

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, March 15, 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
Betty Wells, City Secretary
Chris Duncan, City Attorney
Cathy Ezell, Finance Director
Brenda Ferguson, Human Resource Director
Lance Petty, Public Works Director
Chris Motley, Freeport Fire Chief
Ray Garivey, Freeport Police Chief
Courtland Holman, EDC Director
Clarisa Molina, Administrative Assistant
Laura Tolar, Special Events Coordinator
Robert Cramer, Freeport Parks Via Teleconference
LeAnn Strahan, Destinations Director

Visitors:

David McGinty	Tommy Pearson
Kenny Hayes	Melanie Oldham
Sam Reyna	Joshua Mitchell
Jerry Meeks (Veolia)	Nick Irene (Facts)
Ruben Renobato	Troy Brimage
Ty Morrow	Bob Casale
Nicole Mireles	Charlene Heydinger (PACE)
Joshua Mitchell	Margaret McMahan
Keith Stumbaugh	Kristen Blomquist (Masterson)

Visitors, Via Teleconference:

Amanda Petty	Sabrina Brimage
Drew Masterson	Melissa Ashington (GLO)
Robert Hayward	

Call to order.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was led by City Attorney Chris Duncan and the Pledge was led by Mayor Brooks Bass.

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.

Bob Casale spoke to council about his property at Bridge Harbor. He said that Jeff Pynes and Norma Garcia allowed some building to be done on his property. Mr. Casale said that it has cost him a lot in attorneys fees. He said that council knows the background on this issue and he hopes the issue is going to be taken care of.

Ty Morrow 1867 Acacia Circle spoke to council about his concerns with the current contract with solid waste service. He said that bulk trash is not being picked up weekly as the contract says it should be, he said that it is taking up to three weeks for the heavy pickup to be removed. He said that the pickup does not happen until he calls Waste Connections. Mr. Morrow said that he hopes that city listens to the residents when its time to renew the contract.

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

Emergency management briefing COVID-19.

Chief Motley said regarding COVID-19 there were 100 cases reported at the beginning of the month for Brazoria County. He said that City of Freeport was seeing two to three cases a day. Chief Motley said that the supplies are still good, and they are still picking up supplies from the State. He said that we are still waiting on numbers after Spring Break. Chief Motley spoke about recovery from the freeze. Mayor Bass asked if there was still time to fill out the paperwork for mitigation. Chief Motley said he believes this ended on today's date.

Presentation by Masterson Advisors regarding issuance of Certificates of Obligation for the Sanitary Sewer Improvements.

Kristen Blomquist of Masterson Advisor gave a presentation to Council regarding the issuance of Certificate of Obligations for Sanitary Sewer improvements. Blomquist presented a summary of Certificate of Obligations. She said that in their analysis Masterson Advisor's is assuming 5-million-dollar issuance. She said that currently rates are around at 1.8%, she said this is a great rate for twenty-year financing. She said that the notice of intent, must be posted for forty-five days. Next meeting a Resolution of Intent will be presented for consideration, and if adopted, a public hearing would be held on June 7, 2021 and then the C/O would close on or about June 28, 2021, and funding will available be at that time.

Mayor Bass asked if there is a pre-payment penalty? Ms. Blomquist said that there is a ten-year non-callable period. Mayor Bass asked if we anticipate any major increases in the rate, Ms. Blomquist said that it is hard to say.

City Manager Tim Kelty said that he would like to get this process started, but he wants the support from council before moving forward.

Mayor Bass said that he wants to get this moving, he asked if there are any other methods that can get us extra funding? Mr. Kelty said yes, and Ms. Ezell has found us \$ 260,000.00 additional funds.

Councilman Muraira asked about this year's bond, he asked the amount? Tim Kelty said that the one that was issued last year was for \$8 Million, and it is for streets and drainage. Councilman Muraira asked about the one for \$5,931,626. Mr. Kelty said that this is a grant and will not need to be paid back. It is specifically for I & I in the collection system.

Mayor Bass asked Jerry Meeks, Director of Veolia, if the city can proceed with I & I projects, and still maintain the waste water treatment system? And what will this entail with I & I? Mr. Meeks said yes, and that it will replace sewer pipe. Mr. Meeks said that the majority of these pipes run in backyards and alleys. He said that the size of lines is from 6 to 12 inch. Mr. Meeks said that the majority of the pipes are clay. He said that some pipes have been replaced with PVC.

Mayor Bass said to proceed.

Presentation of Veolia's annual operation report.

Jerry Meeks presented Veolia's annual operation report to council.

Mayor Bass asked how long the biosolids have to sit before being taken to the landfill. Mr. Meeks said that they will take them from 18% solid and up.

Mayor Bass asked about the replacement of the broken fire hydrants around the city. Mr. Meeks said that there was a shipment of five hydrants that came in today, he said that they will start replacing them hopefully this week.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from March 1, 2021.

Consideration and possible action to adopt Ordinance No. 2021-2627 amending the General Election for May 1, 2021 polling locations.

On a motion by Councilman Cain, seconded by Councilman Pena, with all present voting "Aye" 5-0 Council unanimously approved the Consent Agenda.

COUNCIL REGULAR AGENDA:

Consideration and possible action approving PACE Resolution No. 2021-2676 of Intent.

Freeport EDC Director, Courtland Holman presented to council the possible action on approving the PACE Resolution No. 2021-2676 of Intent. Mr. Holman said that the Freeport EDC Board recommended

approval of participation in this program. He said that he recommends council approve of this PACE Resolution of intent.

Charlene Heydinger, President with Texas Property Assessed Clean Energy (PACE) spoke to council about the PACE Program, she said that she is with a nonprofit that assists in the administration of this program. She said that what this program allows an owner of, Commercial, Industrial, or Multifamily Real Property to make improvement lower their operating cost, and use the savings to pay for eligible projects. She said that it does not cost the city any money.

Mayor Bass asked if there is any obligation on the citizens of Freeport. Ms. Heydinger said "No". She said that the city will collect for the lender and the project, she said that most city's contract through the law firm that then collects the debt for the city.

Ms. Heydinger said that the next step to create this program is to pass the resolution of intent tonight, post the report that explains how this works on the website, hold a public hearing, and at the next meeting following a public hearing adopt a resolution approving the PACE Program.

Mayor Bass asked who is responsible for the legal documents, for liens. Ms. Heydinger said that the nonprofit is responsible. He also asked if there have been any lawsuits? Ms. Heydinger said, no there have been no lawsuits. Mayor Bass asked if there is a failure rate? Ms. Heydinger said there has been a zero-failure rate.

Councilman Pena said that the Freeport EDC is looking at assessment of rebuilding the city.

City Attorney Chris Duncan said that he recommends the participation in this program.

On a motion by Councilman Pena, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved the PACE Resolution No. 2021-2676 of Intent.

Discussion and notice regarding Utility Billing cutoffs.

City Manager Tim Kelty spoke to council regarding Utility Billing cutoffs. He said that when COVID hit the decision was made to suspend the cutoff for the utility customers of Freeport. He said that at this time there are 204 accounts that are delinquent and \$84,000.00 in unpaid water bills. Mr. Kelty said that we will start assessing this, we will give notice on social media, and with doorhangers. The cutoffs will begin on April 21, 2021.

Mayor Bass asked if we have a breakdown of renters, versus homeowners? Mr. Kelty said we do not have a breakdown of this. Mayor Bass also asked if the late payment fees will be deducted? Mr. Kelty said yes. If the they come in and put a payment down, and make arrangements, these fees will be removed.

Councilman Pena asked how the shortage will be satisfied? Mr. Kelty said that this will be a loss. Mr. Kelty said that April 21, 2021 will be the last day to make arrangements with no late fees. Councilman Pena asked if the doorhanger is double sided, he said that he believes this needs to be in Spanish as well. Mr. Kelty said that this can be done.

Councilman Muraira asked who will be taking care of the contract plan for this. Mr. Kelty said that this will be done by Darla Autry, in the water department. Councilman Muraira also asked if there was a good response with the doorhangers for the utility grant that was done earlier? Mr. Kelty said that there

were about 120 customers that responded to the grant program for utility bills, but that the response from customers with delinquent accounts was very low. Councilman Muraira asked if we will be knocking on the door as well as hanging the tag. Mr. Kelty said yes. Councilman Muraira asked how many people at City Hall speak Spanish. Mr. Kelty said that we have three employees.

Councilman Cain asked if the door tags are already printed out, he said that he thinks contact information for City Hall needs to be included on the hangers. Mr. Kelty said that this information can be added.

Nicole Mireles said that she agrees that this needs to be in Spanish as well, and she said that we need someone to translate at the doors.

Discussion and possible action amending the city's solid waste service.

City Manager Tim Kelty spoke to council about the possible action amending the city's solid waste service. He said that the current contract ends January 22, 2022, and he would like to go out for bids on new service. He said he would like to have a new contract in place by August of 2021. Mr. Kelty said that the city residents pay over \$25.00 a month for trash service. He said that this includes two days a week pickup, once weekly heavy pickup, and quarterly community cleanup. Mr. Kelty said that other city's charge \$17.00-\$22.00 a month.

Mr. Kelty proposed changes in the contract that would offer an optional once per week pick up, once per month Bulk pick up and increasing the amount from 2CY to 5CY, with notice being made to City Hall, and adding commercial rate and franchise payment to the city.

Councilman Pena said at the current rate of \$25.00, if we are able to get a lower rate it will be about 30% savings. He asked which department oversees these contracts. Mr. Kelty said Finance, Code and the Water Department.

Councilman Muraira asked if the property owners and commercial businesses have to agree with this. Mr. Kelty said that city's have the authority to do this. He asked if the businesses have to use this service. Mr. Kelty said that businesses would have to use the provider used by the city, they would pay at the rate that was bid. Councilman Muraira said that his concern is if businesses would agree to this. Mr. Kelty said if they see savings they will.

Councilman Cain said with the heavy pickup being proposed up to 5 CY once a month, can we propose that they heavy pickup be done half of city on Monday and the other half be done on Tuesday. He asked if this could help the situation we are in now. Mr. Kelty said that this is what we are doing now, and it is just not working.

Mr. Kelty said that if council is on board he can begin putting together the RFP for bids to award a contract.

Consideration of a Resolution No. 2021-2677 appointing a Member to the Planning Commission.

City Manager Tim Kelty presented to council a Resolution No. 2021-2677 appointing a Member to the Planning Commission. He said that this vacancy is from Cliff Vandergriff resigning. We have Joshua Mitchell, and Keith Stumbaugh who have submitted applications.

Joshua Mitchell spoke to council of his interest of serving on the Planning Commission Board.

On a motion by Councilman Pena, seconded by Councilman Cain, to appoint Keith Stumbaugh to fill the remainder of the term on the Planning Commission, on a vote 4-1, Council approved Resolution No. 2021-2677 appointing a Member to the Planning Commission. Councilman Muraira voted “Ney”.

Nicole Mireles spoke to council of Margaret McMahan not being considered for serving on the Planning Commission.

Margaret McMahan spoke to council of her interest in serving on the Planning and Commission Board. And spoke interest of serving on the Freeport EDC.

Consideration of a Resolution No. 2021-2678 appointing a Member to the Freeport Economic Development Board.

City Manager Tim Kelty presented to council a Resolution No. 2021-2678 appointing a Member to the Freeport Economic Development Board. He said that this vacancy became available when Lesa Girouard resigned. We have applications from David McGinty, Melanie Oldham, Ruben Renobato, and Margaret McMahan. There is an application from Ken Green, but at this time he is not interested in serving on the board.

Melanie Oldham spoke to council of her interest of serving on the Freeport EDC Board.

On a motion by Councilman Muraira, seconded by Councilman Yates, to appoint Ruben Renobato to fill the remainder of the term on the Freeport Economic Development Board on a vote 4-1, Council approved Resolution No. 2021-2678 appointing a Member to the Freeport Economic Development Board. Councilman Pena voted “Ney”

Councilman Cain said that he wants everyone to know that appointing members to boards, is one of the hardest things that council has to do. He said thank you to all, that volunteer their time to serve on these committees.

Discussion regarding vacancies on Freeport Historical Commission and Main Street Advisory Board.

City Manager Tim Kelty announced to Council that there is a vacancy that has come open with the resignation of Cliff Vandergriff, on the Freeport Historical Commission and Main Street Board. He said that we would like to seek applications and recommendations from council to fill this position.

Consideration and possible action approving a form of Agreement for use with Freeport youth athletic associations.

LeAnn Strahan Freeport Destinations Director, presented to council an Agreement for use with the Freeport Athletic Associations. She said there has not been an agreement before for the use of the facilities. She said that there is no charge to use the facility but there will be a \$1000.00 refundable deposit.

Lance Petty Freeport Public Works Director, said that this is a protection to the Freeport Youth, as well as the city.

Mayor Bass asked what if the associations cannot afford liability insurance. Lance Petty said the insurance comes in for the concession stands, not on the fields.

Mayor Bass asked if there is anyway the liability insurance for the concession stand can be covered under the city's insurance plan. City Attorney Chris Duncan said that this is something that can be checked into.

Councilman Muraira asked what the cost of the insurance would be. Lance Petty said that the concession stand should be covered under our policy. But he is not sure of the contents that are kept in the structure.

Mayor Bass said that he does not think that the association should have to get additional coverage.

Mayor Bass tabled this item until the next city council meeting.

Discussion and possible action regarding direction for expenditures of 2020 Bond Funds.

City Manager Tim Kelty presented to council the discussion and possible action regarding direction for the expenditures of 2020 Bond Funds. He said that the city issued \$8 million in certificate of obligations. He said this was for four different areas. Streets and sidewalks, Drainage, City Hall renovations and for City Parks. He said that council has said that they do not want to spend the funds on the repairs to Heritage House. Mr. Kelty said that he is wanting to add a few other things that he would like to be considered for part of this money not being used for Heritage house. He said the fishing pier at Riverplace is closed to the public and needs to be replaced. He said Mr. Petty has gotten quotes for lighting of the 2 soft ball diamonds at SFA Park and the 2 little league diamonds at Riverside park behind McDonalds for about \$100,000 and would like Council Authorization to utilize the funding originally intended for Heritage House for these projects. He also was requesting authorization to proceed with the architectural design for City Hall.

Councilman Jeff Pena said that he would like to get the maps on streets. He also asked if we need to get permission from the GLO to replace the fishing pier. Billy Shoemaker said there is a procedure we will have to file with the State. Councilman Pena asked if the lighting at the diamonds is a cross beam, or a new fixture. Lance Petty said that it is a cross beam that goes on top of the pole, and the LED bulbs will attach to it. Councilman Pena asked if the \$1.5 million for City Hall renovation could include the second elevator and the landscaping. Mr. Kelty said that he will request that this be included. Councilman Pena asked if there has been an appraisal on the City Hall building. Mr. Kelty said "no". Councilman Pena asked if we have just stopped on repairs to the Heritage House? Mayor Bass said that council has not given a decision, except for not investing \$392,000.00 into repairs on Heritage House.

Councilman Muraira asked if council is giving approval on the renovation to City Hall? Mayor Bass said that this is for the approval of architectural design, he said that we are not committed yet. Councilman Muraira said that he thinks that this should be individual action items on the next agenda, not just something for discussion.

Mayor Bass tabled this item.

WORK SESSION:

Councilman Pena said that he would like to speak on the EDC having a proposal in regards to the VIC. Mayor Bass said that he would like this to be an agenda item. Councilman Pena spoke of his concern of the safety issues of drivers going down 2nd Street and Cherry as well as 2nd Street and 1495. He said that he is not sure if we need more street signs, or it there should be patrol to stop this racing down these streets. He spoke about the landscaping on Cherry Street he said that there is no clear passage way by City Hall, the same issue by the downtown park. He said we need a clear line of sight. He said that there

are fire ants on the sidewalks by the park in downtown. He spoke of his concerns on safety at the beaches, he said that safety is important. He said that we need to look at a comprehensive safety plan for the beach. He asked if we can get the cranes that are extended at the entrance of Freeport rectified. Councilman Pena asked about the Beautification Board budget. Mr. Kelty said that there is not a budget for this board. He spoke to Lance Petty about the brightness of the bulbs coming from the light fixtures at 288, he asked if maybe we can add a blue lighting as well to the entrance of Freeport. Councilman Pena said that the poles by the river need brighter lights.

Councilman Cain said that he wants to make sure that the citizens are not being charged for the bulk trash pickup if it is over the 2 CY. He said that in the contract it is for 2 CY a week, but this is not being picked up weekly. He said that it is taking up to three weeks, they should be allowed to have 6 CY without a charge for overage.

Councilman Muraira asked for an update on the library repair. Lance Petty said that the contractors are working on this, and it should be completed before elections, he said that the whole library should be completed. Councilman Muraira asked about the books and computers being set back up in the library. Mr. Petty said that they are communicating with the employees of the library. Mr. Petty also said that they have broke the concrete in the PD parking lot to run electricity to get lighting in this parking lot. Councilman Muraira said that we need to make sure we let the community know when the library opens back up. Mr. Kelty said that notice will be put up on social media. Councilman Muraira asked where we are at on the contract with the streets. Mr. Kelty said that he has been in contact with Freese and Nichols. Councilman Muraira asked if we will have the concrete streets finished this year? Mr. Kelty said that we will be behind schedule for this year, which is why he has been pushing Freese and Nichols. He asked Mr. Kelty to put the lighting for the ballpark diamonds, the repair to the piers at Riverplace and City Hall Architectural Design on the next agenda as an action item. Mr. Kelty said that he will do this.

Councilman Yates said that spoke with Willie Garcia, he said that he has built 22 houses in the city. Councilman Yates said this is very good, and this is what the city needs.

Mayor Bass said that we really need to get asphalt down on 2nd Street. He said that we may need to consider adding this street to the street repair list.

Update on reports / concerns from Department heads

Open session was closed at 8:24 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.

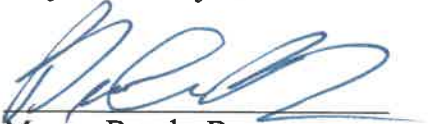
REGULAR SESSION

Mayor Bass reconvened regular session at 8:44 P.M.

There was no action taken from executive session.

Adjourn

On a motion by Councilman Muraira, seconded by Councilman Yates, with all present voting "Aye", Mayor Bass adjourned the meeting at 8:45 P.M.



Mayor, Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas