

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, June 15, 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 via teleconference
- Lance Petty, Freeport Public Works Director
- Courtland Holman, Freeport Economic Development Corp., Director
- Clarisa Molina, Administrator Assistant Via teleconference

Visitors:

Nicole Mireles	Robert Koole
Eric Hayes	Kenneth Hayes
Sam Reyna	Sandra Leavey
David McGinty	Pam Tilley
Jerry Meeks (Veolia)	Jessie Parker
Melanie Oldham	Ronnie Woodruff (BWA)
Jeff Pena	Cathy Cox
Manning Rollerson	Nick Irene (Facts)
Keith Stumbaugh	Ruben Renabato
Andrew Dill	Tim Finley (Dow)
Ruth Renabato	

Visitors, Via Teleconference:

David Austin	Melissa Washington
Vander Williams	Edmeryl Williams
Kim Westergard	Ms. Williams

Call to order.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was led by Andrew Dill; 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 6:03.

Work Session regarding proposed DT-1 ZONE.

Nicole Mireles said that after she discussed and interviewed many people and asked a lot of questions, she feels comfortable with the Downtown District going to 8th Street.

Eric Hayes said that when this ordinance was brought to the Planning Commission it was for the parking issues. He said that it outlines what types of businesses can be in the Downtown Zone, and it outlines off premise parking. He said if we go to 5th Street it will eliminate this problem. He said if we extend to 8th Street this will cause a parking problem. Mr. Hayes said that he recommends staying with the original agreement and stop at 5th Street.

Andrew Dill said that he still thinks we need to take this to 8th Street. Mr. Dill said that he is not clear if the Marina is being included or if it is not.

Keith Stumbaugh asked why we would not include the green space where the old Tarpon Inn Village use to be. He said if that piece of land was going to be developed why would it not be included in the Downtown Zone? He said he understands not wanting to rezone the waterfront of the Marina. He said that the green space could be a potential site for a Marina Plaza, or a draw for Downtown businesses. He also questioned the quad plex's. City Manager Tim Kelty said that the reason was for the legal description to match across the board.

Manning Rollerson said that he lives in the Duplex on Cherry Street. He said that all this needs to be taken care of. He said that people are concerned with the City going into buildings without permission. Mayor Bass advised that this will be discussed later in the agenda.

Ruben Renobato said that he just wants to say again that he supports the new business district and he supports the move to 8th Street. He said that he sees this as a future growth idea.

ADJOURN PLANNING AND ZONING COMMISSION.

On a motion by Eric Hayes, seconded by Andrew Dill, with all present voting "Aye", Nicole Mireles adjourned the meeting at 6:23 PM.

Consideration and possible action of approving Ordinance No. 2020-2601 on creating a downtown zoning district and establishing its boundaries.

Mayor Bass tabled this item until the next Council Meeting on July 6, 2020.

Mayor Bass said for the record we have reconvened regular session of city council.

Citizen's Comments

Jessie Parker spoke to council about a project that she presented before the Pandemic. She said that this project is back on the table, she said that they will be in partnership with the Lincoln School in Houston. On Juneteenth she said there will be training. Mayor Bass asked to keep us notified because we will like to be a part of it.

Pam Tilley spoke to council about 427 East 8th. She said this is the home of her dad. She said that he and several others are still advocating to what should be rightfully theirs. Ms. Tilley asked who is assisting residents in the East End. She asked who will speak to them about what is going on with the Port Freeport. She said that the East End residents can be very helpful. She said that there is so much misinformation given out. She said please consider the East End.

Mayor Bass told Ms. Tilley we have Boards and Commissions that we need members to be in. He said if you are a resident, please get involved. This is one way to get the information. He said that there has been one meeting with the Port, and he still stands the same. The Port will have to fight for the properties that they do not own.

Manning Rollerson said to council that he was going to talk about defunding the Police Department. He said that the Police Department does not need an APC, and a Humvee. He said that we do not need these in our City. He said this is a small community. He said this is a city, and you should be fighting for us. He asked Councilman Green to get the ditches cleaned out.

Kenneth Hayes, commended City Manager Tim Kelty. He said he had a tough job when he came in. He has made some tough decisions and brought some good people in with him.

David Austin, via Teleconference said that he is concerned about his business Signal Electronics that is on 2nd Street with the new Downtown Zoning. He asked if he will be grandfathered in. He said that he does not want to apply for a Special Use Permit. Mayor Bass said there will be a Grandfather clause in the new Ordinance.

Edmeryl Williams said that she wants to commend Ms. Tilley for speaking for their concerns on the East End. She thanked the Mayor, and she said that the East End wants to become a part of everything.

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

Emergency management briefing COVID-19.

Freeport Fire Chief, Chris Motley said that calls have increased, not all COVID related. He said that on June 9, there was COVID-19 free testing that was done. Supplies from Sectrac are working as they should. He said that the supplies are stocked up. He said that there was a family member of an EMS staff which tested positive. The employee is home and waiting for the test results to come back in. He said that the station has been sanitized. He also reminded us that hurricane season started on June 1.

Freeport Police Chief Ray Garivey said that the Police Department is still ready to serve. He said that there were two officers that did test positive for the COVID-19. He said that the City Manager hired a company to come in and sanitize the station, and the jail. The EMS/Fire Department sanitized the Police units. He said that the supplies are good. Chief Garivey said that if there is hightide at the beach, then it is time to move for your safety.

City Manager Tim Kelty said that county numbers on the COVID-19 are rising per day. He said to be vigilant, to not relax and think this is all behind us. He said when more businesses open, we can expect to see the spread continue.

Presentation by BWA/Dow Harris Reservoir, on the Expansion Project. And consideration of approving Resolution No. 2020-2637.

Ronnie Woodruff with BWA and Tim Finley with Dow presented to council the expansion project. Mr. Woodruff said that it will triple the water capacity for periods of drought. Mr. Finley said that the water is being managed today with a short-term BRA contract. He said that they will borrow up to \$15 million through the swift funding. He said that tonight they are needing a signed resolution to allow BWA to go and secure a loan. This will cost the city nothing. Dow will be 100% responsible for this first phase. Melanie Oldham spoke on this.

Mayor Bass said that he is moving the Ordinance from Presentations to regular session where a motion will be made.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from June 15, 2020

Consideration of approving Resolution No. 2020-2632 declaring a 2012 Chevy Tahoe Police unit with 155,000 miles as surplus and authorizing as disposal (to be donated to the Holiday Lakes, Texas Police Department).

Freeport Police Chief Ray Garivey said that he had received a request from the Police Chief from Holiday Lakes, Police Department. He said that his PD is in need of some vehicles. Chief Garivey said that they had a unit and were able to help.

Consideration and possible action for the amendment of the City Attorney, Chris Duncan's contract for services.

Melanie Oldham spoke to council about the 20% raise, \$6600.00 per month in retainer fee, and \$180.00 per hour for additional work. She asked if this was with the EDC as well, or just the city.

Keith Stumbaugh spoke to council about his concern of the possible conflict of interest with City Attorney also representing the Freeport EDC as well.

Consideration of approving Resolution No. 2020- 2633 reappointing qualified person to the Board of Adjustments of said City; Raul Ramirez, Carlos Varela, Keith Stumbaugh.

Consideration and possible action approving the renewal contract with Freese and Nichols.

On a motion by Councilman Cain, seconded by Councilwoman Loeza, with all present voting "Aye" 5-0 Council unanimously approved the Consent Agenda items number 3-7.

REGULAR SESSION

Consideration of approving Resolution No. 2020-2634 for appointing reserve Officers.

Freeport Police Chief, Ray Garivey presented to council Resolution No. 2020-2634 for appointing Reserve Officers. He said that this is something that our ordinance says we must do; the Mayor and Council must approve reserve officers. He said that Reserve Officers are full time peace officers, but they do not get paid. Mr. Kelty said there are six reserve officers, Troy Brimage, Daniel Pennington, Rodney Bowers, Lei Loni Kershaw, Eluterin Martinez and Teresa LeBlanc. They are all TCOLE certified and their commissions are carried through the Freeport Police Department.

Councilwoman Loeza asked if they reserve with no pay? Chief Garivey said yes.

Nicole Mireles asked if they pay for their own commission. Chief Garivey said yes, and they pay for their own uniforms as well.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2020-2634 for appointing reserve Officers.

Melanie Oldham said that she brought this to the attention to Chief Garivey three or four months ago. She also asked if all the Reserve Officers have their license.

Robert Koole said that we just participated in a peaceful protest. He asked why do we need a bigger police force? He said that he thought we were committed to seeing a change. Mayor Bass explained what the Reserve Officers are appointed for, and that they are subject to the same rules as every Officer that is employed by the City of Freeport.

Councilwoman Loeza asked what the liability is if one of the Reserve Officers are injured. Chief Garivey said that they are covered as a full-time officer, just with no pay.

Sandra Leavey commended Chief Garivey for his involvement with the City of Freeport.

Jessie Parker said that she hopes there is some sensitivity training for the officers.

Consideration of approving Resolution No. 2020-2637, BWA/Dow Harris Reservoir. Item # 2

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2020-2367 BWA/Dow Harris Reservoir.

Consideration and possible action of approving Ordinance No. 2020-2602 or unsafe structure.

Keith Stumbaugh said that he wants to make a comment on the improved PA system. He said this is great.

He said that he has concerns on the Unsafe Structure Ordinance. He said that a city official being able to enter a building without notification or without probable cause, he feels this needs to be removed, he is opposed to this.

Ruben Renobato said that he has reservations about this ordinance. He said that he wants to know if there has been any meetings prior tonight over this fifteen-page ordinance. He said that the criminal enforcement is an issue for him, he said that he leans more to civil penalties. He said that there is grant money out there and it does not have to be paid back.

Melanie Oldham said that she has read through the ordinance and she is concerned about the City being able to come into a building without permission. She said that she thinks that the language needs to be changed in this ordinance. She asked who the qualified people on this board will be.

Nicole Mireles asked who will be letting the property owner know that they are not in compliance. Ms. Mireles said that she is not confident in the City's Code Enforcers. She voiced her concern on the low income with some of our residents.

Mayor Brooks Bass said that we have houses falling, houses that are abandoned, he said there are trees growing through roofs. He said that this ordinance is to help with this kind of bad infrastructure. We must reach a compromise to protect our neighbors.

Jeff Pena said that this ordinance is trying to enforce code. He also asked who the committee will be.

Kim Westergaurd per Via Teleconference, said that her home is livable, she asked what are the standards?

This item was tabled.

Consideration and possible approval for Resolution No. 2020-2635 for the Amendment to the Gulf Coast Center's request to transfer public transportation to Gulf Coast Transit District.

City Manager Tim Kelty presented to council Resolution No. 2020-2635 for the Amendment to the Gulf Coast Center's request to transfer public transportation to Gulf Coast Transit District. Mr. Kelty said that this is a resolution amending the contract that was approved last year for the Gulf Coast Center. This resolution will transfer the authority to the Gulf Coast Transit District. The cost will increase by \$846.00 for a three-year contract.

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2020-2635 for the Amendment to the Gulf Coast Center's request to transfer public transportation to Gulf Coast Transit District.

Consideration of approving an Ordinance No. 2020-2603 with exceptions for residential building size requirements for Brazoria County Community Development Program Projects.

City Manager Tim Kelty presented to council Ordinance No. 2020-2603 with exceptions for residential building size requirements for Brazoria County Community Development Program Projects. He said that there are about five homes that are receiving grant funding from the Brazoria County Community Development Grant Program. He said that this ordinance allows for a smaller construction when being funded through a grant program. Mayor Bass said he does not mind making a specific ordinance in this type of situation. He said that if we did not do this then the city would not be able to receive funding for these new houses.

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Ordinance No. 2020-2603 with exceptions for residential building size requirements for Brazoria County Community Development Program Projects.

Melanie Oldham said that this is a great idea, she asked if this applies to the Port homes as well. She said those are carports. She asked if the City Council will be able to look at each individual case.

Eric Hayes asked if there will be garages, or carports? Mayor Bass said there is an exception, and allow carports.

Consideration and possible approval for Resolution No. 2020-2636 for Tax Abatement.

Freeport EDC Director Courtland Holman presented to council Resolution No. 2020-2636 for Tax Abatement. He said that the Tax Abatement expired on October 2, 2019 for residential and commercial. Mr. Holman said that on June 9, 2020 the Freeport EDC reviewed and recommended that the Freeport City Council approve and adopt the new Property Tax Abatement. This must be done every two years by City Council if the council elects to be eligible to participate in Tax Abatement.

Melanie Oldham said that there are a lot of good things in this ordinance. She asked will companies self-report to Ms. Russell. She said that this is good incentive to get businesses here.

City Manager Tim Kelty said that all entities that receive tax abatement from the city will receive annual statement of compliance. Mr. Kelty said that this went to a steering committee before going to the Freeport EDC Board.

On a motion by Councilman Cain, seconded by Councilman Green, with all present voting “Aye”5-0 Council unanimously approved Resolution No. 2020-2636 for Tax Abatement.

WORK SESSION:

Councilman Green asked if there was an update on when the road work on Broad Street by the railroad track. He also asked when the Outriggers will be coming back for the Mystery Ship. Freeport Public Works Director, Lance Petty said that we are still waiting on the outriggers to come back. The street repair will be late October, per the County. Councilman Green also said that on Perry and Ave A, there is a shrub that blocks your view when trying to make a turn.

Councilman Cain said that the property at 1700 West 10th, the grass is waist high. Mr. Kelty said that he will get with Code on this issue.

Councilwoman Loeza said that she received a call from a resident on Slaughter Road about the Dow property in this area. She said that the grass has not been cut. She said that she spoke with a representative from Dow and was told that this will be taken care of. She also asked is there are fire hydrants on Slaughter Road. Chief Motley said that there are fire hydrants in this area. She also asked about the abandoned church, she said that this is an eye sore, and she asked about road repair down this road. Ms. Loeza asked about the lighting in the Arlan’s Shopping Center, she asked who replaces the lights that are out. Mr. Kelty said that this is the property owner’s responsibility.

Councilman Yates said that Dave Austin has a business on 2nd Street, this business has been here for many years. Another issue Mr. Austin said he had a busted line at another building, and he was given a sewer adjustment the \$3000.00 bill was reduced to \$1500.00. He said that the city needs to look into this. Mr. Yates said there is a lot of trash in his Ward. Mr. Kelty said that he knows that the trash is being picked up, there is just more put out every day. He said that the bulk should be picked up weekly

and they are struggling to keep up with this. Mr. Yates also said that the Fishing Fiesta is the 4th of July. He said that he has raised about \$8000.00 for the fireworks.

Mayor Brooks Bass said that we have quotes for \$17,000.00 for the repairs for both fountains in Downtown.

City Manager Tim Kelty said that he picked up a restitution check for \$30,000.00 from the DA's Office, that was paid by a former employee on money that was stolen. And the \$39,000.00 will also be paid over a period of time.

Update on reports / concerns from Department heads

There was no comment from Department heads.

Open session was closed at 8:06 pm and Council entered into Executive Session.

CLOSED SESSION:

Executive Session regarding a.) (Personnel Matters) City Manager Evaluation b.) consultation with city attorney (Potential Litigation) in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.074.

REGULAR SESSION

Mayor Brooks Bass reconvened regular session at 8:26 P.M.

No action was taken.

Adjourn

On a motion by Councilman Yates, seconded by Councilman Green, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 8:27 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas