

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, April 5, 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  
Lance Petty, Public Works Director  
Chris Motley, Freeport Fire Chief  
Ray Garivey, Freeport Police Chief  
Courtland Holman, EDC Director  
Clarisa Molina, Administrative Assistant, Via Teleconference  
Laura Tolar, Special Events Coordinator  
LeAnn Strahan, Destinations Director

Visitors: David McGinty Tommy Pearson  
Kenny Hayes Melanie Oldham  
Sam Reyna Nick Irene (Facts)  
Ruben Renobato Troy Brimage  
Sabrina Brimage Mike Darlow (Perdue, Brandon)  
Nicole Mireles Dub Taylor (PACE)  
Sandra Barnett James Barnett  
John Jasso Ruben Jasso  
Ed Garcia Jessie Parker  
Brent Bowles (IAD)

Visitors, Via Teleconference: Amanda Petty Lila Diehl  
Melissa Ashington (GLO) Pam Tilley  
Paul Crow

**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 to the American flag was led by Councilman Muraira, Pledge to the Texas flag 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.

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

Presentation of the collection of delinquent taxes and court fine and fees from Mike Darlow with Perdue, Brandon, Fielder, Collins & Mott, LLP.

Mike Darlow with Perdue, Brandon, Fielder, Collins & Mott, LLP presented to council the annual report on collection of delinquent taxes and the court fine and fees.

Presentation by John Jasso for the Veteran's Day Parade.

John Jasso, Steering Committee Chairman spoke to council about the 2021 Veteran's Day Parade being hosted by the City of Freeport. He said that he wants Council's blessing for the city to host this year's parade.

Mayor Bass said that the City of Freeport will be honored to host the 2021 Veteran's Day Parade.

Proclamation of the City of Freeport designating April 2021 Fair Housing Month.

Mayor Brooks Bass read the proclamation of the City of Freeport proclaiming that April 2021 as Fair Housing Month

**CONSENT AGENDA**

Consideration and possible action on the approval of City Council meeting minutes from March 15, 2021.

Consideration and possible action to approve a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP pursuant to Section 6.30 of the Tax Code, said contract being for the collection of delinquent government receivables owed to City of Freeport and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code.

Councilman Muraira asked how long the contract is with Perdue, Brandon, Fielder, Collins and Mott, LLP. He also asked how much they are paid?

City Manager, Tim Kelty said that it is a two-year contract.

Finance Director, Cathy Ezell said that the fee is paid from each case, the city does not pay anything.

On a motion by Councilman Cain, seconded by Councilman Muraira, with all present voting "Aye" 5-0 Council unanimously approved the Consent Agenda items number 4 and 5.

Consideration and possible action on the GRIP Resolution No. 2021-2679 from Centerpoint Energy.

City Manager said that this resolution is recommended by the Texas Coast Utility Coalition (TCUC) of which the City is a member. He said it will result in no cost to the City. Mr. Kelty said that this resolution would suspend the Rate increase proposed by Centerpoint for 45 days to allow for evaluation of the rate increase by the Coalition.

On a motion by Councilman Pena, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved the Consent Agenda number 6.

### **COUNCIL REGULAR AGENDA:**

**Public Hearing: Public Hearing and Consideration and possible action for adoption of Resolution No. 2021-2680 for establishing PACE.**

Mayor Bass opened the Public Hearing at 6:22 PM.

Freeport EDC Director, Courtland Holman presented to council the possible action of approving the PACE Resolution No. 2021-2680 for establishing the PACE Program. Mr. Holman said that the Freeport EDC Board recommended approval of participation in this program. He said that he recommends council approve of this Resolution to establish the PACE program.

Dub Taylor, with Texas Property Assessed Clean Energy (PACE) spoke to council about the PACE Program, he explained how the program can extend longer term financing. He said that there are two resolutions that must be approved by council to initiate the program. The first, a resolution of intent, was approved on March 15, 2021. He said that the report needed to be posted and this has been done, and tonight council will need to approve the Resolution to establish the program.

Mayor Bass asked if there is any obligation to the city, and how will the city know what is happening with the program? Mr. Taylor said there is no obligation to the city, and he said that there is an annual report that will be sent with all that is happening with the program.

Councilman Muraira asked how will the public know of this program? Mr. Taylor said that there will be webinars, and they work with contractors, lenders and the EDC to get the word out.

Councilman Pena said that April is Fair Housing Month. Mr. Taylor said that this is not for individual single-family homes, it will have to be five units or more such as an apartment building.

Councilman Yates asked what is the advantage of this program. Mr. Taylor said that this provides for longer term and more secure financing than otherwise would be available to a business owner/developer.

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

On a motion by Councilman Yates, seconded by Councilman Pena, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2680 for establishing PACE.

Consideration and possible action on Resolution No. 2021-2681: A Resolution by The City Council of The City of Freeport, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; And Providing for Other Matters Incidental Thereto.

Finance Director, Cathy Ezell presented to council Resolution No. 2021-2681: A Resolution by the City Council of the City of Freeport, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; and Providing for Other Matters Incidental Thereto. She said that this is for sanitary sewer and water improvements only. Ms. Ezell said that the city has applied for two \$6 million grants. The city has received one of these grants, and expects to know on the second one in the next two weeks. She said that in this notice of intent, the city is asking to issue up to \$10 million for these projects, she said that we want to ask for more and reduce to the actual amount needed prior to the issue. It cannot go the other way. We cannot increase it after the notice of intent. She said that she does not believe that we will need to issue this much. She said that in April we would publish the notice of intent, in the month of May the review of the official statement will come out, and in June Council would consider the vote on the actual bond.

Council had a lengthy discussion on the financial impact of the of the intent to issue \$10 million, and the concern of what this would do to the budget.

Mayor Bass tabled this item until the April 19, 2021 meeting, he said that he would like to know what the impact to the budget will be.

Consideration and possible action approving the agreement for the Sister City Altamira, Tamaulipas Mexico.

City Manager Tim Kelty asked that this item be tabled until the next meeting on April 19, 2021.

Mayor Bass tabled this item.

Consideration of a Resolution No. 2021-2682 appointing a Member to the Freeport Historical Commission and Mainstreet Board

City Manager Tim Kelty presented to council Resolution No. 2021-2682 appointing a Member to the Freeport Historical Commission and Mainstreet Board. He said that there is a vacancy that has come open with the resignation of Cliff Vandergriff moving from the City. There is one applicant, James McDonald that has said he would like to serve on this board. There were two other applicants that withdrew their interest in serving on this board.

Councilman Muraira said that he has met Mr. McDonald and he thinks that he will be a great individual to serve on this board.

On a motion by Councilman Muraira, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2682 appointing a James McDonald to the Freeport Historical Commission and Main Street Board.

Discussion and possible action regarding direction for expenditures of 2020 Bond Funds for IAD Architect for City Hall renovations.

City Manager, Tim Kelty said that iAD has provided a proposal for the architect design for the renovations to City Hall. He said that this does include the second elevator, and moderate landscaping.

Councilman Pena asked what the rental rate was for Olin on the 3<sup>rd</sup> floor of City Hall? City Manager Tim Kelty said he believes it was \$9000.00 a month. Councilman Pena asked how many square feet the 3<sup>rd</sup> is? Mr. Bowles, with iAD said that it is about 13,000 square feet.

Mayor Bass asked if this is part of the money from the Certificate of Obligations, and is this something that we still want to do? City Manager Tim Kelty said this is something that needs to be done. He said that it is not as important as streets and drainage and water and sewer improvements but it is important, and needs to get done.

Mr. Bowles said that \$108,600.00 is the design and engineer cost only through Bidding the project. The proposal includes no Contract development and Construction oversight.

On a motion by Councilman Cain, seconded by Councilman Muraira, with all present voting "Aye" 5-0 Council unanimously approved the proposal from iAD Architects for architectural design and bidding of City Hall renovations in the amount of \$108,600 using 2020 certificate of obligation Bond Funds.

Consideration and possible action to authorize use of 2020 Certificate of Obligation for reconstruction of the River Place Fishing Pier.

Public Works Director, Lance Petty presented to council action to authorize use of 2020 Certificate of Obligation for reconstruction of the River Place Fishing Pier. He said that he has three bids, JC Customs Builders, Docks, Decks and Bulkheads, LLC., and SWS Marines and Industrial Services. Mr. Petty said that staff recommends going with Docks, Decks and Bulkheads, LLC he said that they came in with the lowest bid at \$48,956.00.

Councilman Muraira asked if the work would be the same as the other bidders? Mr. Petty said that it is the same work.

Councilman Pena said that he has concern about the money that was budgeted for the Heritage House repair, not being used for Heritage House. He said that he hopes that we don't use all the money that was set for this, and not be able to make the needed repairs. He asked if this money was not budgeted for Heritage House, where would we get the funds to make the repairs to the pier? City Manager Tim Kelty said that if these funds were not available, the City would ask the EDC to help with this repair.

Mayor Bass asked about the EDC paying for the fishing pier and the ballfield lights with the money that is owed to the City by the EDC. In November 2019, the city and Freeport EDC approved a 380 Agreement with each other to pay off an EDC bank loan, with the agreement that EDC would pay for \$300,000.00 in eligible projects for the city over the next two years. Mayor Bass asked that this go before the EDC Board for approval to repair the fishing pier and the lights at the ballfields, and this will keep available the Bond funds budgeted for Heritage House repairs.

Nicole Mireles spoke of her concerns on The Landing Theatre, she said that this needs to be roped off and protected, she said that this is very dangerous and needs to be taken care of.

Councilman Muraira asked why the EDC cannot use these funds from EDC to repair the Pixie House?

On a motion by Mayor Bass, seconded by Councilman Pena, to leave 2020 Certificate of Obligations for the Heritage house alone, and authorize fishing pier repair with the bid from Docks, Decks, and Bulkheads, LLC for \$48,956.00 and pay for this project using funds owed by the EDC to the City, with a 4-1 vote Council approved reconstruction of the River Place Fishing Pier. Councilman Muraira voted "Ney".

Consideration and possible action to authorize use of 2020 Certificate of Obligation for Youth Ball Field Lights (SFA, Riverside).

Public Works Director Lance Petty presented to council action to authorize use of 2020 Certificate of Obligation for Youth Ball Field Lights (SFA, Riverside). He said that this is all the fields minus the Senior Field. He said that we have quotes on the electrical from Coulumb Electric Inc., Penny's Electric, and Instrumentation, Inc. He said that they will remove the old hangers and lights that are there now, and do the electrical wiring to the new lights, and install the new hangers as well as make the adjustments to them. Mr. Petty said that it is cheaper for the city to purchase the lights and the brackets. Mr. Petty said this will cover the \$22,500.00 electrical contractors, \$32,980.00 is for the lighting with the total being \$65,480.00. He said that the cheapest contractor was Coulumb Electric, Inc. he said that this is who he recommends.

Councilman Cain asked if we would be using the same poles? Mr. Petty said yes, they have about fifteen more years of use.

Mayor Bass asked why are you recommending Coulumb? Mr. Petty said the price.

Ed Garcia said that the EDC is to promote businesses in the city, he said that he thinks the award should be given to Penny's Electric.

On a motion by Councilman Yates, and Mayor Bass, seconded by Councilman Muraira, with all present voting "Aye" 5-0 Council unanimously approved leaving the 2020 Certificate of Obligations for the Heritage house alone, and approving the bid from Penny's Electric to replace the hangers, brackets and lights at the youth ball fields, and pay for this project using funds owed by the EDC to the

Consideration and Possible action of authorizing EDC request for Exclusive use of former VIC building for EDC operations.

EDC Director Courtland Holman, presented to council action of authorizing EDC request for Exclusive use of former VIC building for EDC operations. Mr. Holman said that the EDC is wanting to use the VIC building exclusive for EDC purposes, and the EDC wants the city to do all repairs to the building.

Ed Garcia said that he is a member of the EDC Board and that is the opinion of the EDC Board that council give exclusive use of the VIC building at no charge.

Mayor Bass said that he wants citizen input on this item. He thought that the city wanted both EDC and VIC to be in this building.

Councilman Pena said that he understood that the citizens do not want the VIC in downtown, he said that the remedy to this problem by council is for EDC and VIC share the old VIC building. He said that EDC

discussed this, and they do not want to be responsible for VIC staffing or the responsibility of the VIC. He also said that they do not want to be responsible for the renovations of the building.

Ruben Renobato stated that he believes the VIC needs to be moved back to its original location.

Sandra Barnett stated that it was not a good move on moving the VIC, she said that she firmly believes it needs to be moved back to the original location.

Councilman Cain said that he thinks once downtown is developed the VIC will do great down there, but for now he thinks it should be in the original location, on the main street. He said when this was discussed a month ago, he said that the citizens want it moved back to the original location.

Kenny Hayes asked how many employees are there for the VIC? Mr. Kelty said there will be two employees. And for the EDC there is currently Courtland Holman and they plan on hiring one more.

Councilman Muraira said that he thinks the EDC and VIC should be in the old VIC building.

Councilman Pena said that he wants to clarify that the VIC had no staffing, and he doesn't feel that the VIC has proper staff to manage this.

Councilman Muraira suggested that we get training for the current staff.

Mayor Bass said that he will look at the proposal, he feels that we need more information on what the EDC is wanting on repairs for the building.

Mayor Bass tabled this item.

#### **WORK SESSION:**

Councilman Cain spoke of his concern of the school zone by Velasco Elementary on Gulf Blvd. Chris Duncan said that the zones have been changed to the times of the school hours. Councilman Cain said that he wants to make sure the lights are coming on when they are supposed to. He said that the lights have not been on at times that they should, he said that the lights are not flashing when there are cars lined up at the school.

Councilman Muraira asked for an update on the library repair. Lance Petty said that the contractors are working on this, sheet rock is done, he said about fifty percent of the floor is done. He said that it will be ready for the election. Councilman Muraira asked about the work that is happening on Dixie. Mr. Petty said that they are replacing some sewer lines. Mr. Petty said that the alleys will begin on Wednesday. Councilman Muraira asked about the popup boxes, he asked what they are. Tim Kelty said that these are owned by the EDC, he said that vendors can lease these. Councilman Muraira asked if this has been advertised. Councilman Pena said that the EDC is waiting on Code to approve these. Chris Duncan said that the inspection occurred in January, and he believes that Mr. Shoemaker is waiting on an electrical question. Mr. Muraira said that he met with the youth association and there is a list of issues that need to be taken care of. Mr. Muraira mentioned that a number of people have expressed a desire to not use bond money on the Pixie House.

Councilman Yates said that he has seen Freeport go downhill, he said that we need more people living here.

Councilman Pena said that he wants to talk about the cleanliness and safety of the City of Freeport, he said that we need to make it an attractive place to live. He said that he wants to talk about the safety and lighting and the painting on Velasco and 2<sup>nd</sup> Street and Velasco and Ave A with the Diamond paint, and he said that he would like to try and get some additional lighting. He spoke about the Cherry Street lighting, from Oak to Park Ave. He thanked Mr. Petty for the lighting in the Police Department. He spoke of the sidewalks in downtown, he said that they need repair, he said we need to make sure they are safe. He said shrubs need trimming on the corner of 2<sup>nd</sup> to Broad on Cherry. Councilman Pena said that we are looking to renovate City Hall, he said that the sidewalk to Sweet T's need to be repaired.

Mayor Bass said that today he and Mr. Kelty prepared a letter of support joining forces with the City of Lake Jackson and other surrounding cities, requesting a grant to bring as many vaccines as they can to this area, due to certain criteria and low social economic areas. He said that this letter was signed and submitted.

Update on reports / concerns from Department heads

Open session was closed at 8:13 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.

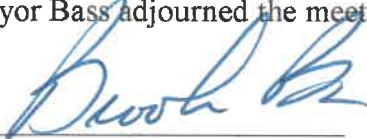
**REGULAR SESSION**

Mayor Bass reconvened regular session at 8:48 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 8:48 P.M.



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Mayor, Brooks Bass  
City of Freeport, Texas



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City Secretary, Betty Wells  
City of Freeport, Texas