

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, July 5, 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
- Clarisa Molina, Administrative Assistant
- Chris Motley, Freeport Fire Chief
- Lance Petty, Public Works Director
- Toby Cohen, IT Manager
- LeAnn Strahan, Destinations Director
- Brian Dybala, Municipal Golf Course Director
- Juanita Cardoza, Detective Freeport PD
- Danny Gillchriest Interim Police Chief

Visitors:

David McGinty	Dianna Kyle
Kenny Hayes	Bob Casale
Manning Rollerson	Melanie Oldham
Sam Reyna	Nicole Mireles
Raul Ramirez	Breanna Brimage
Desiree Pearson	Sabrina Brimage
Tommy Pearson	Brendan Brimage
Pam Dancy	Kyle Hammonds
Joe Gonzalez	Gina Adams
Billy Toomer	Lucy Ware
Aaron Ware	James Carter
Roger Rowe	

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:

Bob Casale spoke to council about the four-minute limit on Citizens Comments, he said this should be raised to at least five minutes per subject they are wanting to discuss. He also said he would like to get business cards from each council member. He spoke of the trash issue, he said it still has not been picked up.

Julian Arrealo 711 W. 11, said the public should have the information from the two investigations that were done. He said tax payers paid for this, and there should be transparency.

Manning Rollerson said council is suppose to be honest. He said there are industries that owe large amounts of money on water bills. He said residents should not have to bundle trash, Mr. Rollerson said he believes the Justice Department should be called to do an investigation on the City.

Melanie Oldham said she has been attending meetings for years. She spoke of all the items added to the agenda by Councilmen Muraira, and Pena. She said these items never have supporting documentation. She said the last council meeting she was called out on social media as being a racist. Ms. Oldham said this is very hurtful.

Nicole Mireles said she wants all the documentation that Councilman Pena said he had to get her voted off of the EDC. She told council you took the word from one councilman. She said the council is very embarrassing now, people are talking and laughing at the city. She said Councilman Muraira needs integrity, she said she will be going door to door to make sure he is not elected again.

Dianna Kyle spoke of her history in Freeport. She said she is asking Council to consider the sell of the land to Mr. and Mrs. Ware. She said she knows they plan to construct a new home.

Aaron Ware said they have come many times to purchase this property. He said we just want a fair price on the Levee Property. He said \$23,000 is not a fair price. Lucy Ware said she would like this to be discussed in Open Session, rather than Executive Session.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from June 13, June 17, and June 20, 2022.

Consideration and possible action approving road closures for Kidfest on Saturday August 6, 2022

Consideration and Possible action to ratify City Manager appointment Danny Gillchriest as Interim Police Chief.

A motion was made by Councilman Cain, seconded by Councilman Brimage with all present voting "Aye" 5-0 council unanimously approved the Consent Agenda.

COUNCIL REGULAR AGENDA

Mayor Bass opened the Public Hearing at 6:23 PM.

Public Hearing: Public Hearing for consideration and possible action on approving Request for Replat of ILA Local 30 1 Block, 1 Unrestricted Reserve A Subdivision Of 0.8953 Acres (39,000 Sq. Ft.) Of Land Being Lots (1), Two (2), (3) Three, (4) Four, five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), And Twelve (12), Block 34, In the Town of Freeport, Brazoria County Texas, According to The Map or Plat Thereof Recorded in Volume 2, Page 95 Of the Map Records of Brazoria County, Texas. Owner: International Longshoreman's Association No. 30 P.O. Box 2727 Freeport, Texas 77542-2727.

Kacey Roman presented to Council approving the request for Replat of ILA Local 30 1 Block, 1 Unrestricted Reserve A Subdivision Of 0.8953 Acres (39,000 Sq. Ft.) Of Land Being Lots (1), Two (2), (3) Three, (4) Four, five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), And Twelve (12), Block 34, In the Town of Freeport, Brazoria County Texas, According to The Map or Plat Thereof Recorded in Volume 2, Page 95 Of the Map Records of Brazoria County, Texas. Owner: International Longshoreman's Association No. 30 P.O. Box 2727 Freeport, Texas 77542-2727. Ms. Roman said this was presented to Planning and Zoning and it was approved.

Public Hearing was closed at 6:26 PM.

Manning Rollerson asked if the re-plat is located in just the area. Ms. Roman said they are consolidating 12 lots, into one.

A motion was made by Councilman Brimage, seconded by Councilman Pena, with all present voting "Aye" 5-0 council unanimously approved the request for Replat of ILA Local 30 1 Block, 1 Unrestricted Reserve A Subdivision Of 0.8953 Acres (39,000 Sq. Ft.) Of Land Being Lots (1), Two (2), (3) Three, (4) Four, five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), And Twelve (12), Block 34, In the Town of Freeport, Brazoria County Texas, According to The Map or Plat Thereof Recorded in Volume 2, Page 95 Of the Map Records of Brazoria County, Texas. Owner: International Longshoreman's Association No. 30 P.O. Box 2727 Freeport, Texas 77542-2727.

Mayor Bass opened the Public Hearing at 6:27 PM.

Public Hearing: Public Hearing for consideration and possible action approving Ordinance No. 2022-2669 approving the new Water/Sewer Rate.

Finance Director Cathy Ezell presented to council Ordinance No. 2022-2669 approving the new Water/Sewer Rate. Ms. Ezell said this new water increase is due to the increase by BWA. She said they are raising their rates by 12.5% she said this is a \$309,000 increase to the city, in the next fiscal year. She said BWA voted for this increase, and it is mandated by the State, that we use surface water. She said the City is proposing a 9% increase. Ms. Ezell said she called the other cities that have BWA and they are all proposing an increase, 11.5%-18%. Mayor Bass asked if the city can make the additional monies, with the 9% increase? Ms. Ezell said yes sir.

Councilman Brimage asked where we compare to other cities? Ms. Ezell said we have lower rates.

Mr. Kelty added that while our residential rates are lower than most other cities, our Commercial rates have always been much higher.

Councilman Pena asked about the correlation with the billing problems we are having? He said he would like to have as much information we can to the public. He said he wants to make sure we have our house in order before we approve this rate increase.

Mayor Bass asked how do you determine the water usage? Ms. Ezell said it is done by consumption. Mayor Bass asked if there is any correlation to what Councilman Pena is saying? Ms. Ezell said no sir.

Councilman Pena said we have outstanding balances from commercial accounts, Ms. Ezell said she cannot disclose this information. Councilman Pena said there is information that needs to be looked at closely, he asked if the unpaid outstanding bills could be the reason we are raising our rates. He said he will not disclose the information, but it does need to be fixed.

City Manager spoke on the billing issue which recently occurred. He said this is not in any way correlated to the shortfall needed to cover the BWA increase. He said the issues have already been resolved. He said this is not the cause in the rates being raised.

Councilman Pena said the mandate begins in October? Ms. Ezell said yes if adopted the rates would begin October 1st. Councilman Pena said we don't have to act tonight, he said he recommends we make every use of opportunity we have, to make sure we do it right.

Pam Dancy, 313 S. Front said she understand businesses can have accounting issues. She said she would like to see where our debts are. She said protected information on billing accounts she doesn't understand. She said she will be requesting to see these debts.

Manning Rollerson spoke on the HEPA rules. He said you can redact the information. Mr. Rollerson said we need transparency.

Julian Arevalo said the city has to make a profit, he said this should be used in times when prices go up.

Melanie Oldham said that she has attended the BWA meetings, she said when rates increase the city has to raise the rates. She said she does not believe anything is sinister.

Kyle Hammonds asked if the city pays for all water that goes through the meter, rather it be household, or leaked on the ground? Mr. Kelty said the city pays a set amount, through a contract with BWA. He said there was a water leak for two months, he said he is not sure why the owner did not report this. But he is curious as to why the worker did not make a mention of this. Mr. Hammonds said he called in the leak.

Sam Reyna said he had a problem with his water, on the city side. Mr. Reyna said it was a bad valve. It was repaired but this was a problem for years.

Councilman Pena asked about the water that was used for the LNG explosion, he asked who is responsible for the usage? Chief Motley said this is being invoiced.

Mayor Bass closed the Public Hearing at 6:47 PM.

This item was tabled for a future meeting.

Consideration and possible action approving the annual appointment of TIRZ Chairman.

City Manager Tim Kelty presented to council annual appointment of TIRZ Chairman. He said the EDC recommended Shonda Marshall to serve out the remainder of Jeff Pena's Term as TIRZ Chairperson. Staff recommends the approval from council.

A motion was made by Mayor Bass, seconded by Councilman Pena. With all present voting "Aye" 5-0 council unanimously approved to appoint Shonda Marshall as the TIRZ Chairperson.

Consideration and possible action approving Resolution No. 2022-2754 appointing person the Charter Review Board.

City Manager Tim Kelty presented to council Resolution No. 2022-2754 Appointing person to the Charter Review Board. He said we have one vacancy on this board.

A motion was made by Mayor Bass, seconded by Councilman Brimage. With all present and voting "Aye" 5-0 council unanimously approved Resolution No. 2022-2754 appointing Melanie Oldham to the Charter Review Board.

Consideration and possible action approving Resolution No. 2022-2750 appointing person(s) the Senior Citizens Committee.

City Manager Tim Kelty presented to council Resolution No. 2022-2750 appointing person to the Senior Citizen Committee. He said there are two vacancies on this committee.

A motion was made by Mayor Bass to appoint Dolores Knox, seconded by Councilman Cain, with all present voting "Aye" 5-0 council approved Resolution No. 2022-2750 appointing Dolores Knox to the Senior Citizens Committee.

Consideration and Possible action to appoint interim City Attorney and Prosecutor.

City Manager Tim Kelty presented to council the possible action to appoint interim City Attorney. Mr. Kelty said with Mr. Duncan's last day being on the 15th, it is important that the city have a City Attorney in place. Mr. Kelty said he has received a proposal from Olson & Olson, to provide interim attorney services. Mr. Kelty said staff will be going out for proposals, and bringing those back to council.

Councilman Pena asked if the city council is involved in this? Or is it just up to the City Manager? Mayor Bass said the City Manager interviews and seeks out the Attorney, and then he brings before council for our input and approval.

Pam Dancy asked why the council is in a crunch, she said council knew they were dismissing Mr. Duncan.

Councilman Pena asked if we can hire Mr. Duncan?

Nicole Mireles said it is interesting how Councilman Pena wants to keep Mr. Duncan here.

A motion was made by Councilman Cain, seconded by Councilman Brimage, with a 4-1 vote council approved the appointment of Olson & Olson as the interim City Attorney. Councilman Pena voted "Nay".

Councilman Brimage made a motion to table items 10-21, for the lack of information. Mayor Bass said he wants to take them individually.

City Manager Performance Review Open Session.

A motion was made by Councilman Brimage, seconded by Councilman Cain to table this item for lack of supporting documentation. With discussion that followed.

Councilman Pena said he will publish these items on social media tonight.

Councilman Cain said this motion was made because there is no supporting documentation.

Mayor Bass called the motion for a vote, with a 3-2 vote, to table City Manager Performance Review Open Session. Councilmen Pena and Muraira voted "Nay".

Press Release /HR Advertisements for: a.) Duncan B) Garivey C) New Police search D) New City Attorney Search, discussion and possible action.

A motion was made by Councilman Pena to table Press Release/HR Advertisements, seconded by Mayor Bass with all present voting "Aye" 5-0 council unanimously approved to table this item.

Levy Jog Trail - Discussion and Possible Action.

A motion was made by Councilman Cain, to table Levy Jog Trail seconded by Councilman Brimage. With discussion that followed.

Mayor Bass asked if there is material provided for this item? Councilman Pena said this was provided from the last meeting and was readily available.

Mayor Bass called the motion for a vote, with a 3-2 vote Levy Jog Trail was tabled to a future meeting. Councilmen Muraira, and Pena voted "Nay".

Sam Reyna spoke to council he passed out pictures of the Levy Jog Trail. He said there is grass growing out of the levy. He said this is a waste of tax payers' money. He said that Councilman Muraira violated Election Code 258 Fair Campaign Practices. Mr. Reyna said that Councilman Muraira has violated the Fair Campaign Practices, he said he started campaigning last month. He said there is a 90-day window he said you start in February for the election in May. He said he started last month.

Residential Water Bill Overbilling, Systems, and Resolutions- Discussion and Possible Action.

Finance Director Cathy Ezell explained to council how the issue happened. She said this is from the Incode 10 update, there was an issue with the hand-held meter readers. She said the issue has been resolved, and 530 customers were given credits to their water accounts.

A motion was made by Councilman Cain to table item #13, seconded by Councilman Brimage. With a 3-2 vote, item was tabled. Councilmen Muraira and Pena voted "Nay".

Sewage /Drainage Plan –Pumps 5 and 6 - Discussion and Possible Action.

A motion was made by Councilman Cain to table this item for lack of supporting documentation, seconded by Councilman Brimage. With discussion that followed.

Councilman Pena spoke of Wards A and B and the sewage backup. He spoke of a flow meter, and strategy. Mayor Bass said the strategy is through the GLO. We have to follow the rules they set, or they will take the monies back.

Pam Dancy spoke of the drainage issue on her property.

Streets Speed Signage, Additional Street Directional Reflectors, Speed bumps- Discussion and Possible Action

Councilman Pena said he will discuss this when we do the Strategic Plan.

Code Enforcement Building Inspection Process - General Discussion and Specific to V. Patel property. - Discussion and Possible Action .

Councilman Pena asked that Mr. Patel be allowed to speak.

Mr. Patel said he is here on behalf of the house at 2006 Jones Road. He said the house has power. He said that all drywall was removed. He said there is no structural changes, so he was told he will not need engineering drawings by Billie Shoemaker. Mayor Bass asked if he spoke with Mr. Kelty, and what did Mr. Kelty recommend? Mr. Patel said Mr. Kelty recommended him to go before the Board of Adjustments for an appeal.

Councilman Muraira asked Mr. Kelty if only drywall is being done, why does he need engineering drawing? Mr. Kelty said the house has been gutted. Mayor Bass said this is per code, and we have to follow the rules.

There was lengthy discussion on this item.

Lucy Ware asked what kind of engineer will he call?

Ms. Roman, Building Official said regarding this issue, there is a lot of information that is not being addressed. She said this is zoning and building code issue. By law she is obligated to enforce them.

Mr. Kelty said that according to the existing ordinance, the proper process for review of this issue is the Board of Adjustments, not City Council

VW Tax Abatement and Starbucks Grant– Discussion and Possible Action

A motion was made by Councilman Cain to table this item if there is no supporting documentation, seconded by Councilman Brimage. With a 3-2 vote VW Tax Abatement and Starbucks Grant was tabled. Councilmen Muraira and Pena voted “Nay”.

Freeport Entrance on Brazosport Blvd- Discussion and Possible Action

Councilman Pena said all of the trees are dead, and the lights are not working. Mr. Petty said we received approval from TXDOT on the trees and the lighting. He said we have a landscape permit in place, and will be getting the work done.

Open Meeting Laws - Quorums - Discuss and Possible Action

Councilman Pena said he wants to make sure we understand what the rule is for walking quorums. If I send out an email communicating to City Council and the City Manager, is this a violation of the open quorum law? Chris Duncan said the Open Meeting Law says you cannot have a quorum gathered and deliberate, unless it is in an open meeting, and that notice has been given to the public. If one person sends out information to all city council, this does not violate the rule. But if three council members discuss this among themselves in the email or text, and not in the public, with notice of the meeting, this is a violation.

Open Records Request Process - Discuss and Possible Action

Mayor Bass said that Betty Wells is the Custodian of Records. Ms. Wells, sends Mr. Duncan the PIR to verify that it is a proper form, not vague, and does not need AG opinion. He said it has been the process for the last year.

Melanie Oldham spoke to council about her request from February. She said it took over three months because the AG opinion.

Juanita Cardoza thanked the city for the city-wide cleanup. She said there should be transparency on the Investigations that were done on Councilman Brimage and Councilman Pena. She said the tax payers paid for this.

City Trash Service Notices and Ameriwest Contract Modifications- Discussion and Possible Action

A motion was made by Councilman Cain, seconded by Councilman Brimage with a 3-2 vote, motion passed to table City Trash Service Notices and Ameriwest Contract Modifications. Councilmen Pena and Muraira voted "Nay".

WORK SESSION:

Councilman Pena spoke of the firework display put on by the Lions Club, EDC, Brazoria Hispanic Chamber of Commerce and the City. He said it was the biggest firework show in Brazoria County. Councilman Pena spoke of the beach turnout, he said it was well visited. He spoke of the comments on the investigations, and the results. He said it is his understanding this will be provided to the public. He said Mr. Rollerson spoke of the monies owed on water accounts. He said to Melanie Oldham if she would like to help prepare the documents for council she was welcome to. He said to Nicole Mireles, there was a 3-2 vote to remove her from the EDC. Councilman Pena told Aaron and Lucy Ware, that council is doing our best to serve the community. He spoke of the flooding on Ms. Dancy's property. He spoke of the BWA Contract. He said that the billing is sinister, and he is glad that the water department is working to repair this problem. He thanked Mr. Hammonds for speaking of the water waste. Councilman Pena said he will always speak calmly and slowly. He said he has not been here 55 years, but he has been here long enough to see how poorly citizens are treated. He said there will be a special meeting.

Councilman Cain spoke of the pictures of the jogging trail, he said there are some pretty big cracks. Councilman Cain said he wants to make sure there is a program in place to maintain the jogging trail. He said he wants to make sure we are not just throwing money away. Councilman Cain said he is all for Councilman putting items on the agenda. He told Councilman Pena he is correct that this is the first time of tabling the items. But he agrees with Councilman Brimage, there needs to be supporting documentation. We need the opportunity to have an educated decision. He said the more he sees blank, the more he will not discuss and will ask that they be tabled.

Councilman Muraira asked Mr. Petty what is the status on the soccer field lights? Mr. Petty said PO has been issued for the generator, and information sent to the company. He said he has two quotes from electricians and waiting on the third for installation. We should have that tomorrow. Councilman Muraira said you said this at the last meeting you had two quotes. Mr. Petty said the third backed out, so I had to get another. Councilman Muraira said potholes on 9th Street, between Dixie and Yaupon, need to be repaired. He asked about the drain on Ave M. Mr. Petty said it has been fixed. Councilman Muraira said the citizens on Ave N would like to have Children at Play signs put up. He said on North Ave Q and Zapata there is brush and it has been there for a while.

Councilman Brimage had no comment.

Mayor Bass said the heat has done terrible things to the streets. He said at Yellowstone and 288. He said we have to call TXDOT every day, this is something that needs to be taken care of immediately. He said by McDonald's as well. Mayor Bass said AmeriWaste came with a large truck, he said bulk trash was picked up at no charge. Mayor Bass said he went back by and there was more stuff put out.

City Manager Tim Kelty reminded of the City Wide clean up. He said it will be at O.A. Fleming. They will take motor oil, construction debris, trash. This will be from 7:30-11:30. He thanked Councilman Cain for touring the O.A. Fleming building last week, with the architect. Mr. Kelty commended the Public Works Department for removing all the trash from the beach.

Update on reports / concerns from Department heads

Finance Director Cathy Ezell spoke to council about the disconnect process for residential, commercial, or even city council. She said unless there is a billing discrepancy, we will follow the process. She said she just wants to make sure council is aware that the city does have a process in place.

Councilman Pena spoke about the electrician estimates, he said to please send these to him. He thanked staff for the reflectors on the bridge. He said he will be sending a letter to Mr. Kelty regarding the door hangers. Councilman Pena asked Mr. Petty about the sand on the beach, he asked if there is anyway to clear this out some? Mr. Petty said he has an employee that rakes the beach five days a week. He said it is difficult to bring equipment when the beach is full of visitors.

CLOSED SESSION:

A motion was made by Mayor Bass to invite Mr. Kelty and Betty Wells into Closed Session, seconded by Councilman Cain. With all present and voting 5-0, council unanimously approved the motion.

Open Session was closed at 8:29 PM.

Executive Session was closed at 9:17 PM

A motion was made by Councilman Pena to sell both lots, Levee Property and the Division Street ROW for appraised value, for \$71,600. Purchaser must build a house within three years. City has first right of refusal of Division Street Property, at purchase price if sold or transferred. If re-platted into a single lot, the city would obtain the first right of refusal, this would impact the entire property. Seconded by Councilman Cain. With discussion that followed.

Lucy Ware, asked if this would replat the property she already owns. Mr. Duncan said no, the Division Street Property is in two parcels, and you have to build a house within three years. But if you try to sell the Division Street Property by itself, the city has the first right of refusal to purchase the property at the purchase price. He said if you choose to re-plat, and combine all the property into one parcel and do not build a house in three years, then the city has the right to purchase all of the re-platted property, at the purchase price.

There was lengthy discussion.

Lucy Ware said she wants to go through a title company. Chris Duncan said he will prepare a letter and they will have five days to accept the offer. He said the letter will be ready end of business tomorrow.

Mayor Bass called the motion for a vote, with a 4-0 vote council approved. to sell both lots, Levee Property and the Division Street ROW for appraised value, for \$71,600. Purchaser must build a house within three years. City has first right of refusal of Division Street Property, at purchase price if sold or transferred. If re-platted into a single lot, the city would obtain the first right of refusal, would impact the entire property

Adjourn

On a motion by Councilman Cain, seconded by Councilman Muraira, with 4-0 vote, Mayor Bass adjourned the meeting at 9:23 P.M



Mayor, Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas