

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, May 3, 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: Not Present  
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  
Laura Tolar, Special Events Coordinator  
LeAnn Strahan, Destinations Director  
Jackie Retzloff, Code Officer

Visitors:

David McGinty	Sandra Barnett
James Barnett	Ken Green
Peggy Yates	Nicole Mireles
Manny Rollerson	Ruben Renobato
Melanie Oldham	Keith Stumbaugh
Joe Gonzalez	Troy Brimage
Sabrina Brimage	

Visitors, Via Teleconference:

Amanda Petty	Lila Diehl
Kimberly Hammonds	Paul Crow

**Call to order.**

Mayor Pro Tem Yates 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 Pro Tem Roy Yates.

## **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.

Nicole Mireles spoke to council about all the large trash that has not been picked up in Ward C, she said that it is ridiculous.

Ruben Renobato spoke to council about the CCF who has hired an outside source to investigate the facts of the candidate's questioner leak. And to determine if the accusations are valid.

Manning Rollerson spoke to council about his concern of the city and the East End and where the City stands. He spoke of a commercial building operating in a residential area on 2<sup>nd</sup> Street. Mr. Rollerson said that Centerpoint put a telephone in his yard, and he cannot get in his driveway. He said that it needs to be removed, or he will remove it with his chainsaw.

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

Presentation on Demolition Report.

Kendig Keast Collaborative Presentation on Subdivision Control Ordinance revisions.

City Manager Tim Kelty, requested that these items be tabled until the next meeting.

Mayor Pro Tem Yates tabled these items until the next meeting.

## **CONSENT AGENDA:**

Consideration and possible action on the approval of City Council meeting minutes from Special Meeting on March 22, 2021, Regular City Council Meeting on April 19, 2021, and Special Meeting on April 26, 2021.

Consideration and possible action approving of Engagement Letter to conduct audit for FY2020-2021.

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

## **COUNCIL REGULAR AGENDA:**

**Public Hearing:** Public Hearing and possible action on Replat of property described as Lots 38, 39 and the East Half of Lot 37, Block 2 of Riverside Terrace Subdivision Recorded in Volume 5, Page 288 of the Brazoria County Plat Records in the J.F. Fields Survey Abstract 62 City of Freeport Brazoria County Texas November 2020, submitted by Peggy Yates known as PPY Properties.

Councilman Cain opened the Public Hearing at 6:11 PM.

City Manager Tim Kelty presented to council a Replat of property described as Lots 38, 39 and the East Half of Lot 37, Block 2 of Riverside Terrace Subdivision Recorded in Volume 5, Page 288 of the Brazoria County Plat Records in the J.F. Fields Survey Abstract 62 City of Freeport Brazoria County Texas November 2020, submitted by Peggy Yates known as PPY Properties. He said that Planning and Zoning did not approve this re-plat. He said that this was not approved because, at the time, it resulted in a nonconforming lot. Following the Plan Commission, the applicant amended the plat application increasing the smaller non-conforming lot to 50.5 feet, making it conforming.

City Attorney Chris Duncan said that Planning and Zoning could recommend approval of a replat to resulting in a nonconforming lot. He said that you cannot have an accessory building without a main building. Mr. Duncan said that he feels that with the change, this is now something that can be approved legally. He said that what was presented to Planning and Zoning originally could not be approved because of the way the lines were drawn. But with the lines that have been changed Council can approve if they should choose to do so. He said that the nonconforming use will have to be addressed.

Councilman Muraira asked if the property is 1903 North Ave H? He asked what is next to this property? Owner of the property Peggy Yates said that there is a nonconforming lot on Yellowstone that is owned by another individual. And opposite of that is another small half lot that is owned by another individual. Councilman Muraira asked if this will interfere with the Subdivision Zoning? City Manager Tim Kelty said that it does not.

Councilman Cain asked if proper notification was published. City Secretary, Betty Wells said yes.

Nicole Mireles asked if this should go before the Board of Adjustments? Chris Duncan said that the Board of Adjustments is to appeal a Building Permit if it is denied.

Councilman Pena asked why is there a request for this replat? Owner Peggy Yates said that she wants to sell the property, but she wants to retain the double car garage on the smaller lot, and make an efficiency apartment. Councilman Pena asked what the size of the lots are. City Manager Tim Kelty said that one lot is 50.5 feet is the smaller lot. He said that the larger lot is 74.5 feet.

Eric Hayes said that he believes this needs to go before Boards of Adjustments.

Thomas Zerlock said he has no complaints over this replat. He also asked if there is a minimum footage to build in the City? City Attorney Chris Duncan said yes.

Councilman Cain said in if the replat is approved, the building may have to be enlarged to be in compliance. Mrs. Yates stated that she understands this.

Councilman Cain closed the Public Hearing at 6:36 PM.

On a motion by Councilman Pena, and seconded by Councilman Cain, with 3-0 vote Council approved Replat of property described as Lots 38, 39 and the East Half of Lot 37, Block 2 of Riverside Terrace Subdivision Recorded in Volume 5, Page 288 of the Brazoria County Plat Records in the J.F. Fields Survey Abstract 62 City of Freeport Brazoria County Texas November 2020, submitted by Peggy Yates known as PPY Properties." Mayor Pro Tem Yates recused himself from all discussion on this item.

Consideration and possible action approving Ordinance No. 2021-2628 Prohibiting the Parking of Nuisance Vehicles.

City Manager Tim Kelty presented to council Ordinance No. 2021-2628 Prohibiting the Parking of Nuisance Vehicles. He said that this came up in the last council meeting, he said there is an issue of vehicles being parked in the grass. He said that this ordinance will allow Code to address vehicles being parked in the grass illegally.

Councilman Cain said that the ordinance states “on an unimproved surface (grass)”. He asked if the resident puts down crushed concrete, would this be considered an improved or an unimproved surface? Mr. Kelty said it would be an improved surface.

Councilman Muraira asked how will this ordinance be enforced? Mr. Kelty said that contact will be made by mail, a door hanger, or face to face contact when able. If the issue is not brought into compliance then there will be a citation written, and the Judge will set the fine. Councilman Muraira said that he would like added to the ordinance that “there needs to be an attempt to make contact before a citation is issued”.

City Attorney Chris Duncan said that there are specific steps by the Code Department, but we can add this requirement to the ordinance. Chief Motley that this is in our ordinance is says “that proper notice is to be given”.

Manning Rollerson spoke against this Ordinance.

Councilman Pena asked if this will affect commercial businesses as well as residential properties? Chris Duncan said yes.

On a motion by Councilman Cain, seconded by Councilman Muraira, with all present voting “Aye” 4-0 Council unanimously approved Ordinance No. 2021-2628 Prohibiting the Parking of Nuisance Vehicles.

Consideration of a Resolution No. 2021-2685 appointing Members to the Freeport Senior Citizens Board.

City Manager Tim Kelty presented to council Resolution No. 2021-2685 appointing Members to the Freeport Senior Citizens Board. Mr. Kelty said that there are two open positions on this board. We had two applications come in with interest to serve on this board. This will be for just one month, the term expires on May 31, 2021.

Councilman Pena asked to table this item, so that council can review the applications.

On a motion by Councilman Cain, for the appointment of Sandra Potts Childress and Pamela Douglas to finish the term that expires May 31, 2021 seconded by Councilman Muraira, requesting that there be more advertisement of vacancies on the boards, with all present voting “Aye” 4-0 Council unanimously approved Resolution No. 2021-2685 appointing Members to the Freeport Senior Citizens Board.

Councilman Pena said that he wants to make sure that we have advertisement for the vacancies of boards going forward.

Mr. Kelty said that boards and commissions come up for renewal next month, he said that he will put together a notice to get the word out notifying citizens.

Consideration and possible action for water billing adjustment for the New Jerusalem Baptist Church.

City Manager Tim Kelty presented to council the possible action for water billing adjustment for the New Jerusalem Baptist Church. He said that the church has a bill of \$15,000.00. Mr. Kelty said that the bill has gone unpaid due to the pandemic. The large bill came from a toilet issue, and went unnoticed because there have been no services during the pandemic.

Councilman Pena asked how long did this leak go unnoticed? City Manager Tim Kelty said that it was for about seven months. Councilman Pena asked if there was just no one going in and out of the church during this time? Mr. Kelty said that there was someone that went in, but the leak was not noticed. Councilman Pena spoke of trying to start a trigger for the City to know when the water is running so that it can be cutoff, and property owner reach out that the service is off.

City Manager said that he proposes that New Jerusalem Church pay \$534.38 up front and then \$100.00 additional on their monthly bill for nine months.

Mayor Pro Tem Yates asked if we can spread the \$100.00 in addition to their monthly bill over the next ten years.

Councilman Muraira said that he makes a motion to approve as recommended by staff as written. There was no second.

Councilman Pena made a motion to approve the proposal of \$534.38 up front and to pay an additional \$100.00 on their bill over the next ten years, seconded by Councilman Cain with a 3-1 vote council approved the water billing adjustment for New Jerusalem Baptist Church. Councilman Muraira voted "Ney"

**WORK SESSION:**

Mayor Pro-Tem Yates said that he heard that Mayor Bass's mother fell and broke her leg and is in the hospital.

Councilman Pena asked where we stand on life guards, he said that there was another tragedy at the beach. He said that there has been a memorial placed at the beach from the last tragedy. He said that we really need to look at putting life guards on our beaches. He said that there is a leak on the fountains, and there needs to be water added and it will run. He said he would like to see these fountains turned back on. He said that he would like engineering report and a mold test done on the Pixie House. Councilman Pena asked about the parking lot at Barcadia. He said that this is his third request for the lighting down 2<sup>nd</sup> Street from Oak to Park. He said that the landscaping downtown the bushes need to be trimmed down. The sidewalk on Cherry street, still needs to be cleared and the sidewalk by Sweet Tea's. He said that there are lights by the park that are still not working. He spoke of the tress trimming and how bad it looks. He asked if anyone has a horticultural background. He spoke about the ordinance lot sizes, he said that he would like this looked at for any planning that may be coming up for the lot sizes, he said that it may benefit the city to make the lot size smaller than 50 foot. He asked when the City Managers evaluation will be, if it will be next meeting. Councilman Pena said that he has had several code enforcement phone calls, and he will get with Mr. Kelty on this.

Councilman Cain asked for an update on the two houses that burned one on 10<sup>th</sup> Street and one on 2<sup>nd</sup> Street. He said that he is getting a lot of complaints on boarded up windows on vacant properties. He

said that he thinks that the city should come up with an ordinance for rental properties. He said that the City needs to start protecting itself.

Councilman Muraira asked Mr. Petty about the alleys of 1700 block by Freeport Intermediate. He asked if the alleys on 6<sup>th</sup> Street, 7<sup>th</sup> Street and Lynn Lane, will continue on to 5<sup>th</sup> and 6<sup>th</sup> and 7<sup>th</sup> and 8<sup>th</sup> Streets? Mr. Petty said yes, they are doing sewer line replacement right now. Councilman Muraira asked where we stand with the library and when will the books and computers be put back in? Mr. Petty said he is meeting with them on how they want the shelves put back in. He said that the library is waiting to see if they received a grant that will replace the furniture in the library. Councilman Muraira asked Mr. Kelty about the progress for the grant? Mr. Kelty said we have not heard anything on the grant. Councilman Muraira asked about the bulk trash service, he asked if the trash has been picked up. Mr. Kelty said yes and he thinks this bulk pickup was done better than he has seen since he has been here. He said that we will be going out for bids in June for solid waste services.

Mayor Pro Tem Yates said that since he was defeated, Mr. Brimage will be taking his place.

City Manager Tim Kelty announced the National Day of Prayer is May 6, 2021 at 10 AM at the Freeport Municipal Park. And the employee appreciation picnic will be on the same day at 3:00 PM.

Update on reports / concerns from Department heads

Open session was closed at 7:32 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 Pro Tem Yates reconvened regular session at 8:11 P.M.

There was no action taken from executive session.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Pena, with all present voting "Aye", Mayor Pro Tem Yates adjourned the meeting at 8:12 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