

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, October 5, 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
Chris Motley, Freeport Fire Chief
Lance Petty, Public Works Director
Courtland Holman, Freeport Economic Development Director
Billy Shoemaker, Building/Code Director
Ray Garivey, Freeport Police Chief
Clarisa Molina, Administrator Assistant Via Teleconference
LeAnn Strahan, Destinations Director Via Teleconference

Visitors: Jerry Meeks (Veolia) David McGinty
Manning Rollerson Ruben Renobato
Melanie Oldham Nick Irene (Facts)

Visitors, Via Teleconference: Amanda Sylvia Davila
Melissa Washington (GLO) Pena
Donna Williams

Call to order.

Mayor Bass called the meeting to order at 6:01 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was led by City Manager Tim Kelty. Pledge was led by Mayor Brooks Bass.

Citizen's Comments

Manning Rollerson spoke to council of his concern for the citizens of the East End, he said that he wanted to know where the city stands. He also spoke to council about the apartments his daughter lives in, and his concern of City Employees not answering the city phones.

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

Emergency management briefing COVID-19.

Freeport Fire Chief Chris Motley said that the numbers are on a downward trend, he said that they look good for the City of Freeport. He said that supplies are good. He reminded us that we are in hurricane season, and we need to keep an eye on Gama.

Freeport Police Chief Ray Garivey said that the Police Department is doing good. He also announced National Night out is Tuesday October 6, 2020 he said that this is a drive thru event this year. He said that they have been helping out the City of Lake Jackson with the POD that is set up to help with the water situation in the city.

Mayor Bass that he is proud of the city's quality leadership. He commended Chief Motley and Chief Garivey for all the dedication that these departments give.

Jerry Meeks with Veolia, spoke to council about the water issue that occurred with BWA. He said that this is affecting the City of Lake Jackson only. He said that the City of Freeport water meets all the criteria that TCEQ sets forth. He also said that water is tested daily in the City of Freeport.

Councilman Cain asked if this is a daily test because of what happened in the City of Lake Jackson? Mr. Meeks said this is something that we do every day.

Presentation by Freese and Nichols on the TWDB Grant.

Ron Bavarian, P.E. with Freese and Nichols spoke to council about the update to the pre- application that was submitted to TWDB for a \$14M Grant Loan. He said that this was submitted back in February, he said about two weeks ago they were told that the city did not rank high enough and had not been invited to submit a full application. He said that we will be applying for a TWDB low-interest loan funding in the Spring, and we are also working on the GLO Grant that will be discussed later on in the meeting.

Mayor Bass asked if we are eligible for the grants will there be money to pay back? Mr. Bavarian said there is about a \$60,000 match requirement.

Councilwoman Loeza asked why the city did not rank high enough? Mr. Bavarian said that the city's scoring on the water system did not score high enough, that the system is not broken enough, was not under any kind of enforcement action by TCEQ. He said that the money is going to other cities whose systems were in even worse shape and were under enforcement action. He said that we ranked at 89 out of 141.

REGULAR SESSION

Consideration and possible action on Resolution No. 2020-2661 authorizing the submission for City of Freeport for an application for the Community Development Block Grant-Mitigation (CDBG-MIT) 2016 HUD MID grant program administered by the Texas General Land Office (GLO).

Assistant City Manager Stephanie Russell presented to council a Resolution No. 2020-2661 authorizing the submission for City of Freeport for an application for the Community Development Block Grant-Mitigation (CDBG-MIT) 2016 HUD MID grant program administered by the Texas General Land Office (GLO). She said for this application we would submit for the amount of \$6 million. She said that the city would commit a match of one percent, which would be about \$60,000.00. Ms. Russell said that this project we would recommend the city-wide sewer line improvements.

Ron Bavarian, P.E. with Freese and Nichols, said that the repairs for this project would be for the collection system.

Councilman Yates asked what this project was for? Mayor Bass said that it is for city wide sewer improvements. Ron Bavarian said that it will be used in the most needed I & I Problems.

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council approved Resolution No. 2020-2661 authorizing the submission for City of Freeport for an application for the Community Development Block Grant-Mitigation (CDBG-MIT) 2016 HUD MID grant program administered by the Texas General Land Office (GLO).

Consideration and possible action on Resolution No. 2020-2662 authorizing the submission for City of Freeport for an application for the Community Development Block Grant-Mitigation (CDBG-MIT) Harvey HUD MID grant program administered by the Texas General Land Office (GLO)

Assistant City Manager presented to Council, Resolution No. 2020-2662, authorizing the submission by the City of Freeport for an application for the Community Development Block Grant-Mitigation (CDBG-MIT) Harvey HUD MID grant program administered by the Texas General Land Office (GLO). She said that this will need a revision to the Resolution, she said that the amount is \$6,052,000.00. She said that the city's match will be \$60,520.00.

Ron Bavarian said that this will repair the major unit at the waste water treatment plant.

Mayor Bass asked Chris Duncan if we can go forward with the amendment? Chris Duncan said yes.

Roy Yates said there are two applications, are these two different projects? Stephanie Russell said yes. One is for the I & I and the other is for the Waste Water Treatment Plant.

Councilwoman Loeza asked how long the approval process takes. Ms. Russell said it will probably be by the first quarter.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye" 5-0 Council approved Resolution No. 2020-2662 authorizing the submission for City of Freeport for an application for the Community Development Block Grant-Mitigation (CDBG-MIT) Harvey HUD MID grant program administered by the Texas General Land Office (GLO), with the revision in the amount of \$6,052,000.00 and the city's portion to be \$60,520.00 to Resolution No. 2020-2662.

Public Hearing: Public Hearing and possible action on Gregory Subdivision, a two-lot subdivision of the Mike Gregory Called 2.739 Acre Tract recorded in Clerk's File No. 20-033374 of the Brazoria County Official Records and situated in the John McNeel Survey Abstract 92 Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 6:33.

Assistant City Manager Stephanie Russell presented to Council possible action on Gregory Subdivision, a two-lot subdivision of the Mike Gregory Called 2.739 Acre Tract recorded in Clerk's File No. 20-033374 of the Brazoria County Official Records and situated in the John McNeel Survey Abstract 92 Brazoria County, Texas. She said that this was posted and notices sent with no questions or comments.

Melanie Oldham asked why Planning and Zoning did not reschedule the meeting. Mr. Kelty said that there had not been enough time to provide proper legal notice to hold a rescheduled Planning and Zoning Public Hearing.

Mayor Bass closed the Public Hearing at 6:36

On a motion by Councilman Cain, seconded by Councilwoman Loeza, with all present voting "Aye" 5-0 Council approved action on Gregory Subdivision, a two-lot subdivision of the Mike Gregory Called 2.739 Acre Tract recorded in Clerk's File No. 20-033374 of the Brazoria County Official Records and situated in the John McNeel Survey Abstract 92 Brazoria County, Texas.

Public Hearing: Public Hearing and possible action on Lyon Subdivision a two-lot subdivision of the Charles E. and Paula O. Lyon called 22.703 Acre Tract. Recorded in County Clerks File No. 13-014345 of the Brazoria County Official Records situated in the Stephen F. Austin 7-1/3 League Abstract 20, City of Freeport, Brazoria County, Texas

Mayor Bass opened the Public Hearing at 6:36.

Assistant City Manager Stephanie Russell presented to Council possible action on Lyon Subdivision a two-lot subdivision of the Charles E. and Paula O. Lyon called 22.703 Acre Tract. Recorded in County Clerks File No. 13-014345 of the Brazoria County Official Records situated in the Stephen F. Austin 7-1/3 League Abstract 20, City of Freeport, Brazoria County, Texas. She said that notice was given and there were no questions or comments.

Councilwoman Loeza asked, if they were wanting to sell one part of the lot, and keep one? Ms. Russell said yes.

Melanie Oldham said that she looked over the plats, and part of this may be in a flood zone.

Mayor Bass closed the Public Hearing at 6:41.

On a motion by Councilwoman Loeza seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Lyon Subdivision a two-lot subdivision of the Charles E. and Paula O. Lyon called 22.703 Acre Tract. Recorded in County Clerks File No. 13-014345 of the Brazoria County Official Records situated in the Stephen F. Austin 7-1/3 League Abstract 20, City of Freeport, Brazoria County, Texas.

Public Hearing: Public Hearing and possible action on Pena Subdivision a combination of lots 485 and 486, Block 3 of the Bar X Ranch Subdivision Section 2, recorded in Volume 16, Page 119-128 of the Brazoria County Plat Records situated in the Samuel Carter Survey, Abstract 53, Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 6:41.

Assistant City Manager Stephanie Russell presented to Council possible action on Pena Subdivision a combination of lots 485 and 486, Block 3 of the Bar X Ranch Subdivision Section 2, recorded in Volume

16, Page 119-128 of the Brazoria County Plat Records situated in the Samuel Carter Survey, Abstract 53, Brazoria County, Texas. She said that notice was given, and there were no questions or comments.

Councilwoman Loeza asked how long the notice is posted? Ms. Russell said that notice must be posted fifteen days prior to the public hearing. A single notice was provided for both the Plan Commission and Council public hearings.

Mayor Bass closed the Public Hearing at 6:43.

On a motion by Councilman Cain seconded by Councilwoman Loeza, with all present voting “Aye” 5-0 Council unanimously approved the Pena Subdivision, a combination of lots 485 and 486, Block 3 of the Bar X Ranch Subdivision Section 2, recorded in Volume 16, Page 119-128 of the Brazoria County Plat Records situated in the Samuel Carter Survey, Abstract 53, Brazoria County, Texas.

Consideration and possible action adopting Federal Procurement Policies & Procedures and a Resolution No. 2020-2660 to Amend the City’s existing Purchasing Policy Accordingly.

Assistant City Manager Stephanie Russell presented to council Federal Procurement Policies & Procedures and a Resolution No. 2020-2660 to Amend the City’s existing Purchasing Policy Accordingly, she said that this is to add revisions to section K for Federal Grants, in order to be compliant with grant requirements.

On a motion by Councilman Yates seconded by Councilwoman Loeza, with all present voting “Aye” 5-0 Council unanimously approved adopting Federal Procurement Policies & Procedures and a Resolution No. 2020-2660 to Amend the City’s existing Purchasing Policy Accordingly.

Consideration and possible action approving Resolution No. 2020-2656 to Amend the Investment Policy.

Consideration and possible action approving Resolution No. 2020-2657 authorizing submission of FICA Application and designating signatories.

Mayor Bass said that, he would like to table these two items, numbers 10 and 11 on the agenda. He said that he would like to have more time for council to review and ask questions on these items since they are investments on city funds.

Item numbers 10 and 11 were tabled.

Consideration and possible action of approving Resolution No. 2020-2658 for a policy revision to the Personnel Policy Handbook regarding the establishment maintenance of computer passwords.

Human Resource Director, Brenda Ferguson presented to council Resolution No. 2020-2658 for a policy revision to the Personnel Policy Handbook regarding the establishment maintenance of computer passwords. She said staff recommends this change to the Personnel Policy Handbook. Ms. Ferguson said that our existing policy does not specifically address the use of computer password.

Mayor Bass asked Councilwomen Loeza if these were the similar to what the bank requires for data security, if this is just a way to keep up with technology? Councilwomen Loeza said yes.

On a motion by Councilman Yates seconded by Councilman Green, with all present voting “

Aye” 5-0 Council unanimously approved Resolution No. 2020-2658 for a policy revision to the Personnel Policy Handbook regarding the establishment maintenance of computer passwords.

Consideration and possible action on the approval of an amendment to the Freeport EDC By-Laws.

Freeport EDC Director, Courtland Holman presented to council the possible action on the approval of an amendment to the Freeport EDC By-Laws. Mr. Holman said that the Freeport EDC is recommending changing the By-Laws, to exclude Ex-Officio members, City Liaison and City Management from closed session. He said that this is a reversal from the previous action from November 2019.

Mayor Bass asked if Mr. Holman recalled the wording for allowing their participation prior to November of last year. Mr. Holman said that the by-laws were silent on the issue.

Councilwoman Loeza asked what is Ex-Officio. Mr. Holman said that the by-laws designate the City Manager, Assistant City Manager and City Council Liaison as ex-officio members meaning that they are expected to provide input but do not vote.

Councilman Green said that as currently written the Ex-Officio and Liaison can attend closed session meetings. Mr. Holman said yes. Councilman Green also said that the liaison is there to represent City Council, if the liaison cannot go into closed session how can this happen?

City Attorney Chris Duncan said this Ex-Officio position was designated so that they can be in closed session, but not to vote.

City Manager said that if this is approved tonight, then the Ex-Officio and the City Liaison will not be allowed into the closed session of EDC.

On a motion by Councilman Cain seconded by Councilwoman Loeza, with all present voting “Aye” 3-1 Council approved to deny the approval of an amendment to the Freeport EDC By-Laws. Councilman Green, being the EDC Liaison reclused himself from voting, and Councilman Yates abstained from voting.

WORK SESSION:

Councilman Green asked about the road work on Hickory down to Walnut, he asked what is the ETA? Freeport Public Works Director, Lance Petty said hopefully in the next two weeks.

Councilman Cain said that he had no comments.

Councilwoman Loeza asked what was being done to the building next door to the Freeport Vet Clinic. Special Project Coordinator/Assistant City Secretary, Laura Tolar said that this is going to be an Animal Boarding Facility being done by the vet clinic. Councilwoman Loeza asked who is responsible for the roads in trailer parks, and if they fall under the same guidelines with our city ordinances, and if the Code Officers drive through the parks? Tim Kelty said trailer parks are required to comply with the same guidelines as regular residential houses. But the roads are private property, he said that he could not answer if the Code Officers look at the trailer parks, but he would check into it. She also asked about the digital sign in front of the park, she said that it is still not working are we going to get this fixed?

Councilman Yates said that he had no comments.

Mayor Bass said that he has received a letter from FEMA about the National Flood Insurance Program, he said that it looks as if it is complimenting us, but there is a deadline of December 30. He asked if we are still on target to get surveys done so that we are compliance.

Update on reports / concerns from Department heads

There were no comments from Department heads.

Open session was closed at 7:09 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.

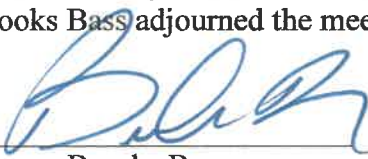
REGULAR SESSION

Mayor Brooks Bass reconvened regular session at 7:34 P.M.

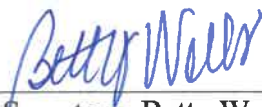
No action taken in Executive Session.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 7:34 PM.



Mayor, Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas