

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, May 2, 2022 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  
Kacey Roman, Building Official  
Ray Garivey, Freeport Police Chief  
Clarisa Molina, Administrative Assistant  
Chris Motley, Freeport Fire Chief  
Donna Fisher, Human Resource Assistant  
LeAnn Strahan, Destinations Director  
Yvette Ruiz, Planning and Zoning Coordinator

Visitors:

Raven Wuebker	David McGinty
George Matamoros	Kenny Hayes
Shonda Marshall	Lucy Ware
Aaron Ware	Melanie Oldham
Con McCleaster	Diane McCleaster
Desiree Pearson	Sabrina Brimage
Tommy Pearson	Jim Saccammano
Pam Dancy	Stoney Burke
Alma Kelty	Eric Hayes
Ruben Renobato	Andrew Dill
Robert Bacon	Kenneth Kaspar
Raul Ramirez	

**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, the Pledge was led by Mayor Bass.

## **CITIZENS' COMMENTS:**

Ruben Renobato spoke to council about the City Attorney Job Performance Review. He said he is not sure of the motivation for this review. He said the City Attorney does not work at the pleasure of Council, but he does work for the city under an agreement. He asked is the question of competency, performance, duty or conduct? He said he does not agree with the City Attorneys contract being terminated, he does not feel that he has committed gross misconduct.

Jim Sacammano commended the City Manager and the City Departments and all their hard work. He also commended Veolia for their hard work.

George Matamoros, 1722 N. Ave O, spoke of the trash committee that was formed before the signing of the contract with AmeriWaste. He said one Councilman showed, and one did not participate. He said if you volunteer for something you need to make sure you are in attendance. He said this was an important issue for the whole city. He asked City Council about the four houses on Ave M, that sit unfinished. He said hurricane season is approaching, and these houses are rotting away. He said he knows there is a lawsuit, but can we ask the judge to allow this be torn down, so there is no damage done to other residence property because of the lawsuit with the EDC.

Pam Dancy said she wanted to publicly apologize to the city and council for how she acted on the last city council meeting.

## **PRESENTATION/ANNOUNCEMENTS:**

Presentation of the Police Department Annual Traffic Contact Report for the year of 2021.

Police Chief Garivey presented to Council the Police Department Annual Traffic Contact Report for the year of 2021.

Presentation of the Second Quarter Investment Report.

Finance Director Cathy Ezell presented to council the Second Quarter Investment Report.

## **CONSENT AGENDA**

Consideration and possible action on the approval of City Council meeting minutes from April 12, 2022, and April 18, 2022.

Consideration and possible action on the approval of an amendment to street closings for the Barcudia Bike and Car Show and Freeport Market Days.

Consideration and possible action approving proposal for 1-year agreement with Holmes Murphy and Associates for Employee Benefit Broker Services.

Councilman Muraira said that there was a mistake in the meeting minutes from April 18 regarding the approved Residential Street Lighting Plan 2022. What he requested is not correct in the minutes, and asked that this be amended.

Councilman Cain said the meeting minutes from April 12, 2022 has a misspelling, instead of Wang it should be Wong.

Mayor Bass said we will pull the meeting minutes from April 18, 2022 and consider them at the next city council meeting.

A motion was made by Councilman Cain, seconded by Councilman Muraira with all present voting "Aye" 5-0 council unanimously approved item numbers 3-5 on the consent agenda with the exception of the April 18 minutes.

### **COUNCIL REGULAR AGENDA**

Joint Public Hearing was open by City Council and Planning and Zoning Commission at 6:20 PM

**Public Hearing: A Joint Public Hearing of City Council and Planning and Zoning Commission and consideration and possible action on Ordinance No. 2022-2666 Zoning Map Amendment for BLOCK 81 of the Freeport Townsite LOTS 1, 2, 3, 4, 5, 6, identified as 602, 606, 610, 614, 618 and 622 W. First Street, in Freeport, Texas from C2 General Commercial to WR Waterfront Residential.**

City Manager Tim Kelty said Mr. Campbell owns the property along the riverfront on West First Street. This property is currently zoned C2. When the Zoning ordinance and Map was updated recently it should have changed to WR, but was not. He said there is one property left without a construction permit, and Mr. Campbell would like to build a nice house on it, but the way it is now zoned he cannot.

Councilman Pena asked where will the final house be built on this property? City Manager Tim Kelty said it will be on the East Side.

Mayor Bass asked if notices were sent to residences in 200 feet of this change? Mr. Kelty said "yes".

Councilman Pena said if it is on the dry side of the levee, he does not have problem with this.

No one from the public made comment during the Public Hearing.

Joint Public Hearing was closed by City Council and Planning and Zoning Commission at 6:28 PM

Following a recommendation by the Planning and Zoning Commission to approve this item, a motion was made by Councilman Cain, seconded by Councilman Brimage, with a 4-1 vote, council approved Ordinance No. 2022-2666 Zoning Map Amendment for BLOCK 81 of the Freeport Townsite LOTS 1, 2, 3, 4, 5, 6, identified as 602, 606, 610, 614, 618 and 622 W. First Street, in Freeport, Texas from C2 General Commercial to WR Waterfront Residential. Councilman Pena voted "Ney".

Mayor Bass opened the Public Hearing at 6:29 PM.

**Public Hearing: Public Hearing on Establishment of Reinvestment Zone 2022-01**

City Manager presented to council the Establishment of Reinvestment Zone 2022-01. He said the city has been requested to consider approving a Tax Abatement, for an industry that is considering coming to the City of Freeport. The company plans to make \$114 Million on investment on property improvements.

The project will result in 260-300 jobs. Before a Tax Abatement may be considered by Council the Reinvestment zone must be created following a public hearing.

No one from the public offered any comments at the public hearing.

Mayor Bass closed the Public Hearing at 6:30 PM.

Consideration and possible action regarding Ordinance 2022-2665 Establishing Reinvestment Zone 2022-01.

City Manager Presented to council the approving Ordinance No. 2022-2665 Establishing Reinvestment Zone 2022-01. Staff recommends approving the Ordinance establishing the Reinvestment Zone 2022-01. He said there will be a Special Meeting on Thursday May 26, 2022 at 6 PM.

A motion was made by Councilman Pena, seconded by Councilman Muraira with all present voting "Aye" council unanimously approved Ordinance No. 2022-2665 Establishing Reinvestment Zone 2022-01.

Consideration and possible action on Auto Repair and Service Ordinance No. 2022-2664.

City Manager Tim Kelty presented to Council possible action on Auto Repair and Service Ordinance No. 2022-2664. He said this ordinance establishes guidelines regarding the storage, parking and repair of vehicles at auto repair, wrecker service and salvage yards, from parking outside of repair bays or screened or fenced yards, that will be in the public view. He said city staff and Councilmen Cain and Muraira met with businesses this would affect, and with this meeting several changes were made to the previously adopted ordinance.

A motion was made by Councilman Cain, seconded by Councilman Brimage with discussion that followed.

Councilman Muraira asked if business owners would need to apply for a permit to add screening to their fencing? Mr. Kelty said if it is the screen that goes through the fencing, and the fence already exist, no permit is needed. If they are building a new fence, they will need to get a permit. Councilman Muraira asked if the shops would be allowed to have the lifts outside to work on the vehicles? Mr. Kelty said if they are working behind the fence, this would not be an issue. He said if they are working outside of a repair bay, or outside of a fence in public view, the work would have to be completed the same day the work was initiated.

Mayor Bass called the motion for a vote, with a 4-1 vote council approved Auto Repair and Service Ordinance No. 2022-2664. Councilman Muraira voted "Ney".

Consideration and possible action approving Task Authorization # 22 with Freese and Nichols for the Sanitary Sewer Treatment Plant Improvements.

City Manager Tim Kelty presented to council Task Authorization # 22 with Freese and Nichols for the Sanitary Sewer Treatment Plant Improvements. He said with this task authorization Freese and Nichols will continue with design and bidding of the remaining improvements at the City's WWTP.

Mayor Bass asked if this was covered under 2021 Bond? Mr. Kelty said yes it is.

A motion was made by Councilman Brimage, seconded by Councilman Pena with all present voting "Aye", with a 5-0 vote council unanimously approved Task Authorization # 22 with Freese and Nichols for the Sanitary Sewer Treatment Plant Improvements.

Consideration and Possible action on Lease agreement with Verizon for placement of Telecommunications tower at Freeport Golf Course.

City Manager Tim Kelty presented to council Lease agreement with Verizon for placement of Telecommunications tower at Freeport Golf Course. Mr. Kelty said with this agreement the city will receive \$1000 per month lease payment, with an automatic 2% escalation every year. He said it is a 50-foot by 40-foot area at the entry to the golf course.

Councilman Brimage asked if this prevent growth from the golf course? Mr. Kelty said it is the first 50-feet of the property. Councilman Brimage asked if Brian Dybala in agreement with this? Mr. Kelty said yes.

Councilman Muraira asked how close this is to the residential homes, and how many homes are there? Mr. Kelty said there is one house across the street and there are a couple houses down on Slaughter road. Councilman Muraira asked if the owners were given notice of this tower being installed? Mr. Kelty said no, but this is something that can be done.

Councilman Pena asked how many cell towers are in the city? Mr. Kelty said is not sure of the number of towers in the city.

George Matamoros said he works in IT, he said this will bring high speed internet, it will boost the power around the city, and it will benefit the residents.

A motion was made by Councilman Brimage, seconded by Councilman Cain with a 4-1 vote council approved Lease agreement with Verizon for placement of Telecommunications tower at Freeport Golf Course. Councilman Muraira voted "Ney".

**WORK SESSION:**

Mayor Bass has asked Mr. Kelty to get with TXDOT about the patches on Brazosport Blvd., they are failing. Mr. Kelty is talking with them to get this repaired. Mayor Bass said the exit on 288 to 322 needs addressing with TXDOT as well. He announced that Council and City Manager will be meeting with AmeriWaste.

Mayor Bass gave kudos on Riverfest, he said the fireworks show was the best he has seen. He announced the National Day of Prayer is May 5, 2022 at 10 AM.

Councilman Pena said the Lion's Club, and the Fire Department did a great job on Riverfest. He said there are a lot of festivals that have been going on through the city. He said Earth Day, the Barcaidia Egg Hunt, he said kudos to Mr. McDonald. Councilman Pena said Cinco De Mayo is this week, as well as the National Day of Prayer. He spoke of the trash problem throughout the city, and he would like to advocate the good neighbor program. Councilman Pena asked about the 1495 bridge expansion, Mr. Kelty said he is meeting with TXDOT next week.

Councilman Cain gave a shout out to all departments involved in the Riverfest. He said it was a tremendous turnout. He said the fireworks were the best he had seen in a long time. Councilman Cain said he thinks a lot of good ideas came out of the trash discussion. He said the residents are responsible

and these piles are getting larger and larger. He said the citizens have to know what is required. Councilman Cain spoke of an email from a resident on 9<sup>th</sup> Street, the bulk trash was not picked up. Councilman Cain said he went over and this was not in compliance for pickup. He and Mr. Kelty helped him get the branches cut and bundled, and AmeriWaste picked up the bundles.

Councilman Muraira said he drove around, he said there are piles of trash and limbs piled up. He said citizens are asking if the city can get a claw for the large pickup. He said we may want to consider doing this in house. Councilman Muraira said he agrees with Councilman Cain the citizens need to do more, but the city needs to find a solution. He said the bulk trash was a problem before, and it still is today. Councilman Muraira asked Ms. Roman when the new code software program will begin. He said he would like to try this program out. Ms. Roman said this will be at least a year to implement. She said it is done in phases. Councilman Muraira said Riverfest was good, he said Freeport felt alive. He said props to the city, it was very well done.

Councilman Brimage thanked Kenny Hayes and Tommy Pearson for the work they did in Ward D with the residents. He said the properties that were not in compliance with trash, they helped to educate them. He said a lot of the residents did not know, but now they understand how this works.

Mr. Kelty said the waste company is still taking the trash to Houston because they are not taking it at Seabreeze. He said communication and education needs to continue. He said the trash is being put out soon. He thanked Mr. Hayes and Mr. Pearson for helping with the trash issues in Ward D. He also announced the first annual Cinco De Mayo Festival this Thursday May 5 starting at 5 PM. Mr. Kelty thanked Mr. Petty and his crew for the success of the Riverfest. He said he is excited that we could put on a top tier event. Mr. Kelty announced the bid opening on May 10 for City Hall renovations.

#### Update on reports / concerns from Department heads

Councilman Pena asked if the 2022-2023 street map has come out yet? Mr. Kelty said no this has not come out yet, it usually is done with the Strategic Plan Workshop. Councilman Pena said Bryan Beach trash pickup, the Public Works Department is doing a great job. But he did notice there is a lot of illegal dumping problem on Bryan Beach. Councilman Pena said the lights on 1<sup>st</sup> and 2<sup>nd</sup> Street are going out. He said the PD did a good job with directing traffic for Riverfest, but we need to get better lighting. He said he had a hard time seeing the officers. Mayor Bass said next event we need to check into more lighting set up. Councilman Pena said the last week he learned that there were allegedly threats made to people who were calling to report people that are illegally dumping. He asked if the Chief has heard about this. Councilman Pena asked Ms. Roman if there is a check list of things that do not require a permit, and the turn time on applications for permits. Ms. Roman said this is something that is being work on.

#### **CLOSED SESSION:**

Open session was closed at 7:22 pm, and entered into Executive Session.

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), East End, 2 N Front Street c.) (Personnel Matters) Discussion regarding job performance of City Attorney, Chris Duncan, in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072, 551.074

Executive session was closed at 7:29 pm, and entered back into Open Session.

A motion was made by Councilman Muraira for Mr. Kelty to be out of Executive Session. Lack of second, motion fails.

A motion was made by Councilman Brimage, seconded by Councilman Cain to allow Ms. Wells and Mr. Kelty to remain in Executive Session with a 3-2 vote, council approved allowing Ms. Wells and Mr. Kelty to remain in Executive Session. Councilmen Muraira and Pena voted "Ney".

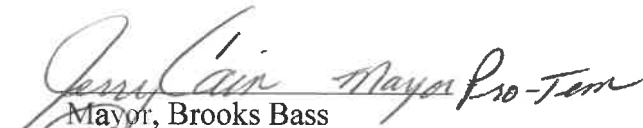
Open session was closed at 7:32 pm, and entered into Executive Session.


Executive Session was closed at 8:43 pm, and entered back into Open Session.

A motion was made by Councilman Brimage to terminate the Contract with City Attorney. The motion died for lack of a Second.

Adjourn

A motion was made by Councilman Pena seconded by Councilman Cain to adjourn. With all present voting "Aye" Mayor Bass adjourned the meeting at 8:44 pm.

  
Mayor, Brooks Bass  
City of Freeport, Texas  
5-16-22

  
City Secretary, Betty Wells  
City of Freeport, Texas