item number five was moved by the Mayor to later on the agenda.

Consideration and possible action awarding Request for Proposals (RFP) #2004 for financial software to Tyler Technologies.

Assistant City Manager presented to council Request for Proposals (RFP) #2004 for financial software to Tyler Technologies. Ms. Russell said that staff issued an RFP for an Integrated Municipal Financial Software System. Ms. Russell said that when the City went out for the RFP, we got two proposals back, and staff feels that Tyler Technologies was the most qualified. This is currently the company that the city uses, but the proposal is for the new upgraded version which is called Incode 10. She said that the transparencies function are more than what the city currently has. Mayor Bass asked if she could give an example of the transparencies that the public could view online. Ms. Russell said the check registers will be put up online to where to public to view. She said that the cost to migrate over will be \$164,590. She said that this will not begin until next budget year. Mayor Bass asked if the new system will still be viable in five years, or will it be obsolete? Ms. Russell said that there are updates and updated version to make sure you are current.

Melanie Oldham said that she thinks the financial software is well worth the money. She asked if this will help keep the finances from the City and the EDC separate and clear to the public? Ms. Russell said yes, but even now these are done by fund accounting, so they are separate by funds.

On a motion by Councilman Green, seconded by Councilman Cain, with all present voting “Aye” 5-0 Council unanimously approved awarding Request for Proposals (RFP) #2004 for financial software to Tyler Technologies.

Freese and Nichols Presentation for the Wastewater Treatment Plant.

David Hunn with Freese and Nichols presented to council the Presentation for the Wastewater Treatment Plant. Mr. Hunn presented to council an overview of the treatment plant. He presented a summary of the risk-based assessment and review of the estimated cost of the proposed improvements.

Councilman Yates asked Mr. Hunn if there is room down at the wastewater plant to build the new plant? Mayor Bass asked if we build next to the current plant will we still have an operational wastewater treatment plant as the new one is being built? Mr. Hunn said yes.

City Manager Tim Kelty asked what is the time frame of building a new steel plant? Mr. Hunn said about eighteen months to two years. Roy Yates asked about the timeframe for a concrete plant. Mr. Hunn said that it will take a little longer that two years. Mr. Yates asked if the concrete plant would help the smell? Mr. Hunn said there would be no difference in the smell.

Consideration and possible action approving Resolution No. 2020-2630 to approve submission to the GLO Beach Maintenance Reimbursement (BMR) Program. And designating the Assistant City Manager as the official with full authority to act for the purposes of the program.

Assistant City Manager, Stephanie Russell presented to council Resolution No. 2020-2630 to approve submission to the GLO Beach Maintenance Reimbursement Program (BMR) and designating the Assistant City Manager as the official with full authority to act for the purpose of the program. Ms. Russell said that this is an annual contract that each year the city applies for reimbursement from the General Land office to maintain Bryan Beach. Ms. Russell said to date the city has received of \$69,000 in reimbursement from the program.

Mayor Bass asked if there is any variable to request to receive more money per year? Ms. Russell said that most that we can receive is 2/3 of what we spend. She said that it is based on what we spend.

Mayor Bass announced the Strategic Budget Workshop on June 27, 2020. Time and location to be announced.

Councilman Green asked what the money is used for? Ms. Russell said that this is strictly reimbursement. She said we spend the money first and then the city is reimbursed.

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting “Aye”5-0 Council unanimously approved Resolution No. 2020-2630 to approve submission to the GLO Beach Maintenance Reimbursement (BMR) Program. And designating the Assistant City Manager as the official with full authority to act for the purposes of the program.

Consider the approval of Resolution No. 2020-2631 -- A Resolution by the City Council of the City of Freeport, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; and Providing for Other Matters Incidental Thereto.

Assistant City Manager Stephanie Russell presented to council Resolution No. 2020-2631 a resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; and Providing for Other Matters Incidental Thereto. Ms. Russell said that since the last meeting we discussed a little over seven million, but since then looking at the interest rates, they are dropping, so staff is recommending our notice of intent to be more. She said that staff is proposing eight million. Ms. Russell presented Kristen with Masterson Advisors to present the Plan of Finance. Kristen with Masterson Advisors said that after approval we will publish Notice of Intent, in the Facts Newspaper and on the City’s website. Mayor Bass asked when will we have the funds? Kristen said on August 24, 2020. Ms. Russell said that we can start engineering projects now.

There were comments or questions from council. Mayor Bass asked City Attorney Chris Duncan if he had reviewed and approve the resolution. Mr. Duncan said yes. Mayor Bass asked Ms. Russell to explain why this will be budget neutral. Ms. Russell said that we will not be changing our tax rate, we will still be receiving the same level or revenue and using the same expenditures that we have for the last few years.

On a motion by Councilman Yates, seconded by Councilman Green, with all present voting “Aye”5-0 Council unanimously approved Resolution No. 2020-2631 -- A Resolution by the City Council of the City of Freeport, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; and Providing for Other Matters Incidental Thereto.

Public Hearing: Public Hearing and possible action of approving Ordinance No. 2020-2601 on creating the DT-1 Zone.

Mayor Bass opened the Public Hearing at 8:10pm

Mayor Bass said that we just had a joint meeting with Planning and Zoning, where they modified the original ordinance where they included the Marina and reduced the acreage from 8th Street down to 5th Street.

Melanie Oldham said there was a lot of discussion at the Downtown Zoning Map at last week's Planning and Zoning meeting. She asked why not all the way down to 8th Street? She said that she feels that it is important to take it down to 8th Street, she said that it will protect the city from Port expansion.

Jeff Pena spoke of his concerns on the Downtown Zoning. He had some questions about the Map of what was removed by the Board. Mr. Pena asked about Oak Street and Hickory. Mr. Pena said that we must do something, but we must make sure that we do it right. He said that standardization for the Downtown District is important. He said that he wants to encourage retail if there are offices to be used. He said that he does not believe that the idea of strictly retail we attract visitors.

Mr. Pena said that only attracting retail is a little short sided. He said that he thinks that we should include the business offices to be allowed in the Downtown area. Mayor Bass asked you want business office to be open on the first floor as well as the second floor? Mr. Pena said yes. It enhances versatility of the options that are offered to come Downtown, and because there is very limited second floor office space. Mr. Pena also said that a big issue of Downtown is the fountains, the lighting Downtown, and traffic control.

Councilwoman Loeza said a change was made to 5th Street. She asked what will it take to expand that? City Manager Tim Kelty said if in the future we want to expand it, we will have to send notice out to property owners that are within 200 feet, hold a Public Hearing with the Planning Commission and get recommendation from them and then have a Public Hearing before Council.

Jessie Parker asked how far out from 8th Street will this go? Mayor Bass said that the Planning Commission modified the original proposal to redact from 8th Street. Now it is 1495 to 5th Street, Cherry Street and Oak. He said this was passed by Planning and Zoning.

Melanie Oldham said that she thought the map could not be expanded, but that it could be reduced. She said the Planning Commission gives the Mayor and City Council recommendations, she said that it was posted all the way thru 8th Street and covering the marina. She asked as a Council you cannot say no it should go to 8th Street? Mayor Bass said that the way he understands is that council can do that, they cannot expand the boundaries, but we will generally follow the recommendation.

Ruben Renobato said that supports the idea of this, and the expansion to 8th Street. He said the Planning Commission makes a recommendation to City Council and then City Council is free to make their decision about the proposal. He said that he thinks this is a good plan. He said that we need to be committed to this plan, but he thinks expansion is necessary.

Freeport Economic Development Director, Courtland Holman said that he agrees with all that has been said. He said that all past history City of Freeport has done many studies. He said that the studies show the Downtown going to 8th Street. He said the earliest date of these studies are from 1999 and the last is 2013. Mr. Holman said that you want to have the best opportunity for the Downtown to survive.

Councilman Ken Green said that Freeport was a vibrant place at one time. He said that the company Intermedics destroyed Freeport, we allowed them to rent every retail space in town. He said this is why Freeport has been a ghost town for 20-30 years. He said that in the short time he has been on Council we inherited a terrible past, but in the past few years we have come a long way. He said let's all work together on moving forward.

Betty Page spoke to council about being a small business owner, she said that she agrees with everything that has been said, she said that she agrees that we need to grow, but not at the expense of the small business owners. She said that her question is where will she fall in all of this? She said that her building is vacant. She said that she does not have a residential quarter in her building, will she be able to sleep in her building once she opens? Mayor Bass asked if he puts a cot and sleeps overnight, is he occupying the building as a residence? City Attorney Chris Duncan said that he will have to research this question to get the correct answer.

Mayor Bass asked Council if there were any questions or comments? Councilwoman Loeza said that she would like to confirm 8th Street in. Councilman Yates said that he wants to see the amended drawing before a decision is made.

Jeff Pena said that he lives at the old historic bank building. He said that he bought this building in 2016. He said that it has some residential lofts, and there is an office building in the bank, on the first floor. He asked will be grandfathered in.

Mayor Bass said that he agrees that offices should be on the first floor as well.

Public Hearing was closed at 8:45pm.

Regular Session was reconvened at 8:46pm.

Mayor Bass tabled this item until July 15, 2020, with a second from Councilman Yates.

WORK SESSION:

Mayor Bass said that the VIC has moved, we need a sign that says where this has moved to. Mayor Bass also asked to get some prices on getting the Downtown fountains fixed. He also said that we have Boards and Commissions open he said that the applications are online. Mayor Bass said we have some exciting things coming and, some good changes.

Councilman Green asked about parking permits for Bryan Beach? City Manager Tim Kelty said that EDC subcommittee has been established for this. He asked about golf carts being allowed in the Marina area, he asked if this is legal to drive the golf carts on the streets? Chief Garivey said no, we cannot use golf carts even on the side of the road.

Councilman Cain asked what the schedule for heavy trash pickup with Waste Connections is. Billy Shoemaker said that this is once a week. Mr. Kelty said that they will pick up two cubic yards. He said if it is more than that, the property owner will have a charge. Councilman Cain said that he drove down every street in his ward today, and every street has large garbage to be picked up. Mr. Shoemaker said that the pickup is slower, because the volume has increased.

Councilwoman Loeza said she would like to see the fountain be repaired as well. She said that we put money into things, and she would like to see that these things get repaired. She asked about the Gulf Motors building that has been sold. Courtland Holman said that he knows who bought the property. He said that he is hoping to meet with the buyer and try and make something different for the property. She asked if there were any update on Church's Chicken. Billy Shoemaker said that everything is in their court, and the City is hoping that they will call tomorrow to pay the permit fees. Billy Shoemaker said that the building is going to be remodeled. Mayor Bass said that he thought the building was unsafe. Ms. Loeza said that the vehicles she has spoken of, has been cleared out, she said thank you.

Councilman Yates had no announcements or comments.

City Manager Tim Kelty said that they signed a contract today with the salary survey, he said that we are moving forward with that. He said that on June 27, 2020 we will have the Strategic Planning Workshop, he said that this will be a three- or four-hour meeting.

Update on reports / concerns from Department heads

There was no comment from Department heads.

Open session was closed at 8:59 pm and Council entered into Executive Session.

CLOSED SESSION:

Executive Session regarding a.) Deliberation about Real Property, b). Economic Development (Discussion Easy Street) in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072.

REGULAR SESSION

Mayor Brooks Bass reconvened regular session at 9:25 P.M.

No action was taken.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilman Yates, with all present voting “Aye”, Mayor Brooks Bass adjourned the meeting at 9:25 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas