

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, October 18, 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
- Chris Motley, Fire Chief
- Kacey Roman, Building Official
- LeAnn Strahan, Destinations Director
- Ray Garivey, Freeport Police Chief
- Clarisa Molina, Administrative Assistant
- Jessica Dyson, Freeport Fire/EMS
- Thomas Thorton, Freeport Fire/EMS
- Addiel Martinez, Freeport Fire/EMS
- Jason Schneider, Freeport Fire/EMS
- Blaine Redwine, Freeport Fire/EMS

Visitors:

Landis Adams	Gina Adams
Kenny Hayes	Larry Fancher
Tommy Pearson	Desiree Pearson
Melanie Oldham	Ron Bavarian
Raven Wuebker	Sabrina Brimage
Manning Rollerson	Don Shytles
Mr. Valentine	Brazoria County Hispanic Chamber

Visitors, Via Teleconference:

Laura Tolar	Robert Cramer
Vander Williams	Amanda Petty
Paul Crow	Jerry Meeks
Mari Saccomanno	

Call to order.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was led by Councilman Brimage, Pledge was led by City Attorney Chris Duncan.

CITIZENS' COMMENTS:

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

Employee of the month for the month of September 2021.

City Manager, Tim Kelty recognized several employees that had been nominated by their Department Heads for employee of the month for the month of September 2021 including Freeport Fire Department employees Lieutenant Jessica Dyson and Parker Jones, as well as, Freeport Police Department employees, Lieutenant Cory Brinkman and Detective Thomas Slater.

City Manager, Tim Kelty said that all City employees will be honored for the month of September, for all of their hard work during Hurricane Nicholas with a fish fry from the Mayor.

Presentation and discussion on Interlocal streets with County for 2021-2022.

Public Works Director, Lance Petty presented to council the Interlocal Streets with County for 2021-2022. Mr. Petty showed slides with the condition of the streets that are on the list.

Mayor Bass requested that council and residents, if there are any other roads that they would like to see considered, to please email the City Manager.

Councilman Cain thanked Mr. Petty for the pictures that were provided. He said that this has never been done since he has served on council, and it is very helpful.

Presentation and discussion by The Brazoria Hispanic Chamber of Commerce on development of a Hispanic Cultural and Event Center located on 2nd Street.

Gina Adams spoke to council about the Brazoria Hispanic Chamber of Commerce on development of a Hispanic Cultural and Event Center located on 2nd Street. She introduced Mr. Valentine.

Mr. Valentine presented to Council the Hispanic Cultural and Event Center, that they would like to be located on 2nd Street.

Councilman Muraira said that he likes this, and the city needs the change, and he hopes that council can see this vision.

CONSENT AGENDA:

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

Consideration of approving the road closure for Beach Bum Barcadia's Halloween Event.

Consideration of approving the road closure for the Annual Market Day Event.

Consideration and possible action approving Resolution No. 2021-2714 for the Agreement for the temporary closure of the State ROW for the Veteran Day Parade on November 11, 2021.

On a motion by Councilman Brimage, to approve items 4, 6, & 7, seconded by Councilman Cain, with an amendment to the motion by Councilman Pena, to remove item 6, to regular session. On a motion by Councilman Brimage, seconded by Councilman Cain to approve item numbers 4 & 7, with all present voting "Aye" 5-0 Council unanimously approved item numbers 4 & 7 on the Consent Agenda.

COUNCIL REGULAR AGENDA:

Consideration of approving the road closure for Beach Bum Barcadia's Halloween Event.

Destinations Director, LeAnn Strahan presented to council the road closure for Beach Bums Barcadia Halloween Event. She said that the hours of the closure would be from 3:00 PM-8:00PM. She said that this is an event being hosted by Beach Bums Barcadia, not the City of Freeport.

Councilman Brimage asked about the gun fire over the last two weekends, from this establishment. He asked what kind of security will there be at this event? Chief Garivey said that he has spoke to the owner over the two cases. He said that these started from inside the facility and went outside. Chief Garivey said that patrol will be increased.

Councilman Muraira asked if the city will still be hosting the City's Trunk or Treat? Ms. Strahan said that the city will be having the Halloween Fest at Riverplace, with Councilman Cain and his Halloween props. She said if people are wanting to set up in the parking lot for Trunk or Treat they will not be turned away. Councilman Muraira asked if we have advertised this event? Ms. Strahan said yes, it is on Facebook, she believes the Facts Newspaper, and the Bulletin. Councilman Muraira said with the hours that Barcadia is hosting the event, he does not think anything violent will happen. He said that he hopes the city is accommodating their needs in downtown. He said that we do need more lighting downtown.

Mayor Bass asked if this will be a DJ Night? Ms. Strahan said she does not believe so, this is a children's event.

Councilman Cain said that he is passionate about Halloween, but safety is our main concern. He said that he feels that with these hours, this will be more of a family atmosphere, but he does believe we need to have security downtown for this event.

Councilman Pena said that we need to look at security, but maybe we should look at closing the Park Avenue Streets permanently. He spoke of the drag racing going on downtown, he said that the patrol unit is parked downtown, and it did not deter the gunfire over the last two weekends. He said maybe we should increase security downtown.

Chief Garivey said that the DJ Night has been terminated, per the owner.

Mayor Bass asked who takes down the barricades at the end of the event. Ms. Strahan said that our Street Department will move the barricades.

Councilman Brimage asked if the City's event was advertised on the City's website? Ms. Strahan said yes. He also said that he wants to make sure that the city has done everything we can, to make sure no one gets hurt on city property when we know of issues that have occurred downtown. We have to make sure that all is safe.

On a motion by Councilman Muraira, with additional officers for security at the owner's expense, seconded by Councilman Pena, with all present voting "Aye" 5-0 Council unanimously approved the road closure for Beach Bum Barcadia's Halloween Event.

Consideration of approving the road closure for the Annual Market Day Event.

Destinations Director, LeAnn Strahan presented to council approving the road closure for the Annual Market Day Event.

Councilman Pena said that this is a city event, he asked what the hours are for the closures of the streets, and what security will the city provide? Ms. Strahan said the closure will be from 10 AM-9 PM. For the security there is regular strolling presence of Police and Fire.

On a motion by Councilman Brimage, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved the road closure for the Annual Market Day Event.

Consideration and possible action approve Ordinance No. 2021-2645 for Budget Amendment #3 for FY2020-2021.

Finance Director, Cathy Ezell presented to council Ordinance No. 2021-2645 for Budget Amendment #3 for FY2020-2021.

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

Councilman Pena asked, "this is the end of year Budget Amendment"? Ms. Ezell said "yes". Councilman Pena asked if we can expect anymore in the future? Ms. Ezell said no not from Fiscal Year 2020-2021. This is to close 2020-2021. From FY 2021-2022 there will be Budget Amendments.

Mayor Bass called the motion for a vote, with all present voting "Aye" 5-0 Council unanimously approved Ordinance No. 2021-2645 for Budget Amendment #3 for FY2020-2021.

Consideration and possible action on awarding bid of mowing services to Cornerstone Lawn Services.

Finance Director, Cathy Ezell presented to council the possible action on awarding bid of mowing services to Cornerstone Lawn Services. She said that the city went out for RFP's and received three bids, Castillo Lawn Service, Cornerstone Lawn Service and Land Views Services. Cornerstone came in with the lowest bid. Staff recommends awarding the bid to Cornerstone Lawn Services.

Mayor Bass asked what will the company be responsible for? Mr. Petty said that they are responsible for the medians, 2nd Street all the way to Downtown, Gulf Boulevard, and the main entry into the City, all the way down Brazosport, as well as code mowing of properties at the direction of code enforcement. Mayor Bass asked who is responsible for the big ditch on 2nd Street, going East? Mr. Petty said, the City.

Larry Fancher asked if we reached out to other companies for the bids? Ms. Ezell said that she emailed six different companies, and had two company's reach out, for a total of eight companies. She said that

she did reach out again a week before the bids were due, and we received three. Mr. Fancher said that he is curious if the company is responsible for the city's ROW flower beds? He said the flower beds are in bad shape. He said that he is also curious as to why the palm trees are dying. He asked if water logs are still being used? Mr. Petty said that the city maintains the flower beds. Mr. Fancher said that flower beds should be in their best shape at this time of year. He asked who is suppose to be looking after the entry landscaping?

Councilman Pena asked if this contract has scheduled maintenance, and installation of the flower beds? Councilman Brimage said the flower beds are not under contract, they do not landscape the flower beds, they just mow.

On a motion by Councilman Brimage, to award the bid to Cornerstone Lawn Services, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved awarding bid of mowing services to Cornerstone Lawn Services.

Consideration and possible action approving the CDBG Grant Agreement, for Ave H sewer replacement.

Finance Director, Cathy Ezell presented to council the possible action to approve the CDBG Grant Agreement, for Ave H sewer replacement. She said this is the agreement to receive the federal funds from the Brazoria County. She said that this does not include the engineering, the city is responsible for engineering as our match.

On a motion by Councilman Cain, seconded by Councilman Muraira, with all present voting "Aye" 5-0 Council unanimously approved the CDBG Grant Agreement, for Ave H sewer replacement.

Consideration and possible action approving Resolution No. 2021-2711 adopting the temporary property tax exemption for qualified property damage by disaster.

Finance Director Cathy Ezell presented to council Resolution No. 2021-2711 adopting the temporary property tax exemption for qualified property damage by disaster. She said that the Property Tax Rate for the City was adopted before Hurricane Nicholas, she said that this resolution will allow a temporary exemption to property owners who have at least 15% of damage, caused by Nicholas.

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

Councilman Pena asked it's a minimum of 15%? Ms. Ezell said yes. Councilman Pena asked how long will this exemption be in place? Ms. Ezell said this tax year.

Mayor Bass called the motion for a vote, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2711 adopting the temporary property tax exemption for qualified property damage by disaster.

Consideration and possible action approving Task Authorization # 20 for sewer line design and bidding on Ave H, with Freese and Nichols.

Finance Director, Cathy Ezell presented to council Task Authorization #20 for sewer line design and bidding on Ave H, with Freese and Nichols. She said this is for Freese and Nichols to complete the engineering for the Sewer Line Grant that we just received. She said staff recommends this, and the cost will be \$42,375.00, she said this our share of the Grant, she said that the Grant will not pay for the engineering.

On a motion by Councilman Pena, seconded by Councilman Muraira, with all present voting "Aye" 5-0 Council unanimously approved Task Authorization #20 for sewer line design and bidding on Ave H, with Freese and Nichols.

Consideration and possible action approving Ordinance No. 2021-2640 for the regulations of the Short-Term Rentals.

City Manager Tim Kelty, presented to council Ordinance No. 2021-2640 for the regulations of the Short-Term Rentals.

Councilman Pena asked if this information has been communicated to any of the Short-Term Rental Owners? Mr. Kelty said no.

Councilman Pena asked that this item be tabled, Councilman Muraira seconded this.

Mayor Bass tabled this item.

Consideration and possible action approving Resolution No. 2021-2712 amending the Master Fee Schedule for Short-Term Rental Permits.

This item was tabled by Mayor Bass.

Consideration and possible action on Change Order #1 to task authorization with Freese and Nichols Engineering for Task Order #6 Sanitary Sewer Overflow Initiative (SSOI).

City Manager Tim Kelty presented to council Change Order #1 to task authorization with Freese and Nichols Engineering for Task Order #6 Sanitary Sewer Overflow Initiative (SSOI). He said the cost of this change order will cost \$43,813.00.

On a motion by Councilman Brimage, seconded by Councilman Pena, with all present voting "Aye" 5-0 Council unanimously approved Change Order #1 to task authorization with Freese and Nichols Engineering for Task Order #6 Sanitary Sewer Overflow Initiative (SSOI).

Consideration and possible action approving Ordinance No. 2021-2643 regulating traffic at Ave A and Velasco, and at 2nd Street and Cherry.

City Manager Tim Kelty presented to Council Ordinance No. 2021-2643 regulating traffic at Ave A and Velasco, and at 2nd Street and Cherry. He said that after review by staff, and improvements made by Public Works, we are recommending to leave Ave A and Velasco as a four-way stop. He said that this Ordinance will also codify West 2nd Street and Cherry.

Councilman Brimage said the improvements made it look great, and has made a huge difference.

Councilman Pena said that there is improvement, but the lighting is still not enough. He asked what can we do to get more lighting now? Mr. Kelty said that he will see what the cost will be, but we will have to wait on Centerpoint's timing.

On a motion by Councilman Brimage, seconded by Councilman Pena, with all present voting "Aye" 5-0 Council unanimously approved Ordinance No. 2021-2643 regulating traffic at Ave A and Velasco, and at 2nd Street and Cherry.

Consideration and possible action on Resolution No. 2021-2713 appointing an ex officio member to the Freeport MUD #1.

City Manager Tim Kelty presented to council Resolution No. 2021-2713 appointing an ex officio member to the Freeport MUD #1. He said that this a requirement on the past resolution that was passed for the MUD.

Melanie Oldham 922 West 5, she said that she has concerns about the Industrial MUD that Mr. Wong requested. She said that the conditions are not written in the past minutes. She asked if we legally have a MUD at this point?

City Attorney, Chris Duncan explained that City Council approved the Consent Resolution in 2019, to allow Mr. Wong to proceed. This MUD Application was approved by TCEQ. He said that there is no big difference between Residential and Industrial MUD. He said that a few requirements in this Resolution are to appoint a city ex-officio representative, and the meetings must be held in the City of Freeport.

Mayor Bass asked why are we doing this? Mr. Duncan said this is in the consent resolution we approved, in the creation of the MUD.

Councilman Pena asked if we could put this into Executive Session, so that it may be discussed further.

Mayor Bass moved this item to Executive Session.

Consideration and possible action on Ordinance No. 2021-2639 Regulating Land Usage by Creating Drainage Development Guidelines for single parcels of property in the City.

City Manager Tim Kelty presented to Council Ordinance No. 2021-2639 Regulating Land Usage by Creating Drainage Development Guidelines for single parcels of property in the City. He said that drainage from developing properties has been an issue in the city for a while. We also had the issue on ninth street where water was coming off previously develop and a property owner regraded his property and impounded that water causing flooding on his neighbor's property. He said that there was no local ordinance to prevent these issues from happening. Mr. Kelty said that this ordinance will address the first of these issues but not the second. He said that this ordinance does not address the grading of properties that will cause the damming of water from existing developing.

Mayor Bass asked if this ordinance is retroactive? Mr. Duncan said no, we would not be allowed to do a retroactive Ordinance.

Councilman Brimage asked if every new build will have to have an engineer drainage plan? Mr. Duncan said that this will be up to the Code Department. Building Official, Kacey Roman said that this will be on case by case basis but would be more likely for Commercial development.

Councilman Pena said that he is glad that this was brought to the agenda, he said that this is something that was needed through the City of Freeport. But it is needed for the property on 9th Street. He said that

he has a slide that he would like to show. Mayor Bass said that this is not on the agenda for this item. Mayor Bass said that you can show it during Work Session.

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

City Manager Tim Kelty said that he wants to make sure that council understands that this ordinance will not prevent the issue on 9th Street, from happening in the future.

Mayor Bass called the motion for a vote, with all present voting "Aye" 5-0 Council unanimously approved Ordinance No. 2021-2639 Regulating Land Usage by Creating Drainage Development Guidelines for single parcels of property in the City.

WORK SESSION:

Mayor Bass said that he received an email from former Councilman Saccomanno, the email says that he heard there is a proposed Asphalt Plant being built South of Freeport Elementary School, near the new rail line that runs parallel to HWY 36. In my opinion that is a very bad location as the odors and emissions from asphalt plants can be offensive. This is being proposed to support the HWY 36 widening project, but the location is bad for Freeport. I hope all of our elected officials will oppose this, and let the Port know because I think the Port has to approve it. There are other places that are not close and upwind to residences and schools, where this can be located. Mayor Bass asked that Mr. Kelty look into this and bring back a report to Council.

Councilman Pena presented a slide show of 9th Street and the problem of how the water flows. He said that the way it flows it affects a lot of homes. He said that this should be a low-cost fix, so that we can get a remedy to this problem. Mayor Bass asked that Mr. Kelty and Councilman Pena get together and discuss solutions to the problem. Councilman Pena spoke of the traffic downtown, the lights on Broad Street, and the extra lights on Ave A, he said thank you for getting this taken care of. Councilman Pena showed a slide on "Org Chart". He asked where the City Attorney fits into this chart. Mr. Kelty said that the City Attorney reports to Council. Councilman Pena said that he is trying to understand the relationship with Council and our City Attorney. He asked if there are rules against having lunch with other Councilman, Mayor, or the City Attorney? Mayor Bass asked if this is in casual sense or city business? Chris Duncan explained what attorney client privilege is. He said that he does not represent any Councilmember individually. Mayor Bass asked what is your legal obligation to the Mayor, Council and the City of Freeport at large, versus an individual? Mr. Duncan said that he can provide legal advice to individual Councilmembers on the procedures they need to follow, but it will not be kept secret from other council members because he represents Council as a whole. Councilman Pena said that he is curious of the responsibility of the Mayor. Mayor Bass said it is all in the Charter. Councilman Pena spoke of the City building on Ave A and Division, he said that the building looks solid, and he would like this to be added to the agenda before the city just demolishes it. Mayor Bass said that it will not be demolished, unless council approves it. Councilman Pena showed slides of debris still on the roads from Hurricane Nicholas, he said Broad Street needs attention. He said that the drains on Cherry and Broad need cleaning. Councilman Pena said all resolutions and ordinances need to be reviewed by Legal before they come to council. Mr. Kelty said that Legal prepares all of our resolutions and ordinances. Councilman Pena said that he would like the 19 acres on 2nd Street to be placed on our next agenda for the next meeting. Mayor Bass said that we are not anywhere close to adding this as a "Consideration and possible action" item to the agenda, we can add this for discussion.

Councilman Cain invited everyone out Thursday to Riverplace for Halloween Fest.

Councilman Muraira said that he looked at the Code Enforcement Report, and it is very good. He said that it lists the building permits, and the electrical. He said that he would like to see building, plumbing and electrical listed on the side. He said that this will show transparency. Councilman Muraira asked Mr. Petty for an update on the soccer fields electrical. Mr. Petty said that a work request has been submitted to Centerpoint, and we are waiting to hear back from them of when they can do a new electrical service. Councilman Muraira asked about the baseball diamonds, Mr. Petty said we are scheduled to start working on them tomorrow.

Councilman Brimage asked when the asphalt on Ave A by the Service Center will be done? He said that we are dusting out the businesses on this street. Mr. Petty said they are coming Thursday to oil Ave A and Mesquite. He said that they will be here next Tuesday to start on the asphalt. Councilman Brimage said that he wanted to let the Public Works department know that their hard work has been noticed by council. He said that Mary Garza 1114 West 7 Street, has moved to a smaller home and the water was turned off at the main, but she is still receiving \$170.00 water bills. He asked that someone please contact her about this water bill issue. He said we need to get to the bottom of this.

City Manager Tim Kelty said that he and Councilman Cain met with Centerpoint this afternoon and talked about the condition of their infrastructure in the City. He said that part of the issue is trees that have grown into the power lines, and the other issue is the age of the poles that seem to just crack in the wind. He said that they come in and trim the limbs every six years, and every ten years on the review of infrastructure condition. Mr. Kelty said that they are going to check where they are at in this cycle. Mr. Kelty said that he will be out of town starting tomorrow and returning next Tuesday, he said that he is appointing Chief Motley to stand in his place while he is gone.

Update on reports / concerns from Department heads

Open session was closed at 8:12 pm and Council entered into Executive Session

CLOSED SESSION:

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

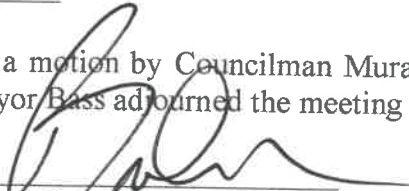
REGULAR SESSION

Mayor Bass reconvened regular session at 8:23 P.M.

On a motion by Councilman Cain to approve appointing Jeff Pena as an ex officio member to the Freeport MUD #1, seconded by, Councilman Muraira with all with all present voting "Aye" 5-0, motion passed.

Adjourn

On a motion by Councilman Muraira, seconded by Councilman Cain, with all present voting "Aye", Mayor Bass adjourned the meeting at 8:23 P.M.



Mayor Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas