

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, April 19, 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
Kristi Mercado, Freeport Detective
Courtland Holman, EDC Director
Laura Tolar, Special Events Coordinator
LeAnn Strahan, Destinations Director
Billy Shoemaker, Director Building/Code
Detrick Mosley, Freeport Patrol Officer

Visitors: Tommy Pearson
Nick Irene (Facts)
Troy Brimage
Sandra Barnett
Margaret McMahan
Nancy Garivey
Rodney Weems (Sons of American Revolution)

Kenny Hayes
Ruben Renobato
Sabrina Brimage
James Barnett
Justin Mitchell
Larry Fansher

Visitors, Via Teleconference: Amanda Petty
Melissa Ashington (GLO)

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 Manager Tim Kelty, 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.

Kenny Hayes spoke to council of his opinion of the Pixie House, he said that he does not see the significant value of the Pixie House, and he thinks the City should sell the building. He also said that he knows that there are no rules of City Council serving on other committees, but he said that the President of the EDC is now also a Councilman, he said that this is something that will need to be addressed by City Council.

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

Presentation of Employee of the Month for the month of March 2021.

City Manager Tim Kelty, presented the Employee of the Month certificate to Detrick Mosley, for the month of March 2021.

Presentation by Sons of the American Revolution an award of Law Enforcement Commendation Medals.

Rodney Weems with the Sons of the American Revolution, presented a medal to Freeport Police Chief Ray Garivey and Freeport Detective Kristi Mercado.

Presentation of the annual audit by Whitley Penn

Christopher Breaux with Whitley Penn, presented to council the annual audit report ending the fiscal year of September 30, 2020. He indicated that their audit was considered a "clean" audit resulting in no material findings or concerns.

City Manager Tim Kelty spoke to council about the CARES Act funds the city received last year. He said that there is another round of related federal funding that city's will be receiving from the American Rescue Plan. Mr. Kelty said that this is in the amount of \$2.646 million. He said that it will come in two separate payments, first being in the next few months and the remainder next year.

Presentation of second quarter investment report.

Finance Director Cathy Ezell presented the second quarter investment report to council.

Presentation of the Police Department Annual Traffic Contact Report for the year of 2020.

Freeport Police Chief, Ray Garivey presented to council the Police Department Annual Traffic Contact Report for the year of 2020.

Chief Garivey read a public notice giving information on the vaccination site, by UTMB. This will be a local sight available on April 24, 2021 at Brazosport High School, in the old gym.

Presentation report on code enforcement of junk car ordinance within the City.

Building/Code Director Billy Shoemaker presented to council the report on code enforcement of junk car ordinance within the City. The status of code cases from the last 12 months is; 87 vehicles are compliant, 13 cases are pending in court, 71 cases are in progress, and there are 22 new cases.

Mayor Bass asked what do you do if the owner gets an antique license for the vehicle? Mr. Shoemaker said that there is not much that can be done under the current ordinance.

Councilman Cain asked if there is anything that can be done on cars that just sit for over a year, with expired tags, but get a current tag and still sit inoperable, he asked if there is a way these cases can be tracked? Billy Shoemaker said that this will be criminal issue and would have to go through the Police Department.

Councilman Yates asked how many cars are allowed in a backyard? Billy Shoemaker said that there is no limit.

City Attorney Chris Duncan said that we can do an ordinance that makes these inoperable cars as a nuisance.

COUNCIL REGULAR AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from April 5, 2021.

Councilman Muraira said that he would like his comment added to the minutes about the citizens opposing the repairs to the Pixie House.

On a motion by Councilman Muraira, and seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved the meeting minutes from April 5, 2021, with the addition requested by Council Muraira to add "that the citizens are opposed to the repairs to the Pixie House."

Consideration and possible action regarding the rejection of an offer on a property held in trust.

Laura Tolar, Special Events Coordinator presented to council possible action regarding the rejection of an offer on a property held in trust. She said the city received an offer on property that is held in trust. She said that the offer is half of the value, she said that this is a 25-foot lot with no liens.

Mayor Bass asked if the offer is below the value listed by the County? Ms. Tolar said yes.

Ms. Tolar said that staff recommends rejection of the offer.

Councilman Yates asked how long the city has owned the property. Ms. Tolar said that it is not owned by the City but is in a trust that owes the city for back taxes. She said that taxes have not been paid since 1996.

On a motion by Councilman Pena, seconded by Councilman Cain, with a 4-1 vote Council approved the rejection of an offer on a property held in trust. Councilman Yates voted "Ney"

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 Intent 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 staff is recommending \$8.5 million in bonds, she said that this is the full cost to the repair of the sewer plant.

Mayor Bass asked about the 12 percent rate increase from last year. He asked if we do the 9 percent increase this year to the utility rate, will this fully fund these figures? Ms. Ezell said yes, without the increase no.

Councilman Muraira asked if we will be doing a nine percent increase this year to the utility rate? City Manager Tim Kelty said based on the rate study yes, we will have to do this in order to stay in line with the rate study to do everything that is proposed.

Councilman Pena asked if the Federal Funds can be used for the capacity of debt we want to take out? Ms. Ezell said it will depend on what council wants to do with these funds, and we aren't sure of what we can spend these funds on. We are still waiting on the Federal Government to say what we can use them on.

Mayor Bass asked what the urgency of doing this today? Tim Kelty said there is a 60-day process in this. During that time, we will size the bond issue according to our needs, but based on this resolution it cannot exceed the \$8.5 million. The actual amount would go down if we are approved to receive the second grant. Mr. Kelty also said that final action regarding the Bond would be considered by Council at a later meeting regarding the actual issuance.

Mayor Bass asked can we pay for this with the previously approved 12% increase? Ms. Ezell said no.

On a motion by Councilman Pena, and seconded by Councilman Yates, with all present voting "Aye" 5-0 Council unanimously approved 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.

Consideration of a Resolution No. 2021-2683 appointing Members to the Freeport Economic Development Board.

Mayor Bass presented Resolution No. 2021-2683 appointing a Member to the Freeport Economic Development Board. He said that there are two vacancies on the Freeport EDC Board.

Mayor Bass made a motion to appoint Margaret McMahan to the Freeport EDC Board seconded by Councilman Yates, with a 4-1 vote Council approved Resolution No. 2021-2683 appointing Members to the Freeport Economic Development Board, for the remaining term of Board Member Marinell Music, that ends on May 31, 2021. Councilman Cain voted “Ney”

Councilman Cain made a motion to appoint David McGinty to the Freeport EDC Board, seconded by Councilman Muraira with all present voting “Aye” 5-0 Council unanimously approved Resolution No. 2021-2683 appointing Members to the Freeport Economic Development Board, for the remaining term of Board Member Trey Sullivan, that will end May 31, 2022.

Mayor Bass said that he appreciates all the people that volunteer and want to serve on the committees with the city, he said that with last couple council meetings more people have applied. He said that there are several people who are serving on several committees. Mayor Bass said that he will be looking into this, he said that he doesn’t know that we need people serving on more than one committee when there is interest of others wanting to serve on these boards.

Consideration and possible action authorizing the continued participation in the Cooperation Agreement between the City of Freeport and Brazoria County in regard to HUD funding, and authorizing amendment to the current agreement.

City Manager Tim Kelty presented to council possible action authorizing the continued participation in the Cooperation Agreement between the City of Freeport and Brazoria County in regard to HUD funding, and authorizing amendment to the current agreement. Mr. Kelty said that in 2009 the city entered into an agreement with the county to receive HUD Funding. He said that the agreement before council will extend the agreement for three years.

On a motion by Councilman Cain, and seconded by Councilman Muraira, with all present voting “Aye” 5-0 Council unanimously approved authorizing the continued participation in the Cooperation Agreement between the City of Freeport and Brazoria County in regard to HUD funding, and authorizing amendment to the current agreement.

Consideration and possible action approving Resolution No. 2021-2684 adjusting the Master Fee Schedule for Freeport Recreation Membership fees.

Destinations Director, LeAnn Strahan presented to council Resolution No. 2021-2684 adjusting the Master Fee Schedule for Freeport Recreation Membership fees. Ms. Strahan said that the recreation supervisor approached her about modifying the membership fees to the recreation center. She said that fitness chains are offering low price memberships, as well as other city’s that offer more amenities. She said that staff recommends lowering the prices for savings to the citizens and youth of the city.

Councilman Pena asked how many current members the rec center has that are residents of the city, and he asked what the total revenue is for these memberships?

Ms. Strahan said that there are 89 members, and 9 are not residents, she said that she does not have the numbers for the revenue.

Councilman Pena said we may want to consider making some investments into our rec center.

On a motion by Councilman Pena, and seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2684 adjusting the Master Fee Schedule for Freeport Recreation Membership fees.

WORK SESSION:

Councilman Cain said that we have talked about the trash service and the issues with the bulk trash pickup. He said that today he noticed that the bulk trash has been picked up. He said that on the corner of 4th Street and Velasco there was a huge pile over the weekend, and today it is gone. He said that he is not seeing any debris on the side of the road, he said that someone is finally doing their job,

Councilman Muraira asked for an update on the Incode Software, he said understands that this is where the Code worksheets will be coming from. Mr. Kelty said that there are several modules for this upgrade and they have started with Finance. He said that there is Court, Utility Billing, Code and Payroll. He said that he has asked the Code be expedited. Councilman Muraira said that he would like to see if we can make the heavy trash pickup flyer be clearer on the pickup dates, he said that this is hard to understand. He said that residents are confused that the trash will be picked up on the three days of being allowed to set the trash out. He also spoke about the press release online, he said that people just skim through it, he asked if we can do an actual flyer? Mr. Kelty said that we can do something on social media, Mr. Muraira said maybe a video or something more creative to get people's attention. Councilman Muraira asked about the progress on the ballfield lights, and the pier? Mr. Kelty said that the funding for the lights, the pier and the roof at the pavilion was approved by the EDC last week. Public Works Director, Lance Petty said that the PO's were issued on Friday, he said that he has ordered the lights and brackets this morning, and Penny's Electric will be the one to install once everything comes in. Mr. Petty said that the fishing pier will begin in about two weeks, and it will take the contractor about ten days to complete the project. Councilman Muraira asked Mr. Petty about the status on the library. Mr. Petty said that all is complete except for the large room where the books are kept, and the carpeting needs to be installed. He said that the contractor is going to pick up the carpet from Houston so they can get that installed this week. Councilman Muraira asked if the county has said anything about when the books and computers will be moved back in. Mr. Petty said he met with the county, and he said that they are not in a hurry to move back in. He said they will be meeting with them again, to see what furniture they want moved back in, and they will get the shelves installed once the carpet has been installed. Councilman Muraira said that he had a complaint about 2nd Street and Beech, he said that there is a dip and asked if we can get asphalt on the road to smooth it out. Mr. Petty said that it can be done. Councilman Muraira asked Chief Garivey why the PD had three officers leave the PD? Chief Garivey said it has to do with the pay study. Chief Garivey said that he has three other officers applying elsewhere also, he said it will be a total of six when it's all done. Councilman Muraira asked if they are first line officers? Chief Garivey said yes and one is a Sargent of 19 years. Councilman Muraira said with what was approved they were suppose to be impacted, and they still left. Chief Garivey said it also comes down to morale. Councilman Muraira asked what could we have done different, he said even if what the Mayor proposed this still would not of fixed this. Chief Garivey said what the Mayor proposed would have helped out a lot. He said that it would have helped out with the morale. Chief Garivey said even being just three percent it would have helped out the other group. Councilman Muraira said that the three

officers left because of the pay. He said that in his opinion all departments need the raises, not just two departments, he said that it needs to be spread out. He said that he understands Chief Garivey point. Councilman Muraira said that council needs to stay consistent, he said one example is the Pixie House, he said that the citizens have spoken and said that they are not for the repairs to the Pixie House, and council is still discussing it. He said that we need to remain consistent.

Councilman Yates said that he had asked Chief Garivey for numbers of employees at the Police Department a few weeks ago, and he had received this information. He said that he wanted to compare the numbers of officers by population in Freeport to the numbers of the other cities. He asked if any other officers have left since he got the numbers.

Councilman Pena asked Chief Garivey of the three officers that left, where did they go? Chief Garivey said that two went to the County and one to Oyster Creek. Councilman Pena said that we need to look at our incentives to keep the Police Officers here. Councilman Pena said that the new pizzeria downtown had a real good weekend. Councilman Pena spoke of the lighting downtown, the lighting on Brazosport Boulevard, Velasco & 2nd Street and Velasco and Ave A. The lights at Oak Street to Park, he said that these are still without light. He spoke of the line of sight in downtown he said the hedges need to be trimmed down, as well as Cherry and 2nd. He asked about the sidewalk project from the boat ramp to Velasco. Councilman Pena said that the Mexican Heritage will be at the Museum the first week of May. Councilman Pena asked if Riverplace could be modified for the use of Wi-Fi for the summer school students.

City Manager Tim Kely said that he would like to recognize Lance Petty and the Public Works Department for all of their hard work. He said that Councilman Muraira, Lance Petty and himself met with Councilman Muraira, Brenda George and Gina Adams and the Little league officials, about the ball diamonds. He said that they had a long list of items that they would like to be done at the ball diamonds with about 9 items highlighted as priorities. Less than a week later Kely asked Mr. Petty's about the EDC funding some of those priority items. Mr. petty responded that eight of the priority items had already been completed from the list.

Mayor Bass said to express his appreciation to Mr. Petty and the Maintenance Crew for all of their hard work. He also said let's try to get these vaccines used. He said that he thinks it is important on opening up our society and our community.

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.

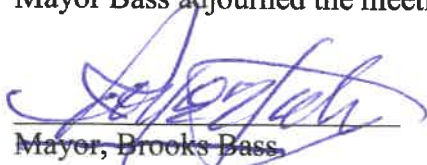
REGULAR SESSION

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.



Mayor, Brooks Bass
City of Freeport, Texas

Mayor Pro-Term
Roy Yates



City Secretary, Betty Wells
City of Freeport, Texas