

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, August 3, 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: Absent  
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  
Billy Shoemaker, Director for Building and Code  
Lance Petty, Freeport Public Works Director  
Kim Townsend, Facility Supervisor  
Clarisa Molina, Administrator Assistant Via teleconference

Visitors:

Melanie Oldham	Ruben Renobato
Manning Rollerson	Kenneth Hayes
Marinell Music	Karen Downing
Ed Garcia	David McGinty
Tommy Pearson	Sam Reyna
Sylvia Davila	Jessie Parker
Jeff Pena	

Visitors, Via Teleconference:

Vander Williams	M. Washington
Blomquis Garcia	Kelle Odom (Grant Works)
Chase Eastland (Masterson)	Roc Cantu
Drew Masterson (Masterson)	Kristin Blomquist (Masterson)

## **Call to order.**

Mayor Pro Tem, Sandra Loeza called the meeting to order at 6:15 p.m.

## **INVOCATION AND PLEDGE OF ALLEGIANCE:**

Invocation and the Pledge was led by City Manager Tim Kelty.

## **Citizen's Comments**

Tommy Pearson 225 S. Front, spoke of his concerns of the water pumps, between Superior Fab. He said that the city has had problems with these pumps in the past. He asked if engineers are working on the electrical for these pumps, will we have the same number of pumps, will there be waterproofing of the bearings and electrical, will there be a switch gear for when there is a power outage.

Kenneth Hayes 223 S. Front, said that he is pleased with all the storm prep that has been done by Mr. Kelty, Lance Petty and all the public workers. He said it was nice seeing all the pumps up and ready to go.

Manning Rollerson 126 West 6, said that he received an email that Troy Brimage had applied for a job at the Freeport Police Department. He said that he has filed a complaint against Mr. Brimage, and nothing has been done. He also asked how the citizens know what the candidates will do, when we aren't talking about anything that will be done.

Sam Reyna 2002 N Ave. G, he spoke to council about a Public Information Request that he submitted on June 10. He passed out the information that he was given.

Jessie Parker 323 East 7th, she spoke to council about the condition of streets in the East End, she said that she has lost two tires in two weeks. She said that there is grass growing out of the streets. Ms. Parker said that her Councilman does nothing for her Ward.

Melanie Oldham 922 West 5<sup>th</sup>, spoke of Port Freeport, the Eminent Domain and the East End. She said that there has been no improvement on infrastructure on the East End. She said City Council needs to do the right thing. Ms. Oldham said that the city needs to hire an Eminent Domain Attorney. She also said that we do not need to allow trucks to go down 2<sup>nd</sup> or 5<sup>th</sup> Street.

Merinell Music 126 Dutch Lane, Oyster Creek, spoke to council about her lease agreement with the City. She said that she would like the property to be transferred to the EDC, so that they can sell and she would be interested in trying to purchase the property. She said that the new lease, is a standard commercial lease for one year with no option to renew. Ms. Music spoke of her concerns on the proposed lease agreement.

Jeff Pena 224 West Park, spoke to council about the developments of downtown freeport. He said there needs to be a clear and sensible policy when it comes to City of Freeport owning and leasing any property. He said that there have been two businesses that have left the downtown area, Captain Ken's Bar and Grill and Roc's Kitchen. He spoke on the COVID-19 numbers, and said that Brazoria County has the highest numbers. He said there needs to be enforcement rules on the mask. He thanked the City for the lights and the flag in downtown.

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

### Emergency management briefing COVID-19.

Freeport Fire Chief Chris Motley said that there were 143 tests done at the Freeport Park for the COVID-19 screening. He said that Freeport had higher numbers over the weekend, and it is possibly from the testing. He said that we need to keep educating everyone, and to wash our hands with soap and water, wear our mask, and social distance. He said that we have to follow the rules. Chief Motley said that the supplies are good.

Freeport Police Department, Captain Danny Gillchriest said that the Police Department is still doing good, and is working great. He said that there are no issues with the public wearing masks.

### Presentation of the Investment Report for the quarter ending June 30, 2020.

Assistant City Manager Stephanie Russell presented to council the Investment Report for the quarter ending June 30, 2020.

There was no questions or comments on this presentation from council or citizens.

### **CONSENT AGENDA**

#### Consideration and possible action on the approval of City Council meeting minutes from July 20, 2020.

Consider and approving Resolution No. 2020-2639 adopting the actions of the City of Freeport Employee Benefit Trust

Consideration and possible action approving Ordinance No 2020-2604 amending school zone times.

Consideration and possible action approving Resolution No. 2020-2640 for the revision of Chapter 9 in the Personnel Policy Handbook.

Consideration and possible action on approving Resolution No. 2020-2641 for temporary policy for the COVID Call-Pay Policy for First Responders.

Consideration and possible action approving Resolution No. 2020-2642 appointing/re-appointing a member to the BWA Board.

On a motion by Councilman Yates, seconded by Councilman Green, with all present voting "Aye" 4-0 Council unanimously approved the Consent Agenda.

### **REGULAR SESSION**

**Public Hearing:** Pubic Hearing and possible action on Jenkins Tone Road Subdivision.29.48 Acres- 4 Lots a Subdivision Plat of a 29.48 Acre Tract Consisting of a Called 14.19 Acre Tract Out of a 14.82 Acre Tract Out of Lot 6 In Tract 3, Division 18 of The S.F. Austin 7-1/3 Leagues Grant, Abstract 20, Brazoria County, Texas.

**Public Hearing:** Pubic Hearing and possible action on a Replat of Lot 453, Block 3 formerly known as lots 453 & 454, Block 3 (2.144 Acres). of Bar "X" Ranch Section two recorded in Volume 16, Pages 119-128 of The Brazoria County Plat Records in The Samuel Carter League Abstract 53 Brazoria County, Texas July 2020.

Mayor Pro Tem Sandra Loeza said that item number's nine & ten will have no action.

City Manager Tim Kelty said that these are public hearings for minor replats, in the ETJ. There was no quorum at the Planning and Zoning Public Hearing so there was no action taken. Mr. Kelty said that State Law says we have a certain amount of time to act, and there will not be enough time for Public Hearings to be rescheduled on these minor replats. After thirty days they are automatically approved. He said that he feels very confident that these replats would have been approved.

No action taken on the Public Hearings.

Consideration of adopting Ordinance No. 2020-2602 amending regulations on substandard and unsafe structure abatement.

Billy Shoemaker, Freeport Building/Code Director presented to council Ordinance No. 2020-2602 amending regulations on substandard and unsafe structure abatement. Mr. Shoemaker said that this has been brought before Council a few times, as well as the Mayor, and Legal Counsel to make sure that all documentation has been corrected to everyone's satisfaction. City Manager Tim Kelty said that the language has been changed on the probable cause and notice requirements. Mr. Kelty said that rather than creating a new Building Standards Board, these cases will go to the Board of Adjustments. He said that this ordinance is for structures that are unsafe and needs significant work.

Mayor Pro Tem, Sandra Loeza asked if this is for both commercial and residential buildings? Mr. Shoemaker said this is for all structures in the City Limits.

Councilman Yates asked how to file a complaint? Mr. Shoemaker said you call the Code Department at City Hall. Mr. Yates asked if there is a record required for the complaint? Mr. Shoemaker said that the person filing the complaint may remain anonymous. He said that there will be written complaints issued and there will be a paper trail, as well as computer software where all records will be input. There will be a record of every complaint that is filed. Mr. Kelty said that every complaint can be looked up by a complaint number.

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting "Aye" 4-0 Council unanimously approved adopting Ordinance No. 2020-2602 amending regulations on substandard and unsafe structure abatement.

Consideration and possible action regarding proposal for HVAC improvements at Police Department.

Public Works Director, Lance Petty presented to council the proposal for HVAC improvements at the Police Department. He said that this will replace the chiller system. He said that the proposal is from Comfort USA, and it is for a 30-ton unit, and in the amount of \$64,962.29.

Mayor Pro Tem asked how long the warranty is for. Mr. Petty was unable to give this information, but said that he will get the information.

Councilman Green asked approximately how old the unit is? Mr. Petty said that he is not sure.

On a motion by Councilman Green, seconded by Councilman Cain, with all present voting "Aye" 4-0 Council unanimously approved the proposal for HVAC improvements at Police Department, with the condition of at least a two-year warranty.

Consideration of approving Task Authorization #13 with Freese and Nichols for development and submission of an Application to the Texas Water Development Board.

City Manager Tim Kelty presented to council Task Authorization #13 with Freese and Nichols for development and submission of an Application to the Texas Water Development Board. He said that we have been approved at the preliminary level, and the full application is due by the first of November. He said that the application is very extensive process.

Melanie Oldham asked if the City did get the funding, will the city have to come up with the eleven percent match? City Manager Tim Kelty said that there is not an eleven percent match, but part of this funding is a loan.

On a motion by Councilman Yates, seconded by Councilman Cain, with all present voting “Aye” 4-0 Council unanimously approved Task Authorization #13 with Freese and Nichols for development and submission of an Application to the Texas Water Development Board.

Consideration and possible action awarding Request for Proposals (RFP) #2005 for CDBG Disaster Mitigation Grant Administration.

Assistant City Manager Stephanie Russell presented to council the request for proposals for awarding (RFP) #2005 for CDBG Disaster Mitigation Grant Administration. Ms. Russell said that there were five proposals. She said that staff recommends awarding to Grant Works, based on their criteria.

On a motion by Councilman Cain, seconded by Councilman Green, with all present voting “Aye” 4-0 Council unanimously approved awarding Request for Proposals (RFP) #2005 for CDBG Disaster Mitigation Grant Administration.

Consideration and possible action on approving Ordinance No. 2020-2605 on the new Water/Sewer Rate.

Assistant City Manager Stephanie Russell, presented to council Ordinance No. 2020-2605 on the new Water/Sewer Rate. She said that this 16 % increase was previously presented to council in April 2020. She said that this new rate will begin in October 1, 2021. Ms. Russell said that staff recommends that council approve this ordinance now to give the public ample notice of the increase.

Ed Garcia 1924 North G, he said that he is against this ordinance. He said with the pandemic and the unemployment, he feels that this is unfair. He said that he hopes that council will reconsider this ordinance. He also spoke on funds that DOW and LNG gave to the city.

Mrs. Yates asked if there was a rate increase recently, and she asked how much the percentage was? Ms. Russell said that there was a rate increase in 2019, and was not sure of the percentage.

Melanie Oldham 922 West 5<sup>th</sup>, said that 16% is too large of an increase.

Councilman Green, asked if the fees that are collected in sewer and water help cover infrastructure expense of the city’s water and sewer utility? Ms. Russell said yes, they pay directly to support the improvements that will be made over the next few years.

City Manager Tim Kelty said that the public has demanded necessary improvements to the water and sewer. He said that the infrastructure has been neglected for years, and this means there is a lot of work

to do. He also said that the utility fund is supposed to stand on its own. He said that it was in serious financial distress last year.

Councilwoman Loeza asked if the senior citizens receive discounts? Ms. Russell said that the city does not do this but it is something we can look into. Councilwoman Loeza said if we don't increase, then we keep falling further behind. Ms. Russell said yes.

Councilman Yates said we need to pass this rate increase in order to fix the problems.

Councilman Cain said that this was brought several months ago, he said that it was tabled then so that the citizens could participate in this discussion.

On a motion by Councilman Yates, seconded by Councilman Green, with all present voting "Aye" 4-0 Council unanimously tabled approving Ordinance No. 2020-2605 on the new Water/Sewer Rate.

Consideration and possible action approving Ordinance No. 2020-2606 authorizing the issuance of Bonds for streets and drainage.

Assistant City Manager Stephanie Russell presented to council Ordinance No. 2020-2606 authorizing the issuance of Bonds for streets and drainage. She said that is for \$8 million the interest rate is 1.44%. She said that the city received a AA-bond rating. She said that Financial Advisor recommends awarding to Baker Group.

On a motion by Councilman Yates, seconded by Councilman Green, with all present voting "Aye" 4-0 Council unanimously approved Ordinance No. 2020-2606 authorizing the issuance of Bonds for streets and drainage.

Consideration and possible action approving Resolution No. 2020-2643 for Freeport Application to Texas Mainstreet Program

LeAnn Strahan, Freeport Destination Director presented to council Resolution No. 2020-2643 for Freeport Application to Texas Mainstreet Program. She said that staff recommends approval of the resolution to authorize participation in the Texas Main Street program, and designating the City Manager to supervise program activities.

City Manager Tim Kelty said that Ms. Strahan will act in the capacity as Main Street Manager.

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting "Aye" 4-0 Council unanimously approved Resolution No. 2020-2643 for Freeport Application to Texas Mainstreet Program.

**WORK SESSION:**

Councilman Green asked when the outriggers will be completed? Mr. Petty said that they should start tomorrow morning on the install. Councilman Green also asked why the trash cans on Broad Street, Park Ave and Oak are so far into the street. He asked when Church's Chicken will open, Billy Shoemaker said in believes in September.

Councilman Cain asked if we have a mosquito truck, and when we can get the city sprayed. Lance Petty said that the spraying has started, and the county has begun to spray as well.

Councilman Yates said that the Fishing Fiesta is put on by the Lions Club, he said that it was limited this year. He said that Ann Johnston was unhappy about the city not supporting her. Mr. Yates said that businesses are leaving the city. He asked about the pumps on Ave A, if there will be funding through the bond for these, and asked if they are being engineered currently? Mr. Tim Kelty said yes.

Councilwoman Loeza said that there is a house on Ave H there is high grass, she said that the house looks vacant. She asked about the shopping strip on Brazosport Boulevard, she said that it is vacant, and is curious if something will be done with the property. Billy Shoemaker said that the owner is talking of demo and rebuilding.

City Manager Tim Kelty said that the streets will be ready for asphalt early September. He announced that the Presentation of the Proposed Budget will be on Thursday August 6, 2020 at 6 P.M.

Update on reports / concerns from Department heads

There was no comment from Department heads.

Open session was closed at 7:50 pm and Council entered into Executive Session.

**CLOSED SESSION:**

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), 212 East Park Ave in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.074.

**REGULAR SESSION**

Mayor Pro Tem Sandra Loeza reconvened regular session at 8:17 P.M.

Consideration and possible action approving lease agreement with Lucy Goose Market

On a motion by Councilman Yates seconded by Councilman Green, with all present voting “Aye” 4-0 Council unanimously approved to table this item until the next Regular Council Meeting.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting “Aye”, Mayor Pro Tem, Sandra Loeza adjourned the meeting at 8:18 PM.

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Mayor, Brooks Bass  
City of Freeport, Texas

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City Secretary, Betty Wells  
City of Freeport, Texas