

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, February 1, 2021, 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 Jeff Pena
- Councilman Jerry Cain
- Councilman Mario Muraira
- Councilman Roy E. Yates

Staff:

- Tim Kelty, City Manager
- Stephanie Russell, Assistant City Manager Via Teleconference
- Betty Wells, City Secretary
- Chris Duncan, City Attorney
- Laura Tolar, Assistant City Secretary/ Special Projects Coordinator
- Brenda Ferguson, Human Resource Director Via Teleconference
- Lance Petty, Public Works Director
- Chris Motley, Freeport Fire Chief
- Ray Garivey, Freeport Police Chief
- Billy Shoemaker, Building/Code Director
- LeAnn Strahan, Destinations Director Via Teleconference
- Emily Jimenez, Court Supervisor
- Ronald Brinkman, Freeport Police Lieutenant
- Enesdel Soto, Freeport Maintenance Technician
- Brian Faught, Freeport, Firefighter/EMS

Visitors:

David McGinty	Nicole Mireles
Sam Reyna	Kenny Hayes
Ruben Renobato	Tommy Pearson
Melanie Oldham	Manning Rollerson
Edward Garcia	Keith Stumbaugh
Larry Fansher	Pam Tilley

Visitors, Via Teleconference:

Amanda Petty	Melissa Washington
Ava Waddell	Amanda Petty
Vander Williams	Joyclen Phil

**Call to order.**

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

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

Invocation was led by City Manager Tim Kelty, and the Pledge was led by City Attorney Chris Duncan.

## **CITIZENS' COMMENTS:**

Members of the public are allowed to address the City Council at this time, and must include name and address. Note, specific factual information or a recitation of existing policy may be furnished in response to an inquiry made, but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open meetings Act unless said notice appears herein. The public is reminded that there is a (4) minute time limit as approved by City Council on June 21, 2010.

Pam Tilley spoke to council of her concerns for the residents of East End, and the accosting that is coming from the attorneys that represent the Port. She asked the Mayor and Council what the city is going to do for the residents? She asked where is the representation for the East End from the city? She also asked who is responsible for the maintenance in the East End? She said that the residents in the East End of Freeport are suffering.

Tommy Pearson 225 S. Front, asked Council about the pumps on Ave A.

Manning Rollerson spoke to Council about being accosted by the Port. He said that businesses are suffering because of the city and the mandates. He spoke of the property that he is needing to buy for his church. Mr. Rollerson spoke his concerns of the homeless people in the East End of Freeport.

Sam Reyna 2002 North Ave G, he spoke to Council about the inspections being done throughout the City. He said that Mr. Ramirez and Mr. Shoemaker are not certified to be an electrical inspector, and they have done 333 inspections.

Melanie Oldham 922 West 5, spoke to council about the Texas Gulf Link Project. She opposes this project.

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

Presentation of employee service awards.

City Manager Tim Kelty presented the employee service awards to:

Lieutenant Ronald Brinkman for his 25 years of service.

Court Clerk Supervisor, Emily Jimenez for her 10 years of service.

Introduction of new City Employees.

City Manager Tim Kelty introduced the new City Employees to Council.

Enedel Soto, Freeport Public Works, Maintenance Technician. Hired December 2020

Brian Faught, Freeport Firefighter/EMS. Hired November 2020.

**COUNCIL REGULAR AGENDA:**

Consideration and possible action on the approval of City Council meeting minutes from January 19, 2021, and Special City Council meeting minutes from January 25, 2021.

On a motion by Councilman Pena, to amend the meeting minutes from January 19, 2021, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved as amended the meeting minutes from January 19, 2021, and the Special City Council meeting minutes from January 25, 2021 as written.

Mayor Bass opened the Public Hearing at 6:33 PM

**Public Hearing: Public Hearing and possible action on Replat , of Subdivision plat of Lemur Express, Inc. Subdivision being a portion of all that certain Lyn T. Stockman called 574.09 acre tract as recorded in clerk's file NO. 2012-056854 of the Brazoria County official records in the William McDermott League Abstract 341 in the City of Freeport (ETJ) Brazoria County, Texas Lot 1, 1 Block November 2020.**

Building and Code Director, Billy Shoemaker presented to council a Replat of Subdivision plat of Lemur Express, Inc. Subdivision being a portion of all that certain Lyn T. Stockman called 574.09 acre tract as recorded in clerk's file NO. 2012-056854 of the Brazoria County official records in the William McDermott League Abstract 341 in the City of Freeport (ETJ) Brazoria County, Texas Lot 1, 1 Block November 2020. Mr. Shoemaker said that this replat did go before Planning and Zoning and voted unanimously to approve.

Mayor Bass closed the Public Hearing at 6:35 PM.

On a motion by Councilman Cain, seconded by Councilman Muraira, with all present voting "Aye" 5-0 Council unanimously approved Replat of Subdivision plat of Lemur Express, Inc. Subdivision being a portion of all that certain Lyn T. Stockman called 574.09 acre tract as recorded in clerk's file NO. 2012-056854 of the Brazoria County official records in the William McDermott League Abstract 341 in the City of Freeport (ETJ) Brazoria County, Texas Lot 1, 1 Block November 2020.

Mayor Bass opened the Public Hearing at 6:35 PM.

**Public Hearing: Public Hearing and possible action for an application for rezoning from R1 to C2 on property described as BCIC Division 14, a 4.006-acre part of tract 519, in the J.F. Fields Labor, Abstract no 62 Volume 2 Page 141 of the Plat Records of Brazoria County, Texas, Submitted by Vijay Patel of VMNK LLC (DBA Freeport RV Park).**

Building and Code Director, Billy Shoemaker presented to council an application for rezoning from R1 to C2 on property described as BCIC Division 14, a 4.006-acre part of tract 519, in the J.F. Fields Labor, Abstract no 62 Volume 2 Page 141 of the Plat Records of Brazoria County, Texas, Submitted by Vijay Patel of VMNK LLC (DBA Freeport RV Park). Mr. Shoemaker said that the request is to rezone from a R1 to C2. He said that this was voted unanimously by Planning and Zoning to approve this rezone.

Melanie Oldham said that she opposes this rezone, she said that she feels this is spot zoning.

Nicole Mireles spoke in favor of this rezoning.

Councilman Cain asked about the building in question, he asked if this has been different businesses in the past? Billy Shoemaker said yes it has been.

Councilman Pena said that his concern is that it is a residential neighborhood. He asked if everything is zoned residential? Billy Shoemaker said that there is a section of residential, to the East of Jones Road. Councilman Pena asked what kind of business is being proposed for the building? Mr. Shoemaker said that there is not a current business going into the building right now.

Mayor Bass closed the Public Hearing at 6:37 PM.

On a motion by Councilman Muraira, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved the application for rezoning from R1 to C2 on property described as BCIC Division 14, a 4.006-acre part of tract 519, in the J.F. Fields Labor, Abstract no 62 Volume 2 Page 141 of the Plat Records of Brazoria County, Texas, Submitted by Vijay Patel of VMNK LLC (DBA Freeport RV Park)

Discussion regarding the status and future of the VIC building, and potential for relocation of EDC offices to that site.

City Manager Tim Kelty presented to council the status and future of the VIC Building, and potential for relocations of the EDC Offices.

Mayor Bass said that he asked Mr. Kelty to put this on the tonight's agenda for discussion. Mayor Bass said that the EDC presented to council a letter of interest in using the building for EDC Office's, and there have been citizen questions of why we moved the Visitor Center. Mayor Bass said that the EDC is here to promote the city, and the VIC is here to welcome folks. He said that the EDC is requesting an assistant, this person can do work for EDC and as a City Employee for the Visitor Information Center.

Melanie Oldham, Keith Stumbaugh, Larry Fansher, Ed Garcia, and Ruben Renobato spoke in favor of the VIC being moved back to the Visitor Information Center Building, along with the EDC.

Manning Rollerson spoke of his concerns of the money that will be spent on this move.

Councilman Pena said that the EDC will have to discuss the usage of the building, if the EDC is allowed to move into the VIC building. He said that there will be discussion for the partnership with the VIC as well. Councilman Pena said that they will come up with a proposal to present to council to vote on. He said that the feedback from the public is to not have the VIC off of Highway 288.

Mayor Bass said that council will have the final say, but this is open for discussion and this may be a way to save money, so that we can put more into the streets and drainage.

Consideration and possible action approving Resolution No. 2021-2671 on approving a donation from the Pasadena Police Department for 20 body cameras.

Police Chief Ray Garivey presented to council Resolution No. 2021-2671 on approving a donation from the Pasadena Police Department for 20 body cameras. He said that currently the PD has 16 body cameras that are shared between the patrol division at the PD. He said that he is asking council to approve this resolution so that it can be presented to Pasadena PD for the donations of the body cameras. Chief Garivey said this will save our PD about \$16,000.00.

Mayor Bass asked if we can do our own maintenance on these cameras? Chief Garivey said no.

On a motion by Councilman Cain, seconded by Councilman Pena, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2671 on approving a donation from the Pasadena Police Department for 20 body cameras.

Consideration and possible approval of Ordinance No. 2021-2625 for Budget Amendment # 1 for FY 2020-2021.

Assistant City Manager Stephanie Russell presented to council Ordinance No. 2021-2625 for Budget Amendment # 1 for FY 2020-2021. Ms. Russell said that she recommends the approval of this Ordinance for Budget Amendment #1.

Melanie Oldham said that she was glad extra money was found. She asked if the \$15,000.00 recodification is something that can be done in house. Ms. Russell said no.

Ruben Renobato asked about the \$15,000.00, if it was additional cost for the zoning ordinance work?

Mayor Bass said that \$102,000.00, is contracted for Zoning Ordinance and that will not change. The \$15,000.00 is for the recodification of the City's Code of Ordinances.

Councilman Pena asked about how the CRF funds were spent, what funding was left and what the City was going to do with the additional funding?

Ms. Russell informed him that Council approved the CRF spending plan last fall and all funds were submitted in accordance with the plan in December and are currently being audited. There are not any remaining funds, however; the reimbursement will go into the General Fund and ultimately become part of unassigned fund balance

Mayor Bass said that if we had not had the CRF, we already had funds allocated and budgeted. He said that there may not have been hazard pay, nor the same amount of PPE, we would have had to go into other funds.

On a motion by Councilman Pena, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Ordinance No. 2021-2625 for Budget Amendment # 1 for FY 2020-2021.

Consideration of approval of repair to the Trestle Bridge Storm Water Pump Station.

Freeport Public Works Director, Lance Petty presented to council the approval of repair to the Trestle Bridge Storm Water Pump Station, he said that the cost will be \$24,800.00 to repair and rebuild Pump #1. He said that this pump needs a complete rebuild.

Mayor Bass said this pump is off of 2<sup>nd</sup> Street.

Councilman Pena asked if there will be a maintenance agreement on this repair? Mr. Petty said No, but that he is in the process of finding a company to do scheduled annual maintenance, pulling the pumps twice a year. Once the proposal comes in, he will present it to Mr. Kelty. Mr. Petty said that this will cover all the pumps.

On a motion by Councilman Yates, seconded by Councilman Muraira, with all present voting "Aye" 5-0 Council unanimously approved the repair to the Trestle Bridge Storm Water Pump Station.

Lance Petty said that the pump station on Ave A was bid out, and we are waiting on the signed contract to come back. He said that this will be a total electrical rebuild.

Consideration and possible action regarding Task Authorization #15 with Freese and Nichols for the development of a Certified Risk and Resilience Assessment (RRA) and Emergency Response Plan (ERP).

City Manager Tim Kelty presented to council Task Authorization #15 with Freese and Nichols for the development of a Certified Risk and Resilience Assessment (RRA) and Emergency Response Plan (ERP). He said that this is a Federal Mandate. He said that we have two deadlines to meet, one in the summer and one on December 31. Mr. Kelty said that the cost is \$65,000.00.

Mayor Bass asked if this will require a budget amendment? Mr. Kelty said if it does it will be from the Utility Fund.

Mayor Bass asked if we anticipate any bad news from these risk assessments? Mr. Kelty said we do not expect any. Mayor Bass asked Chief Motley if he would be a part of this? Chief Motley nodded yes.

On a motion by Councilman Pena, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Task Authorization #15 with Freese and Nichols for the development of a Certified Risk and Resilience Assessment (RRA) and Emergency Response Plan (ERP).

**WORK SESSION:**

Mayor Bass said that he has asked Mr. Duncan to give Freeports legal view about East End and the lawsuits.

Mr. Duncan said that the Port is a Governmental Entity in itself and they have the authority to take peoples property by Eminent Domain under the law. He said that the city is not a party to the individual lawsuits filed by the Port, and cannot just jump into the lawsuit as a random third party. He said that the city cannot spend money on a third-party lawsuit. Mr. Duncan said that that if the lawsuit involves public property then the city can defend this lawsuit. It cannot defend private property interest.

Ms. Tilley said that the residents are not being informed. She said that the attorneys are harassing residents, she said we just need to be informed and who do the residents speak with.

Mayor Bass said you must retain an Attorney.

Councilman Pena thanked Ms. Tilley for coming to the meeting and making her comments, he gave her his contact information. Councilman Pena said that he has heard the concerns of the residents of East End. He told Ms. Tilley to feel free to reach out to him. He spoke of the Web QA and said that he will be submitting some request, he said that he is interested in the process. He said that some maintenance issues are the sidewalk on 2<sup>nd</sup> Street and Oak Street. He said that there is flooding in the alleys, he is not sure if it is a water or sewage leak, but asked Mr. Kelty to check into this. He said that the decorative lighting on 288 and Yellowstone needs to be replaced, he will make a maintenance request on this. Gulf Blvd and 288 has three sets of lights that are not working. He asked to that the COVID information be put on the city website, he said that this was done and the information is under COVID-19 link, but he would like to see it on the home page. He thanked Mr. Kelty for getting this done. Councilman Pena said that he would like more discussion of CRF Funds he would like this to be on an upcoming agenda. Councilman Pena asked Ms. Tillie to reach out to him, he said that he is listening.

Councilman Cain said that on the corner of 7<sup>th</sup> and Pecan there is a fire hydrant that is covered with a trash bag, he asked if there is any status of when this will be repaired. Mr. Kelty said that there is a significant number of hydrants that are out and we are working to get these repaired. Mr. Cain asked if this is an age issue or lack of maintenance. Mayor Bass said that he wants Mr. Meeks at the next meeting, he wants answers on this. He asked if this puts us in danger. He also said that he wants an update on the website for the residents. Fire Chief Motley said they have gone through the city and got a list of which hydrants are down, he said if there is a black bag on a hydrant, it means the hydrant is completely out of service. Fire Chief Motley explained that the average length of hose on the fire truck is 1000 feet, and there are always other stations called in to assist if there is a fire, so the emergency will be handled. Nicole Mireles asked how do these not work; do we not do maintenance on these? Mayor Bass said that there should be an annual report. Councilman Cain asked Chief Motley if houses with boarded up windows is a safety concern to first responders. Chief Motley said that a window is a second means to get out. He said that it is not allowed per the residential code. Mayor Bass asked if these homes have people that are living in them? Councilman Cain said yes. He asked if there is an ordinance to enforce this? Chief Motley said he will look into this. Councilman Cain said that if we cannot find this, then for safety reasons we need to put this into the codes. Mr. Kelty said that if a home is being occupied bedroom windows cannot be boarded up otherwise it does not meet the residential code. Billy Shoemaker said that this is in our code.

Councilman Muraira asked about the inspection sheet from the code department that he requested in the last meeting. Mr. Shoemaker said that he is working on a new spreadsheet that will offer more detail on the inspections. Councilman Muraira asked about the lighting at the basketball court, he said that there are no lights there, it is dark. Mr. Petty said that the lights have been ordered, and once they are here they will be replaced. Councilman Pena said that the parking lot at the PD is very dark, can we get this on the radar to get lighting here. He also said that the building downtown has been boarded up, but only half way. Councilman Muraira reminded Mr. Petty of the medians that need to be painted, the library doors that need to be painted, and the three-point line on the basketball court that needs to be painted. Councilman Muraira said that this is on the to do list.

Councilman Roy Yates said that there are a lot of junk houses in his ward, he said that some of these have been there for years. He said that he will drive around and make a list of the houses so we can see where we stand on these. He said that they are a danger. He also spoke of the traffic light on 288 and Ave A, he asked if he was the only one that has noticed how long you have to sit at this light.

Mayor Bass said that our positive cases are still high in Freeport. He said that he encourages everyone to follow the orders, it helps to slow the spread. He said that it is important that city employees follow these guidelines because we are ambassadors in the City and we need to follow our own guidelines.

City Manager Tim Kelty said that we will start interviewing for a Finance Director next week. He also said that we have received a request for information from the GLO on one of the two grants, he said that this is positive news.

Councilman Pena asked if there is a resident requirement for the Finance Director position? Mr. Kelty said no there is not. Councilman Pena said that he would like this requirement for any Executive Director position. Mayor Bass said that he believes that the charter only requires the City Manager to live in the City. If this is something that wants to be changed then the Charter Review will need to make the recommendation to council so that it can be on the Charter Election.

Update on reports / concerns from Department heads

No comments from Department Heads.

Open session was closed at 8:09 pm and Council entered into Executive Session.

**CLOSED SESSION:**

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), open space program, in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072.

**REGULAR SESSION**

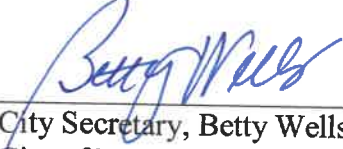
Mayor Bass reconvened regular session at 8:50 P.M.

There was no action taken from executive session.

**Adjourn**

On a motion by Councilman Muraira, seconded by Councilman Cain, with all present voting "Aye", Mayor Pro Tem Roy Yates adjourned the meeting at 8:51 PM.

  
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Mayor, Brooks Bass  
City of Freeport, Texas

  
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City Secretary, Betty Wells  
City of Freeport, Texas