

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, March 2, 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
Chris Duncan, City Attorney
Brenda Miller-Ferguson, Human Resource Director
Brian Dybala, Freeport Golf Course Director
LeAnn Strahan, Freeport Destination Director
Courtland Holman, Freeport EDC Director
Ray Garivey, Freeport Police Department Chief
David Fernandez, Freeport Police Department Officer
Billy Shoemaker, Code/Permit Director

Visitors:

Melanie Oldham	John Jasso
Mario Muraira	David Towers
Nicole Mireles	Sam Reyna
Keith Stumbaugh	Edmeryl Williams
Angie Williams	Ruben Jasso
Bob Koole	Jeff Pena
Marinell Music	Shane Pirtle
Sandra Leavy	Betty Page
Mario Muraira	David Towers
Desiree Pearson	Tommy Pearson
Denise Leitch	Bill Leitch
Jessie Parker	Tim Warren
Nicolos Irene	Larry Fansher
Eric Hayes	Donna Hayes
Kenny Hayes	Darlene Wier
Bob Casale	Ruben Renabato

Call to order.

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

Citizen's Comments

Larry Fansher spoke to council regarding the Charter Election Amendment for Terms of Office. He said that the wording on the charter amendment could cause confusion and disagreements in the future. Mr. Fansher said if a person is going to run for a position then this person should have the knowledge of how a Council Meeting is run, and not just learning on the job.

Shane Pirtle with Port Freeport spoke to council about the East End projects. Mr. Pirtle said that Port Freeport has purchased 272 properties out of about 350 lots. Thirty-eight of these have been swapped homes for the properties. There are about twelve homestead properties remaining and Port Freeport is working with eight of these, to help relocate. Mr. Pirtle said that they are offering above market prices on these properties. Mr. Pirtle said that Port Freeport is doing their best to be ethical and compassionate with the residents and property owners. Mr. Pirtle said that the minutes from the last council meeting he read that there were some issues in some of the homes on 9th Street. Mr. Pirtle said that he nor commissioners have heard of any problems. And if there is a problem to contact him, or the staff. Nicole Mireles asked who did the inspections on the homes? Mr. Pirtle said the City of Freeport.

Kenny Hayes asked about the accident that the First Responder was involved in this morning. City Manager Tim Kelty said that the accident occurred at Cherry and Broad Street. The First Responder was t-boned, she was taken to the hospital and has been released. Mr. Hayes also asked what the update is on the pumps? Mayor Bass said that we are proceeding with the electrical

Nicole Mireles said that she keeps hearing reports from council members talking about possible code violations. She asked why the code officers not out in the community seeing this? City Manager said that the code officers are out and there are several cases being prosecuted at any given time. Nicole Mireles said a lot of this problem has been out there a long time.

Jeff Pena said regarding the accident this morning, is there any precautionary measures that will be taken such as signs, or speed bumps? He said this seems to be a boulevard of fast track oversized vehicles. City Manager Tim Kelty said that he has not looked at the accident report yet, but he will be assessing this.

Merinell Music said that she and other business owners in downtown Freeport have heard that a funeral home is going to request a variance to put funeral home in the heart of downtown. Ms. Music said her opinion is this is something we do not need downtown. Mr. Kelty City Manager said that the only option that the funeral home has is to apply for a variance through the Board of Adjustments, and no variance application has been filed.

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

Presentation from John Jasso, Chairman of the Brazoria County Veterans Steering Committee, for the 2020 Veterans Day Parade.

John Jasso, Chairman of the Brazoria County Veterans Steering Committee presented to council the Veterans Day Parade for 2020. He said that this is the twenty-second year and it will be celebrated here in the City of Freeport on Wednesday November 11, 2020. The parade will start at 11:00 A.M.

Presentation of the Police Department Annual Traffic Contact Report for the year of 2019.

Freeport Police Chief Raymond Garivey presented to council the Annual Traffic Contact report for the year of 2019.

Proclamation/Declaration of March as Bleeding Disorders Awareness Month.

Mayor Brooks Bass read the proclamation of the City of Freeport proclaiming that March 2020 as Bleeding Disorder Awareness Month.

REGULAR SESSION

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

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye", Council unanimously approved the meeting minutes from February 18, 2020.

Review, Discussion and Possible Action Regarding Ethics Ordinance 2019-2567 and proposed Resolution No. 2020-2620.

City Manager Tim Kelty presented to council the proposed Resolution for the annual renewal of the City of Freeport Ethics Ordinance No. 2019-2567. Mr. Kelty said this Ordinance was adopted last year which guides the actions of council and staff and all appointed boards. Mr. Kelty said that this ordinance lays out specific ethical expectations for all individuals involved in Freeport Local Government.

On a motion by Councilman Green, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved proposed Resolution No. 2020-2620 maintaining Ordinance No. 2019-2567 for the City's ethics policy.

Consideration and possible action approving proposal for repairs to the Recreation Center Pool.

Freeport Destination Director, LeAnn Strahan and Freeport Recreation Center Supervisor, Jonathan Phillips along with Tim Warren with Progressive Commercial Aquatics, Inc. presented to council the proposal from Progressive Commercial Aquatics, Inc. for the repairs on the Recreation Center pool. It was presented that the pool has had maintenance issues regarding the fiberglass surface flaking for several years now. These flakes are very sharp and can be a hazard to guest in the pool. The proposed amount to repair the pool is \$73,975.00. Staff anticipates the cost of this repair is in the Recreation Centers budget for this year, without affecting any of the approved capital projects. Mayor Bass asked how long it will take to have the work completed on the pool? Mr. Warren said around 45 days. Councilwoman Loeza said this work is something that must be done. Mr. Warren said yes, this is a hazard, and someone can get hurt. The Quartzscapes Plaster will have a warranty of 10 years, and the Delamination/Pop-Ups will have a 3-year warranty. This warranty will be valid with proper water chemistry.

On a motion by Councilwoman Loeza, for \$73,975.00, seconded by Councilman Green with all present voting “Aye”, Council unanimously approved the proposal for repairs to the Recreation Center Pool.

Discussion and direction regarding Sales Tax Overpayment and Repayment options.

Assistant City Manager, Stephanie Russell, presented to council the payback agreement with the Texas Comptroller of Public Accounts. Ms. Russell said that the city received a letter from the Comptroller notifying the City that we were overpaid in sales tax, in the amount of \$533,636.43. This is from a filed refund claim by a taxpayer. Ms. Russell said that this happens by a taxpayer who goes ahead and pays the tax that they know will be exempt, but this keeps the taxpayer from being penalized from not paying the taxes. Ms. Russell is recommending that the city enter into a 29-month payback agreement with the Texas Comptroller. Mayor Bass asked if there is anyway knowing who the company is? Ms. Russell said that she did ask the Comptroller and she was not told. Mayor Bass asked how can we prevent this from happening again? Ms. Russell said that we cannot prevent this from happening. Mayor Bass asked if there was an accounting for this, or just the letter. Ms. Russell said that the letter is all that she received. Mayor Bass said that he would like to have a little more information, and asked Ms. Russell to try and get more information on the amount that is due. Mayor Bass said that he would like to table this item until the next council meeting on March 16, 2020.

Consider awarding Competitive Sealed Bid (CSB) #2002, Annual Fuel Contract, to Petroleum Traders Corporation.

Assistant City Manager, Stephanie Russell presented to council the bid from Petroleum Traders Corporation. The city went out for bids in February 2020 and received six bids, Petroleum Traders Corporation, Jaguar Fueling Services, LLS. Champion Fuel Solutions, Gold Star Petroleum, Sun Coast Resources, Inc., and Midtex Oil. The lowest bid was with Petroleum Traders Corporation. Ms. Russell said that staff recommends awarding the Competitive Sealed Bid to Petroleum Traders Corporation.

On a motion by Councilman Yates, seconded by Councilman Green with all present voting “Aye”, Council unanimously approved the Annual Fuel Contract, to Petroleum Traders Corporation.

Consideration and possible action regarding Resolution No. 2020-2621 authorizing the City Manager to submit an application to Edward Byrne Memorial Justice Assistant Grant Program, for a radio console upgrade.

Freeport Police Chief, Raymond Garivey presented to council Resolution No. 2020-2621 authorizing the City Manager to submit an application to Edward Byrne Memorial Justice Assistant Grant Program. This grant is to partially fund the purchase, installation and replacement of the radio dispatching system.

On a motion by Councilman Yates, seconded by Councilwoman Loeza with all present voting “Aye”, Council unanimously approved Resolution No. 2020-2621 authorizing the City Manager to submit an application to Edward Byrne Memorial Justice Assistant Grant Program, for a radio console upgrade.

Consideration and possible action on Resolution No.2020-2622 amending the master fee schedule for the Code & Permit Department.

Building/Code Department Director, Billy Shoemaker presented to council Resolution No. 2020-2622 to amend the Master Fee Schedule. Mr. Shoemaker said that the Building Department has identified issues that require some changes and clarifications to the fee schedule. Mr. Shoemaker said that State House

Bill 852 changed with no time to adjust the way that we did our fee schedule. He said that with this amendment, most of these rates will bring our permit fees down. Mr. Shoemaker said that there are a few line item corrections and clarifications as well in this amendment. City Manager Tim Kelty said that previously we based our permit fees on the value of the improvement being made. This is what the Legislature said we can no longer do. Now instead of the valuation, we use the square footage assessment. Councilwoman Loeza asked if the city stays pretty close to what another city charge? Mr. Shoemaker said yes that the City of Lake Jackson is using the same .45 cents per square foot for commercial, and there are no changes to the residential. Jeff Pena said that Freeport is unique, and we are trying to grow, trying to develop new businesses, and attract new businesses. Will this stand in the way of incentivizing new businesses? Mr. Shoemaker said that he feels this will help, we are reducing the rate on commercial permit fees. Nicole Mireles asked after you give the permit fee, do you go back and raise the fee amount? Mr. Shoemaker said no.

On a motion by Councilman Yates, seconded by Councilman Cain with all present voting “Aye”, Council unanimously approved Resolution No.2020-2622 amending the master fee schedule for the Code & Permit Department.

WORK SESSION:

Mayor Bass said that the new Public Works Director will begin on March 23, 2020. He said that the city has a punch list of things we want taken care of. The Mayor encouraged the residents of Freeport to notify the council of the things they would like taken care of. But to remember it will take time to get things taken care of, but a list will help the new Public Works Director to get things taken care of.

Councilman Green said that he has had citizens speak to him about situations that need to be taken care of. He said just to communicate the problem, and the problem can then be addressed and taken care of.

Councilman Cain said that he was confronted by different residents in the city about possible code violations at homes. Mr. Cain said one address is on 10th Street, he said the yard has knee deep clover. Councilman Cain also said that on the corner of 6th Street and Yaupon there is a house that has a boat and 18-wheeler that appears to not have been moved for some time. Councilman Cain said that he has noticed a lot of houses that are doing a lot of improvements, but there is also a lot of dead vehicles sitting in backyards, and a lot of houses where the backyards are full of junk. Mr. Cain said that the alley way of 119 Broad there is a jet ski carcass that someone threw over the fence and it is just sitting there. Mr. Cain said that he would encourage neighbors to help each other to clean up and maintain their property. And if we need to get the city involved then that is what we will have to do.

Councilwoman Loeza said that she noticed this morning that repairs have started on Victoria Street, she asked if the accident that occurred this morning was it because of the road not wide enough? Mr. Kelty said the road is the same width that is was, what happened it that the crane got off the road and sunk down, and then turned over. Mr. Kelty said that he has asked them to come back in the eighteen-inch trench and fill with compacted select fill along the edge of both sides. Councilwoman Loeza said that she is still seeing vehicles sitting in yards that aren't being used. She also said the new builds behind April's Furniture, the ditches are not flowing, the water is just sitting there. Councilwoman Loeza said it is nice seeing all the new houses coming up.

Councilman Yates said that there is a house by him, and the yard is full of junk.

City Manager Tim Kelty said that he attended the TCMA conference, he said that Chief Garivey was a featured speaker on Thursday morning and was very well received. Mr. Kelty said that evaluations for

city employees are being done. He said that directors are working on strategic planning and will be coming to council in the next couple of months.

Update on reports / concerns from Department heads

Brian Dybala said that Golf Course is back on track, January was a slow month but made up for it in February.

Open session was closed at 7:26 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 8:04 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 8:04 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas