

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, February 18, 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 Absent

Staff: Tim Kelty, City Manager  
Stephanie Russell, Assistant City Manager  
Betty Wells, City Secretary  
Chris Duncan, City Attorney  
Brenda Miller-Ferguson, Human Resource Director  
David Hoelewyn, Street Department Director  
Nat Hickey, Property Manager  
Brian Dybala, Freeport Golf Course Director  
LeAnn Strahan, Freeport Destination Director  
Chris Motley, Freeport Fire Chief  
Justin Davison, Freeport Fire/EMS  
Cody Chandler, Freeport Fire/EMS  
Chris Stamey, Freeport Fire/EMS  
Randall Thompson, Freeport Fire/EMS  
Chris Veirria, Freeport Fire/EMS  
Kim Townsend, Parks Director  
Donna Fisher, Human Resource Specialist  
Ray Garivey, Freeport Police Department Chief  
Billy Shoemaker, Code/Permit Director

Visitors: Melanie Oldham  
Mario Muraira  
Nicole Mireles  
Keith Stumbaugh  
Angie Williams  
Dolly Gallardo  
Cliff Vandergriff  
David Walker  
Victoria Rodriguez  
Manning Rollerson  
David Towers  
Sam Reyna  
Edmeryl Williams  
Cindy Cain  
Maria Owens  
Mark Evans, Freese & Nichols  
Pam Tilley  
Ruth Renobato

Jessie Parker  
Ruben Renobato  
Mario Muraira  
Desiree Pearson  
Manning Rollerson

Lila Lloyd  
Bob Koole  
David Towers  
Tommy Pearson  
Sam Green

### **Call to order.**

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

### **Citizen's Comments**

Manning Rollerson spoke to council of his concerns of the issues on the East End of Freeport. He said that his grandmother bought her home from Ms. Beacroft. He said that the residents in the East End have been lied to. Mr. Rollerson asked what the city is going to do, because the whole city is being taken over by industry, he said that the East End was let down by the leaders of the City of Freeport.

David Walker spoke to council regarding his concerns on the new homes on 9<sup>th</sup> street which were built by the Port Freeport in the East End. He said that there are problems with these new builds. He asked if council was aware of the problems. He said that drainage from the kitchen sink would drain into the dishwasher and then run on the floor. He asked if there is any kind of recovery for residents in the East End. Mayor Bass said that he was unaware of the issues, but he will make sure this is looked into. Mayor Bass he has not met with the Port since he has become Mayor, but did say there will be a meeting with the Port soon, and his job as the Mayor of the City of Freeport is to work with all folks, and most important to the citizens of Freeport. Mayor said that he will not go in gently with Port Freeport.

Ms. Pam Tilley spoke to council about her concerns of the East End, she said that she is encouraged by what she has heard tonight in that council is working on the concerns of East End Freeport. She said that she was unaware that the City had not met with the Port Freeport yet, and that the residents would like to be apart of this. She said that her father is 95 years old and has lived in the East End for more than 70 years, and still lives here. She said during this time he raised his family and given of his time. She said that her father gets letters from Port Freeport. She said there are no sidewalks in the East End. No road improvements. She said that the residents want to be a part of the partnership which the residents are hearing about.

Melanie Oldham spoke to council stating that she lives in Ward A. She said that she applauds the Mayor and Council of the City of Freeport. Ms. Oldham said that the Port has had to much freedom to be able to take land from the East End residents. She said that silence is consent.

Jessie Parker said that she is here to speak of the East End. She said that her family has been on the property for 75 years. She said that there was a city ordinance that said black people could only live on the East End of Freeport. She said that their family did not have a choice. She said that those that did not grow up here do not realize that the residents of the East End took care of themselves. Ms. Parker said

that they had barbers, grocery stores, and convenience stores. She said that when the City celebrated the 100 years of Freeport, the East End was not included in this. She said that the gutters and curbs were paid by the residents, but there are still no sidewalks. Ms. Parker said that what has happened to the East End was intentional. She is asking that before the East End is completely demolished to please help save the legacy and the work that was done in this community. April 2-6, 2020, she said that she has reserved the library in Freeport and Lake Jackson so that people can come, tell their stories and share pictures. She said that this is an organization called The East End Families.

Ruben Renabato said that a few weeks ago, on January 24, he witnessed a sad event that happened to our city. He said corruption and greed took over. Truth was shattered. He said the city got a black eye from this. Public service should not be taken lightly, it is a high calling or service to others not to ourselves. He said even after all that has happened there still remains hope. Mr. Renabato said make Freeport proud again. Make Freeport great again

Cliff Vandergriff thanked council and the Mayor for their services for the City of Freeport. Mr. Vandergriff said that he hired a builder to build his home. He said that from his open record request documents, he does not feel that the City of Freeport followed proper procedures for inspections. He said that when he hired his builder, he depended on them to do the right thing, and for the City to follow the Residential Code, and to watch over the build. He said that he feels he was let down by the City of Freeport.

Robert Koole spoke to council about his concerns to save his home and the East side of Freeport. He said that dump trucks are destroying the roads, and the city just turns a blind eye to the situation. Mr. Koole said that he has had permits denied. Mr. Koole has asked council in the past for street repair, and he hopes that East End is worth saving. Mr. Koole said that he has purchased limestone to fix the holes on his street.

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

#### Employee of the month for January 2020.

City employee Cody Chandler was presented with a certificate recognizing him as Employee of the Month for January 2020.

#### Presentation by Freese and Nichols, Texas Water Development Board Grant Program.

Mark Evans, Funding Specialist, with Freese and Nichols presented to Council the Texas Water Development Board Grant Program. Mr. Evans said that if you are going to be doing funding for your water projects, this program will save money. Mayor Bass asked, what this program will get for the city. Mr. Evans said in this case, it will get lower than market interest rate savings, and the possibility of getting part of the projects funded by a grant. Mayor Bass asked if Mr. Evans would assist the city in the process of this loan. Mr. Evans said from start to finish. Nicole Mireles asked if this will include the updating of the water/sewer treatment. Mr. Evans said typically what the city does is they will go through a comprehensive planning, with a review of the facility. The city will then prioritize the projects and decide which ones to fund.

#### Presentation by Freese and Nichols for the Pump Station.

Carlos Quintero, PE with Freese and Nichols, presented to council the condition assessment of the Levee storm water pump station. Mr. Quintero said that they concentrated on the electrical issues that the pump

station has been having. He said that the assessment will help the city to create a pathway to identify what will be the appropriate action to take. He said that his recommendation is to separate the electrical building, lightning protection system, upgrade the ATS (Automatic Transfer Switch), replace 150A circuit breaker, install an SPD, remove old instruments/overhead lines, and prepare arc flash assessment. The preliminary electrical cost is \$187,000.00. Mayor Bass asked if we decide to use these funds will this prevent what we have had in the past. Mr. Quintero said yes. Mayor Bass asked, if he was assuring us that the actual pumps were still operational, and worth putting this money into them. Mr. Quintero said no that the one that was removed is in poor shape. Mr. Kelty asked if he knew how old the pumps are. David Hoelewyn said the new pump is about three years old, and that the other pump had been rebuilt about three and half years ago. Tommy Pearson asked if this includes the third pump that is missing. Mr. Quintero said no, this is just for the electrical. Mayor Bass if we redo the electrical system, can we tie in the third pump? Mr. Quintero said yes.

### **CONSENT AGENDA:**

Consideration and possible action on the approval of City Council meeting minutes from February 3, 2020.

Consideration and possible action authorizing the Mayor to execute a revised Interlocal Cooperation Contract with the DPS of the State of Texas regarding the Failure to Appear Program

Item number 5 Interlocal Cooperation Contract with the DPS was moved to Regular Session, by Mayor Bass for further discussion

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting “Aye”, Council unanimously approved Consent Agenda item number 4.

### **REGULAR SESSION**

Consideration and possible action authorizing the Mayor to execute a revised Interlocal Cooperation Contract with the DPS of the State of Texas regarding the Failure to Appear Program

Assistant City Manager Stephanie Russell presented to council a revised Interlocal Cooperation Contract with the DPS of the State of Texas regarding, the Failure to Appear Program. She said that this interlocal change is to accommodate the changes of the Texas Transportation Code that went into effect in January 1, 2020. Councilwoman Loeza asked if it is approximately \$660.00 in lost revenue annually. Stephanie Russell said yes, it is a very small impact on us.

On a motion by Councilwoman Loeza, seconded by Councilman Cain with all present voting “Aye”, Council unanimously approved authorizing the Mayor to execute a revised Interlocal Cooperation Contract with the DPS of the State of Texas regarding the Failure to Appear Program.

Direction and discussion on City Hall renovation.

City Manager Tim Kelty presented to council the renovations to City Hall. He said that staff would like to move Council Chambers and Municipal Court to the bank side of City Hall. He said that doing this would free up space in the current Chambers, and the Police Department could add some additional office space. Mr. Kelty also said that other things that need to be done are additional bathrooms on the first floor, adequate breakroom for staff on the first floor, renovation of the bathrooms on the second floor,

increased security, bringing the building up to code, evaluation of space needs to determine the most efficient plan, adding and removing walls to maximize space. Mr. Kelty said that we have already spent money to repair the HVAC and the elevator at City Hall. He said that what staff proposes is to use \$66,500 that was budgeted for the potential move to the O.A. Fleming building, since this move was decided against. Mayor Bass said that there are some immediate needs on the list that need to be taken care of. City Manager Tim Kelty said that there are some things that can be done now without getting into this budget. Such as, the second-floor bathroom which is cosmetic issues. He said that there are some things that are being done now, the carpets will be shampooed this Saturday, the railing in the staircase has been scraped and is getting ready to be painted. As far as putting restrooms on the first floor where there are no public bathrooms, he said that we will need adequate planning for this. Councilwoman Loeza said that most of the budgeted money would be spent mainly on the recommendation on what needs to be done. Mayor Bass said that his suggestion is that we hire someone for the structural changes that will be needed.

### Discussion regarding Riverfest

City Manager Tim Kelty presented to council this year staff plans on having the following activities during Friday and Saturday of the normally scheduled event Riverfest. He said that on Friday there will be the annual BBQ cookoff, which is sponsored by the Fire Department. He said that Friday late afternoon there will be the first round of judging of the BBQ, and Friday night there will be a band in the pavilion with security, this will be a BYOB event. On Saturday there will be bounce houses, rock climbing and shaved ice for sale in the park. The BBQ teams will continue throughout the day with three judged events. One in the morning and two in the afternoon. Staff is exploring other activities for these two days. Staff will be meeting later this week with the Brazoria County Hispanic Lions Club who has asked about running a crawfish boil and cookoff for the public. Mr. Kelty said that plans have begun for 2021 Riverfest. Nicole Mireles said that we have had Riverfest for many years, and it upsets her that someone came in and said that it did not do good last year, so we will not have Riverfest anymore. She said that people look forward to this event. She said that her issue is that the Fire Department has worked very hard to get this event going over the years. And she said that the city's calendar needs to be updated.

### Consideration of granting a variance, authorizing the sale of alcohol on the parcel with tax ID of 148809, comprised of the businesses in the Arlan's Market shopping center area.

City Manager Tim Kelty presented to council the consideration of granting a variance of authorizing the sale of alcohol on parcel with tax ID 148809 comprised of the businesses in the Arlan's Market shopping center. He said that per Ordinance, alcohol cannot be sold within 300 feet of a school, or church. Upon investigation the 300-foot rule was identified. This becomes a problem because on this parcel there are other businesses that are selling alcohol with permits since 2013, and no variance from City Council. Mr. Kelty said that if council will approve this variance it will clean up this oversight.

On a motion by Councilman Green, seconded by Councilman Cain with all present voting "Aye", Council unanimously approved granting a variance, authorizing the sale of alcohol on the parcel with tax ID of 148809, comprised of the businesses in the Arlan's Market shopping center area.

### **WORK SESSION:**

Councilman Green said that he wants to reassure the East End residents of better things. He also said the softball fields on Ave M, are in need of repair. He said that the bleachers are in horrible condition and need to be sanded down and repainted, he said that you cannot sit on these bleachers. Kim Townsend Parks Director said that they have been scraped and getting ready to paint.

Councilman Cain asked David Hoelewyn, Street Department Director about the alley on Mesquite between 4<sup>th</sup> and 5<sup>th</sup> Streets. Mr. Hoelewyn said that the County finished the asphalt today. Councilman Cain also asked about the fire hydrant on 10<sup>th</sup> Street and Yaupon, there is a bag over the hydrant and wants to know who repairs this. Mr. Hoelewyn said that Jerry Meeks is aware of the problem and has it scheduled for repair.

Councilwoman Loeza asked if clubs have to have security at the door when they are open. Police Chief Ray Garivey said that they do not. She also asked if the PD checks in on the clubs, Chief Garivey said that they do. Councilwoman asked if there was a time frame of when the large pole, on Ave H that is still in the ditch will be removed. She asked David Hoelewyn about the large sink hole that is on Yellowstone, Mr. Hoelewyn said that Jerry Meeks with Veolia said that there will be a contractor to come and repair the hole.

City Manager Tim Kelty said that there is an issue regarding termites at the Service Center. He said that the Public Works Director starts in March. Mr. Kelty said that he wants to applaud Juanita Cardoza and staff on the outstanding job of the capture. He said that he also wants to recognize the EMS for their work on this stressful situation. He also said that he will be sending out the Ethics Ordinance that was adopted a year ago. Mr. Kelty said the event “Night in the Spotlight” is a prom for special needs kids. This will be on April 4 at Riverplace. May 9 is the 20<sup>th</sup> annual Take a Child Fishing.

Mayor Bass thanked Chief Garivey for the hard work on the capture. He asked that he pass on his thanks to the Police Department staff.

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

Kim Townsend Parks Director said that the mirror has been installed at the Freeport Levy. She said that she ordered another mirror because one is not adequate.

LeAnn Strahan, Freeport Destination Director said that the Daddy Daughter Dance was on Saturday February 15, she said that it was lots of fun and there was a good turnout. She thanked the staff that came out to help.

Brian Dybala Freeport Golf Course Director said that first quarter of the fiscal year is the highest it has been in twelve years. He said that January took that back. Due to the drainage being bad. He said that membership is up to 140 members, and that he has tournaments lined up from March until the summer.

David Hoelewyn Street Department Director said that the County has completed their asphalt today. and they did the spot on the 900 Block of 7<sup>th</sup> Street. He said that Broad and Cedar is lined up for repair once the survey is done.

Open session was closed at 8:05 pm and Council entered into Executive Session.

#### **CLOSED SESSION:**

Executive Session regarding a.) economic development (Projects 2019-2 and 2019-3) and b. Attorney Consultation (Possible Litigation) and, c. Deliberation about Real Property (Project 2020-1) in accordance with Vernon’s Texas Government Code Annotated, Chapter 551, Sections 551.071, 551.072, and 551.087.

No action taken.

**REGULAR SESSION**

Mayor Brooks Bass opened regular session at 8:44 P.M.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 8:45 PM.

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Mayor, Brooks Bass  
City of Freeport, Texas

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City Secretary, Betty Wells  
City of Freeport, Texas