

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, September 20, 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 Troy Brimage

Staff:

- Tim Kelty, City Manager
- Betty Wells, City Secretary
- Cathy Ezell, Finance Director
- Chris Duncan, City Attorney
- Lance Petty, Public Works Director
- Kaysey Roman, Building Official
- Giselle Hernandez, Financial Analyst
- Laura Tolar, Special Events Coordinator, Via Teleconference
- Robert Cramer, Via Teleconference
- Chris Motley, Fire Chief
- LeAnn Strahan, Destinations Director
- Ray Garivey, Freeport Police Chief

Visitors:

David McGinty	Ed Garcia
Kenny Hayes	Donna Hayes
Tommy Pearson	Desiree Pearson
Melanie Oldham	Ruben Renobato
Brian Bruce	Raven Wuebker
Sabrina Brimage	Pamela Dancy
Shonda Marshall	Nicole Mireles
Sam Reyna	

Visitors, Via Teleconference:

Lila Diehl	Amanda Petty
Paul Crow	

Call to order.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was led by City Manager Tim Kelty, Pledge was led by Councilman Muraira.

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.

Sabrina Brimage 24 Fisher, spoke to council of her concerns of information that was brought to her attention, and she felt that she needed to make the Mayor aware. She said that she has heard that Councilman Muraira has been saying that the her and her husband's company BrazTex was allowed to build homes without having to pull building permits. She said that this is not true. She said that if these accusations continue she will seek legal assistance, because this can affect her livelihood and her business. She said that it has also been brought to her attention that Councilman Muraira has said that the new Building Official is her cousin. Ms. Brimage said that she does not even know the name of the new Building Official, and this is a lie. Councilman Brimage said that Councilman Muraira is laughing at this, and this is not funny. He asked the Mayor if he was going to allow this. Mayor Bass asked that Councilman Muraira respond properly, and for everyone to follow proper decorum. Ms. Brimage said that she is asking the city council and the City of Freeport if they are sure that Mario Muraira is capable and competent enough to be a Councilman and help run our city.

Ruben Renobato 1507 West 2, spoke to council of his concerns from August 25, 2021. He said that a Motion was filed in Brazoria County District Court, to amend the restitution for Jeffrey Pynes, to reduce the restitution that Mr. Pynes agreed to pay to the City of Freeport to a less amount by \$25,000.00. Mr. Renobato said that he is opposed to the granting of this Motion.

Pamela Dancy spoke to council about the flooding of her property, she passed a picture around to council of her property after just a rain storm, not a hurricane. She said she wants to ask each council member, if they lived where she lives, what they would suggest that she do? And how would they would feel if they had to live with this problem.

Shonda Marshall 135 Brazos Landing, told council that she wanted to publicly thank Chief Garivey for coming to her home once he heard that her family was without power. She said there is a dialysis patient, and a patient with dementia that live at this property, she said that it is she and her father. Ms. Marshall said that Chief Garivey came in his personal vehicle, and not in uniform. She said that he offered help from his own pocket. Ms. Marshall said that the citizens should know that they are taken care of. She said that she is happy to see that the citizens of Freeport did their part as well during this storm.

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

Report on Hurricane Nicholas impact response.

Chief Garivey said that the PD stayed through the storm. He said that there were strong winds, and the city lost power. Chief Garivey said the PD wanted to let the citizens know that they are being taken care of. He said that even the citizens were doing their part. He said that everyone stepped up. Chief Garivey

said that he wants to commend all of the departments for all of the hard work. He said that he is very proud to be the Police Chief of this fine city.

Mayor Bass asked Chief Garivey if there were any increase in criminal activity during the blackout. Chief Garivey said "no".

Chief Motley said that there were Emergency Meetings twice a day on Friday, Saturday and Monday before the storm. He said that Everbridge sent out phone messages to all that are registered. He said that the city is trying to find a site to take care of the vegetation from the storm. Chief Motley said that there were no major accidents in our city that he is aware of. He said that we need to make sure that all we get any damage that happened due to the storm reported. Chief Motley said that there is a link on the city's website. He said that the storm taking the turn to the East, really helped us, we are very fortunate. He said that he is very proud to see neighbors helping neighbors. And he commends all of the departments for their hard work.

Public Works Director, Lance Petty said that he is super proud of his department. He said that they got organized before the storm. He said that they were out until about 1:30 AM manning the pumps. Mr. Petty said that there was about 800 yards of debris on the road, that his employees removed. He said that he is super proud of the residents as well. Mr. Petty said that the Library, City Hall, Museum, and Golf Course all received damage, but the repair has already begun.

Finance Director, Cathy Ezell said that her staff worked at city hall, she said that city hall took on water. She said that she and staff came in, moved furniture to get ready for the carpet to be removed. She said that dehumidifiers and fans are placed around city hall to keep mold from growing. Ms. Ezell said that power just came back on Saturday and internet was restored today. She said that there will be no late fees on the bill due now, and it has been extended until October 7. Ms. Ezell said that her staff worked long and hard to get City Hall back open. Mayor Bass said that he wanted Cathy Ezell and her staff signaled out because they were working in city hall without AC, no lights, and very little wind and dealing with all the humidity. He said that he commends all departments.

City Manager Tim Kelty said that he wanted to reiterate everything that everyone has said. He said this is a storm that came in very fast. He said that we had pumps on hand, equipment on hand, and he said that messages went out regularly to the public on Facebook, on our website, as well on the message boards. Mr. Kelty said that this is a very strong team effort. He said this really shows how amazing this city is.

Mayor Bass said that he is very proud to be the Mayor of the City of Freeport. He said that he was out in the storm, making sure pumps were working. He said that seeing neighbor helping neighbor made his heart swell. Mayor Bass said that he wants to commend council, each and every department head and each and every employee, he said that we were prepared and we were ready. He said that we will address things that could have been done better on a later date with citizens, once we have our after-action report.

CONSENT AGENDA:

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

Consideration of Road Closure for Veterans' Day Parade on November 11th, 2021.

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

COUNCIL REGULAR AGENDA:

Consideration and possible action to approve Resolution No. 2021-2707 for the approval of the 2021-2022 EDC Budget.

Freeport EDC President, Ed Garcia presented to council Resolution No. 2021-2707 for the approval of the 2021-2022 EDC Budget. He said that he wanted to thank the Budget Committee, Mingo Marquez, Treasurer, Josh Mitchell, Vice President, and Chris Duncan, EDC Attorney for preparing the budget. He said that the FY 2021-2022 budget was approved by the EDC Board. He said that there was not much change from last year. Mr. Garcia said that the EDC did approve two Local Business Grants.

On a motion by Councilman Cain, seconded by Councilman Muraira, with discussion that followed.

Councilman Brimage said that he knows that one Grant went to Sweet T's Diner, but wanted to know who the other Grant was given to. Mr. Garcia said that it was given to Port Café, in the amount of \$19,000.00.

Mayor Bass called the motion for a vote, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2707 for the approval of the 2021-2022 EDC Budget.

Consideration and possible action approving Resolution No. 2021-2709 amending the Master Fee Schedule for pool party rentals.

LeAnn Strahan presented to council Resolution No. 2021-2709 amending the Master Fee Schedule for pool party rentals. She said that the reason for the increase in fees is that we were not charging enough to cover our cost based on expenses.

Mayor Bass asked if this will allow us to break even on the lifeguard fees? Ms. Strahan said yes.

Councilman Pena asked if these numbers are based on past attendance? Ms. Strahan said no, this is to cover our cost to pay the lifeguards after hours, for pool party rentals.

Councilman Cain said that this is just for private party rentals.

On a motion by Councilman Brimage, seconded by Councilman Pena, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2709 amending the Master Fee Schedule for pool party rentals.

Discussion regarding Redistricting for City Council Wards.

City Manager Tim Kelty and City Attorney Chris Duncan presented to council a discussion regarding redistricting for City Council Wards. Mr. Kelty said that the city should evaluate the need to redistrict after every Census, which is every ten years. He said that redistricting has not been done since 1992. He said that Slaughter Road and the East End of Freeport has lost population. Mr. Chris Duncan said that this is something that needs to be done three months before an election. He said that we will get expert legal guidance, that has experience in this field.

Councilman Muraira asked if there is a date or time of when we will consider this? Mr. Duncan said that we will start by gathering the information from the Census, and then we will look to find the third-party legal assistance.

Councilman Pena asked about the map that was handed out, he asked if it is the current map. Mr. Kelty said it is the map from the 1992 redistricting ordinance.

Consideration and possible action to approve Ordinance No. 2021-2642 an Ordinance ratifying, affirming, and extending the Declaration of Disaster regarding Hurricane Nicholas.

Mayor Bass presented to council Ordinance No. 2021-2642 an Ordinance ratifying, affirming, and extending the Declaration of Disaster regarding Hurricane Nicholas. He said that what this Ordinance will do is extend the Disaster of Declaration until council recalls it.

On a motion by Councilman Brimage, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Ordinance No. 2021-2642 an Ordinance ratifying, affirming, and extending the Declaration of Disaster regarding Hurricane Nicholas.

WORK SESSION:

Councilman Pena thanked city staff for all of the hard work throughout the hurricane. He said that he is glad that Centerpoint got everyone back up and running, he asked Mr. Kelty if he knew how many people were still without power? Mr. Kelty said that he has not heard of anyone without power. Councilman Pena said that a lot of local restaurants, Sweet T's, Beach Bums, Port Café all lost a lot of food, so we need to make sure that we support our local businesses. Councilman Pena said that it is important as council that we conduct ourselves kindly, and professionally. Councilman Pena asked why we do not have a generator at City Hall, to keep it up and running? Cathy Ezell said that she and David Fernandez have a meeting scheduled for Wednesday to possibly apply for a Grant. Councilman Pena said that the pumps and the power in the park had come on, but as of today there is no power, and the pump is not running.

Councilman Cain said that he would like to thank our city workers for all that they did throughout the storm, to protect our city. He also said the citizens were pulling leaves from the drainage as soon as the storm passed. He said that he seen this on several corners and it made him proud, he said this speaks volumes of the citizens, of our city. Councilman Cain asked Mr. Kelty if we can get water bill credit for the Board Members that serve on our boards? He said that he thinks this will encourage more people to volunteer to serve and participate on our Boards and Commissions. Councilman Cain also asked if we have had any engineering surveys on our drainage pipes? He said just in a normal rain event, some of our streets are flooded. He said that he believes that Freese and Nichols needs to look into is our drainage, to see where we are at, where we need to be and what it will take to get where it should be.

Councilman Muraira asked if we have an answer on the drainage? Mayor Bass said that we will get an answer from Freese and Nichols. Councilman Muraira said that he would like to address Ms. Brimage, and he apologizes for laughing, he said that he was not laughing at her, but was laughing at the accusations that were made. He said that these are false. He said that he has a lot on his mind, and his plate is full, but these are false accusations. He said that if Ms. Brimage would like to talk with him, he can arrange a time that he, Ms. Brimage and Troy can talk. Councilman Muraira said that Mr. Montoya reached out to him about the electrical on the soccer fields. Mr. Petty said that the school is not doing the repairs. He said that the transformer needs repair. Mr. Petty said that a local electrician does not do this kind of repair, so he is trying to get a contractor. He will need to get a cost and get it to Mr. Kelty. Councilman

Muraira thanked Mr. Kelty for the feedback on the updates from the Hurricane. He thanked all the staff for all that they do.

Councilman Brimage thanked all the city employees, he said that they did an amazing job. Councilman Brimage said that the citizens want more phone contact through Everbridge, rather than Facebook notifications. Councilman Brimage said that the water was past the pumps on Velasco, and Ave A area, the ditches were overflowing. He said that when the Velasco Drainage District pumps are going full speed, they will blow black smoke. He said that the pumps were not doing this until about 3:25 AM. Councilman Brimage said that we may need a representative to watch these pumps, and he thinks this will make a big difference. He also said that it is taking too long to repair the pump off Avenue A by the service center, and he thinks that we need to look into finding a new company. He said that Centerpoint infrastructure is in immediate need, he said that we need to get a meeting scheduled and get some action on repairing the poles throughout the city. Councilman Brimage asked that the EDC Meetings be put back on line.

Desiree Pearson said that Eddie Norris from the Public Works Department, needs to be recognized, she said that he checked on her at least three times during the storm.

Mayor Bass said that he has been accused of being too much of a gentleman, or he is too nice. He said we must be careful in what we say. He said he did not personally hear what Councilman Muraira said, or didn't say, but Ms. Brimage did. He said just because you can say something on Facebook does not mean that you should. He said Facebook is the devil. Mayor Bass said we must set an example for our community. He said that if you want respect, you give respect. He said that he does not have Facebook, but it does not keep people from sending pictures of what is being said on Facebook to him. Mayor Bass asked that council go back and read the charter. He said that he does believe in free speech, but just because you can say it, does not mean that you should. He says that he hopes we will act in a way that is professional. Mayor Bass said that we are city leaders, elected to do a job.

City Manager Tim Kelty said that Veolia was left off the list of folks that needed to be recognized for their response. They were faced with some incredible struggles, he said that out of the 29 lift stations there were 11 that were down without power, he said that they got a portable generator in rotation to keep the stations without power pumped down working long hours. Brian Bruce and his staff did an amazing job. Mayor Bass said that we appreciate everything that Brian Bruce and his staff did. Mr. Kelty introduced the new Building Official, Kacey Roman, he said that he is really excited at what she brings. Mr. Kelty said that we did receive a proposal for our emergency debris removal. He said that it will take about two weeks to get this all removed once they get started. Mr. Kelty also said that we will be working on a solid waste contract for an upcoming city council meeting. He reminded Councilman Pena and Councilman Muraira of the upcoming TML Conference on October 6-8, in Houston.

Update on reports / concerns from Department heads

Open session was closed at 7:33 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, c.) (Personnel Matters) City Manager annual evaluation, in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072, 551.074.

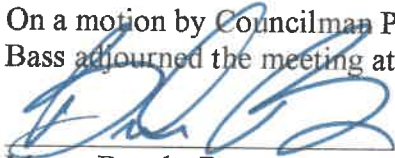
REGULAR SESSION

Mayor Bass reconvened regular session at 7:51 P.M.

On a motion by Councilman Brimage to approve Resolution No. 2021-2710, and Interlocal Agreement between City of Freeport BISD as presented, seconded by, Councilman Pena with all with all present voting "Aye" 5-0, motion passed.

Adjourn

On a motion by Councilman Pena, seconded by Councilman Cain, with all present voting "Aye", Mayor Bass adjourned the meeting at 7:53 P.M.



Mayor Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas