

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Tuesday, July 6, 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: Absent  
Councilman Jeff Pena  
Councilman Jerry Cain  
Councilman Mario Muraira  
Councilman Troy Brimage

Staff: Tim Kelty, City Manager  
Betty Wells, City Secretary  
Chris Duncan, City Attorney  
Cathy Ezell, Finance Director  
Lance Petty, Public Works Director  
Laura Tolar, Special Events Coordinator  
LeAnn Strahan, Destinations Director  
Courtland Holman, EDC Director  
Henry Rivas, Building/Code Officer  
Ray Garivey, Freeport Police Chief  
Bob Cramer, Via Teleconference

Visitors: David McGinty  
Manning Rollerson  
Sabrina Brimage  
Kenny Hayes  
Sam Reyna  
Julio Areunlo  
Nicole Mireles  
Pam Dancy  
Gina Adams  
Tommy Pearson  
Barry Simmons

Visitors, Via Teleconference: Amanda Petty  
Melissa Ashington (GLO)  
Nick Irene (Facts) Teleconference  
Genevieve Irene  
Lila Diehl  
Vander Williams  
Kim Hammonds

**Call to order.**

Mayor Pro Tem, Cain called the meeting to order at 6:03 p.m.

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

Invocation and Pledge was led by City Manager Tim Kelty.

## **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.

Julio Areunlo 711 West 10<sup>th</sup> spoke to council of his concern on the Sanitary Sewer overflows. He said that over the last few months on 8<sup>th</sup>- 12<sup>th</sup> Streets there has been waste water backing up into the streets. He said that this is not good for kids that may be playing in this, and for pets that are walking through it. He asked if there is something the city can do. He said maybe pump or jet the lines. He said that something has to be done before something bad happens.

Councilman Brimage asked if this is something that Veolia can do to take care of this? He said that this is something that must be addressed soon, we have to get this fixed.

Nicole Mireles said that Veolia can use a vac truck and suck up the drains, she said that this does help.

Councilman Pena said this is something that needs a remedy.

Manning Rollerson spoke to council about the pumps that Councilman Brimage had placed a few years ago, he said that this was a good idea. Mr. Rollerson spoke of his daughter's apartment, and a video he has of the Director of Building and Code. He said that the city does not take care of its residents. He said that issue with the apartment has been going on for two years.

Pam Dancy 313 S. Front Street spoke to council about the flooding and drainage issue she has at her property. She said that she has a meeting set up with the City Manager, Public Works Director and Jerry Meeks with Veolia on Thursday. She said that the people that have taken the oaths to serve and protect the citizens need to start doing something. Ms. Dancy said that she is not going anywhere and she needs this issue resolved. She said that she dug a trench to try and get the water to flow off of her property, but that it did not work. She said that this is Plan A, and she does have a Plan B. She said she just wants respect and her problem to be fixed.

## **CONSENT AGENDA**

Item Number 2 was moved from Consent Agenda to Council Regular Agenda by Mayor Pro Tem, Cain.

Consideration and possible action on the approval of City Council meeting minutes from June 7, 2021.

On a motion by Councilman Pena, seconded by Councilman Muraira, with all present voting "Aye" 4-0 Council unanimously approved City Council meeting minutes of the Consent Agenda.

## **COUNCIL REGULAR AGENDA:**

Consideration and possible action approving road closures for Kid Fest on August 7, 2021.

Destinations Director, LeAnn Strahan presented to council the approving the road closures for Kid Fest on August 7, 2021. She said that the street closures will be West and East Park closed at 2<sup>nd</sup> Street, Broad and 4<sup>th</sup>. She said that this will not affect traffic on 2<sup>nd</sup> and 4<sup>th</sup> Streets. She said the closure will begin at 8 A.M. and everything should be cleaned up by 6 P.M.

Councilman Pena asked if the splashpad will be on, and if there will be signage for the overflow parking? Ms. Strahan said that the splashpad should be on. She said there has never been signage for parking, she said that people park at City Hall and behind Barcadia.

Councilman Muraira asked if Mr. McDonald with Barcadia will have a problem with customers not being able to park at his establishment. Ms. Strahan said that they reach out to the business owners, and they have never had an issue of complaints before.

On a motion by Councilman Pena, seconded by Councilman Muraira, with all present voting "Aye" 4-0 Council unanimously approved the road closures for Kid Fest on August 7, 2021.

**Public Hearing:** and possible action on PICO SUBDIVISION A 3 Lot Subdivision Composed of an 11.010 Acre Tract (Called tract 9-A) And an 11.010 Acre Tract (Called Tract 13-B) Conveyed to Edison G. Pico And Luis R. Pico Recorded in County Clerk's File 17-036500 of the Brazoria County Official Records Out of A called 400.006 Acre Tract Situated in the S. F. Austin 3 Labors Abstract 30 And the J. S. all Survey, Abstract 217 Brazoria County Texas May 2021.

Mayor Pro Tem Cain opened the Public Hearing at 6:29.

City Manager Tim Kelty presented to council possible action on PICO SUBDIVISION A 3 Lot Subdivision Composed of an 11.010 Acre Tract (Called tract 9-A) And an 11.010 Acre Tract (Called Tract 13-B) Conveyed to Edison G. Pico And Luis R. Pico Recorded in County Clerk's File 17-036500 of the Brazoria County Official Records Out of A called 400.006 Acre Tract Situated in the S. F. Austin 3 Labors Abstract 30 And the J. S. all Survey, Abstract 217 Brazoria County Texas May 2021. Mr. Kelty said that this was approved by the Planning and Zoning.

Public Hearing was closed at 6:32 on a motion by Councilman Brimage, seconded by Councilman Muraira.

On a motion by Councilman Brimage, seconded by Councilman Muraira, with all present voting "Aye" 4-0 Council unanimously approved PICO SUBDIVISION A 3 Lot Subdivision Composed of an 11.010 Acre Tract (Called tract 9-A) And an 11.010 Acre Tract (Called Tract 13-B) Conveyed to Edison G. Pico And Luis R. Pico Recorded in County Clerk's File 17-036500 of the Brazoria County Official Records Out of A called 400.006 Acre Tract Situated in the S. F. Austin 3 Labors Abstract 30 And the J. S. all Survey, Abstract 217 Brazoria County Texas May 2021.

**Public Hearing:** and possible action on GAYLE LOT 15C SUBDIVISION A 2 Lot Subdivision of the Arpen Investments, Inc. Called 5.00 Acre Tract Recorded in County Clerk's File 12-058719 of the Brazoria County Official Records Situated in the J. E. Groce 5 League Grant Abstract 66 Brazoria County, Texas April 2021.

Mayor Pro Tem Cain opened Public Hearing at 6:34.

City Manager Tim Kelty presented to council possible action on GAYLE LOT 15C SUBDIVISION A 2 Lot Subdivision of the Arpen Investments, Inc. Called 5.00 Acre Tract Recorded in County Clerk's File 12-058719 of the Brazoria County Official Records Situated in the J. E. Groce 5 League Grant Abstract 66 Brazoria County, Texas April 2021. He said that this was approved by the Planning and Zoning.

Manning Rollerson asked if the City is responsible for the drainage? Tim Kelty said "no".

Councilman Brimage made a motion to close the Public Hearing, seconded by Councilman Pena, with all present voting "Aye" Mayor Pro Tem Cain closed Public Hearing at 6:35.

On a motion by Councilman Brimage, seconded by Councilman Muraira, with all present voting "Aye" 4-0 Council unanimously approved GAYLE LOT 15C SUBDIVISION A 2 Lot Subdivision of the Arpen Investments, Inc. Called 5.00 Acre Tract Recorded in County Clerk's File 12-058719 of the Brazoria County Official Records Situated in the J. E. Groce 5 League Grant Abstract 66 Brazoria County, Texas April 2021.

Consideration and possible action on Resolution No. 2021-2696 appointing a member to the Board of Adjustments.

City Manager, Tim Kelty presented Resolution No. 2021-2696 appointing a member to the Board of Adjustments. Mr. Kelty said this board has two vacancies, he said that we have an application from Barry Simmons to serve on this board.

On a motion by Councilman Brimage, seconded by Councilman Muraira, with all present voting "Aye" 4-0 Council unanimously approved Resolution No. 2021-2696 appointing Barry Simmons to the Board of Adjustments.

Consideration and possible action approving Task Authorization # 18 of concrete streets.

This item was tabled until the next meeting by Mayor Pro Tem Cain.

Councilman Muraira asked if the repair to streets McNeil to Munson could be shortened, and just repair what needs to be fixed. He said that this will cost less. He said that he would like to add Yellowstone to North Ave. N to Ave O, and repair what really needs the repair. Mr. Kelty asked if this is something that can be done in house? Mr. Petty said yes, but he will look at it to be certain. Councilman Muraira said that he likes the idea of doing in house, but said that he wants to make sure it is in the time line with the other streets.

David McGinty asked about Hickory and West Brazos, and West 1<sup>st</sup> he said these are horrible. He said that he spoke with Mr. Kelty. Mr. Kelty said that the County will begin the work on these streets this week.

Councilman Pena asked if the damage to these streets are from adding the curbs? He said that they seem to be getting worse since the curbs were added.

Julio Areunlo, 711 West 10<sup>th</sup> spoke to council about the repairs done on 10-12<sup>th</sup> Streets, he said that the city needs to follow up on the repairs after the contractors do the work. He said the streets have cracks already.

Councilman Brimage said Sorrell Construction is the company that did the work on these concrete streets, about two years ago.

Manning Rollerson asked Councilman Pena which streets will be done for Ward A. Councilman Pena said that he is hoping to have a map on the next meeting so that this can be determined. He said that he does have focus on 2<sup>nd</sup> Street. He said that he has had conversation with Tim Kelty.

On a motion by Councilman Brimage, seconded by Councilman Muraira, with all present voting "Aye" 4-0 Council unanimously approved to table this item until the next meeting.

Consideration and possible action approving Ordinance No. 2021-2634, amending Sections 50.06 of the Code of Ordinances of said City to increase the rates for garbage and collection and disposal rates. Containing Savings Clauses, Containing a Severance Clause.

Finance Director Cathy Ezell, presented to council Ordinance No. 2021-2634, amending Sections 50.06 of the Code of Ordinances of said City to increase the rates for garbage and collection and disposal rates. Containing Savings Clauses, Containing a Severance Clause. She said that this needs to be done because rates have not been adjusted in two years, and cost have risen. As a result, the city is losing \$2500.00 a month which is \$30,000.00 a year.

Councilman Brimage said that he cannot support raising rates and pass it on to the citizens with the service being provided. He said that the service provided is horrible. Councilman Brimage said he does not want to charge the citizens more, for the service that this company provides.

Councilman Cain said that he does not feel comfortable raising the rates now. Because we will be going out for bids on a new contract and what if the rates are higher than they are now, he recommended waiting until a new contract was signed.

Councilman Pena said he would rather this come from the General Fund, instead of going to the citizens.

On a motion by Councilman Brimage to take no action, seconded by Councilman Pena, with all present voting "Aye" Council unanimously approved to take no action on this item.

Consideration and possible action approving the designation of electing a Chairman to the TIRZ Board.

Freeport EDC Director, Courtland Holman presented to council the possible action approving the designation of electing a Chairman to the TIRZ Board. He said that Nicole Mireles has stepped up and said that she will volunteer to be the Chairman to the TIRZ Board.

Nicole Mireles said that she is disappointed that no one from the board stepped up to serve. She said that she has been reading up on the TIRZ, and she will need help on this, she is learning but she will need help. Nicole Mireles asked who put this together? Mr. Kelty said that Travis James has been working with the EDC Board to put this together.

Councilman Pena said that he was out of town, and he is willing to serve on this is Board if Ms. Mireles does not want to.

Councilman Brimage said that he doesn't like that this is just focused to the EDC. He said that we need to use transparency and continue to move forward. He asked if the TIRZ Board is separate from the EDC

Meeting? Courtland Holman said “yes”. Councilman Brimage said that he wants to see this move forward and be used effectively.

Councilman Muraira asked when the meeting is set for? Mr. Holman said he has not set a meeting yet.

Councilman Cain asked Councilman Pena if he wanted to be considered for the position on the TIRZ Board? Mr. Pena said that he just wanted Ms. Mireles to know that he was interested, but he was out of town.

On a motion by Councilman Muraira, seconded by Councilman Brimage, with all present voting “Aye” 4-0 Council unanimously approved to appoint Nicole Mireles as Chairwoman to the TIRZ Board.

## **WORK SESSION:**

Councilman Pena said that the drainage in Ward A is a daily problem, he said that it is a real danger. He spoke about the property south of 9<sup>th</sup> Street that he believes is owned by Eric Hayes, he said that he built up this land and it is causing flooding of the property around this property. He asked what is the drainage policy? He asked if this was properly permitted to change the grade of the soil. Mr. Kelty said that there was not a permit issued, he said that he was not aware of this happening and it will be looked into tomorrow. Councilman Pena said that this is hurricane season and it can be disastrous.

Councilman Cain said that he wants to commend the Public Works Department for making sure the streets are draining, during these rain events. He asked is there something we can do to come up with for the time being to remedy this I & I? Mr. Petty said that this will be really difficult. He said that there is not much that we can really do. Councilman Cain asked about the lift station by Acacia, what is the status on the rehab? Lance Petty said that the temporary pump is there, four pumps are operational waiting on the fifth pump, plus the bypass pump. Councilman Brimage said that if the pumps are running we do not have this problem. He asked do we need to adjust the floats? He said that we need to make sure that the pumps are running, and see what needs to be cleaned out.

Councilman Muraira asked what is the timeline for the I & I? Mr. Kelty said that the I&I issue will be addressed through the \$6 million grant from GLO but that will take time and best-case scenario will start construction mid to late 2022. However, he hopes to get a head start on the issue and have at the next council meeting an engineering task authorization for six to eight blocks to replace the sewer lines. Councilman Muraira asked if the city can do anything for apartment tenants? He said that the resident with the AC issue has been brought up at the last three meetings by Mr. Rollerson, he asked is there anything that the city can do? Mr. Duncan said that the city goes by the code, he said that the lease should have requirements for the tenant, as well as the landlord. Mr. Rivas with the Building/Code Department, said that the code talks of heating, he said that he is not sure of cooling, but he will look into this. Councilman Pena said that most leases say that the landlord must repair the AC in a timely manner. He said that we may want to consider a Housing Department to work along side the Code Department. He asked if we will do anything for the apartment? Mr. Duncan said that this is a civil issue and may have to go to JP Court. He said that there is no way that the city can fight the citizens lawsuits. Councilman Muraira asked when the library will be opening? Mr. Petty said that the city has done our part, he said that he has not heard anything from the library. Councilman Muraira also spoke of the alley between 4<sup>th</sup> and 5<sup>th</sup> Street. He said that there is a lot of trash. He said that it looks like people are just throwing their trash between 4<sup>th</sup> and 5<sup>th</sup>. Councilman Muraira said that there are cars driving through this area, and this is causing muds tracks. He said that he is not sure if code can do anything out here. Councilman Muraira said 4<sup>th</sup> Street has cars parked and the trash trucks are unable to get down the road, so the trash is not being picked up.

Councilman Brimage said that he did not have anything.

City Manager Tim Kelty said that the demos are moving forward. He said that the Parking Ordinance is starting to be enforced. He said that the Rental Inspection Program will probably be delayed for a little bit. Councilman Pena said that this will be something that will take some time, he said that this will be a whole new department. Councilman Pena said that we have a huge sewer problem, he said that we need to hold our City Contractor Veolia accountable, and get them replaced. Councilman Pena asked Chief Garivey about the incident with the Police Officer that Manning Rollerson spoke of. He asked if this was looked into, Chief Garivey said "yes and there was nothing to this".

Update on reports / concerns from Department heads

Open session was closed at 7:42 pm and Council entered into Executive Session.

**CLOSED SESSION:**

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), O. A. Fleming, and East End, in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072, 551.074.

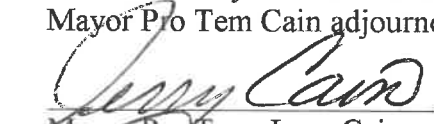
**REGULAR SESSION**


Mayor Pro Tem Cain reconvened regular session at 8:09 P.M.

There was no action taken from executive session.

Adjourn

On a motion by Councilman Brimage, seconded by Councilman Muraira, with all present voting "Aye", Mayor Pro Tem Cain adjourned the meeting at 8:09 P.M.

  
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Mayor Pro Tem, Jerry Cain  
City of Freeport, Texas

  
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City Secretary, Betty Wells  
City of Freeport, Texas