

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, August 15, 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 Not Present
- Councilman Troy Brimage

Staff:

- Tim Kelty, City Manager
- Betty Wells, City Secretary
- David Olson, Interim City Attorney
- Cathy Ezell, Finance Director
- Kacey Roman, Building Official
- Clarisa Molina, Administrative Assistant
- Chris Motley, Freeport Fire Chief
- Lance Petty, Public Works Director
- Toby Cohen, IT Manager
- Danny Gillchriest Interim Police Chief
- Brian Dybala, Director Freeport Golf Course

Visitors:

Cathy Johnson	Willie Garcia
Shonda Marshall	Bob Petty
Sabrina Brimage	Desiree Pearson
Tommy Pearson	Rodney Rhones
Manning Rollerson	Steve Krugger
Jesse Senkel	Tim Feldman
Eric Hayes	Lucy Ware
Carol Parker	Mark Parker
Karen Tait	Steven Moore
Mary Moore	Margaret Bachman
Ron Bachman	Matthew Bronstien
Billy Toomer	Annette Payne
Michelle Booth	Rob Booth
Gregg Bisso	Wayne Gautreaux
Gary Guerriers	David McGinty
Michael Boggs	Martin Bronstein
Mark Westmoreland	John & Elane Collier

George Matamoros  
Karla Clark  
John Cone  
Michael Blanchard  
Elaina Olinde  
Jose Montoya  
David & Carol Metzger  
Michael Payne  
Melinda Wilhelm  
Tim Feldman  
Bob Brooks  
Jason Hayes  
Linda Mai  
Stella Jalih  
Sam Reyna  
Hugh & Ruth Forkel  
Donna Rickard  
Pam Dancy  
Melanie Oldham  
Susan & Bill Massey

Con McCleaster  
William Howard  
Keith Johnson  
Bob Casale  
Mark Phillips  
Ryan Shahan  
Charlie & Jan Kopp  
Kenny Hayes  
William Triplet  
Dawn Hallaman  
Steve & Wendy Krueger  
Jana Barnes  
Oscar Jalih  
Gloria Millsap  
Scott & Robin Baugh  
Toni Capretti  
Jesse Randy Senkel  
Christina Mathis  
Nicole Mireles

**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, and Pledge was led by Mayor Bass.

**CITIZENS' COMMENTS:**

Jesse Senkel 315 Bonita Lane, Surfside spoke of the possible change of the zoning, he does not support this change in rezoning.

Michael Payne, 119 Redfish he said he said he has worked in these plants. He opposes this rezoning.

Susan Massey 79 Dolphin, Mayor Bass read her statement. "She opposes this rezoning and this plant".

Mark Parker 76 Dolphin, he spoke on the permits the company should have pulled. He spoke on what the company will be making. He opposes this plant.

Karen Tait 92 Dolphin, she spoke on the one entrance into Bridge Harbor. She opposes the rezone.

Carole Parker, 76 Dolphin, she said she also owns rental property at 95 Dolphin. She spoke of the detriment the plant will cause for Bridge Harbor, she said opposes this rezone.

Nicole Mireles Chairperson for the CCF. She said the City is needing to do a redistricting. She said there needs to be equal representation between Wards.

Manning Rollerson, 126 West 6<sup>th</sup> spoke on the demand letter and the 380 Agreement. He asked why Jeff Pynes and Ursula Reyes did not get the option to just pay back the money? He spoke of absences of Councilmembers. He spoke of plants being built, he spoke of the trash service. He said the trash is not being picked up. Mr. Manning spoke on the Boys and Girls Club demolition, he asked who is inspecting this to make sure it is safe.

Jose Montoya thanked Mr. Petty, Mr. Kelty and Councilman Muraira for working to get the lighting done at the soccer fields. He said on behalf of the kids, he said thank you.

Robert Bacon 722 West 10, suggested when people speak in the audience that they please come to the mic, for the people at home who are watching.

Bob Casale said he wants to discuss no representation of Bridge Harbor. He said he would like council to check in and see if Bridge Harbor can have its own representation.

George Matamoros 1722 North Ave O said he is shocked that Councilman Ward A is suing the City Board of Adjustments. He said this is a waste of the citizens tax dollars, for having to defend this lawsuit. He said to do the proper protocol. Mr. Matamoros said the Ward A Councilmember sits on council and demands accountability for tax dollars, and he is wasting tax dollars because he did not get his way. He said shame on you. You denounce city employees and Councilmembers on social media. Mr. Matamoros said you need to withdraw your lawsuit immediately and let the process that was adopted, play out.

Pam Dancy 313 South Front, spoke on the investigation by Navarro. She said the citizens demand that Councilman Brimage resign, until he can prove his innocence of payments to the city. She said that Councilman Brimage has served on several boards, and has even been the Mayor.

### **CONSENT AGENDA**

Consideration and possible action on the approval of City Council meeting minutes from August 1, 2022.

Consider changing the date of the first meeting in September 2022 due to the Labor Day Holiday, to Tuesday September 6, 2022.

A motion was made by Councilman Brimage, seconded by Councilman Pena to approve the consent agenda. With all present voting "Aye" 4-0 council unanimously approved the Consent Agenda

### **COUNCIL REGULAR AGENDA**

Consideration and possible action on Ordinance 2022-2670, amending the City of Freeport Zoning Ordinance by approving a Planned Unit Development District of approximately 13.71 acres of land located at Sailfish Ave; and amending the Official Zoning Map of the City to reflect the planned unit development zoning district to be known as PUD #2.

Motion was made by councilman Brimage to table this item, seconded by Councilman Cain.

Mayor Bass said we will have a Special Meeting on August 22, 2022 at 6 PM.

Mayor Bass closed the meeting for a break at 6:38 PM.

Meeting reconvened at 6:40 PM

Discussion and guidance from Council on the FY 2022/2023 Budget.

City Manager Tim Kelty spoke on the proposed FY22/23 Budget. He said the Budget books that were passed out are still the baseline we are talking about tonight. He said he had the opportunity to speak with Councilman Muraira, Councilman Pena, and Mayor Bass. He said Councilman Muraira had three requests for consideration in adding to the Budget. One is a Mulching Center, Mr. Kelty said he does not have cost for this, but he is hoping for the information this week. Second a Mental Health Officer, cost about \$58,000 yearly salary and \$14,500 for benefits. Annual cost \$72,500. And third a Community Gardens, with an estimated cost of \$10,000 or less, this will be a one-time cost. Mr. Kelty said that Mayor Bass spoke of his concerns in regard to the long-term sustainability of the reserve balance. Mr. Kelty said this is down to \$621,000. This is what we will be starting at next year. Councilman Pena did not give any specific request, but will be presenting a PowerPoint tonight. Mr. Kelty said Mayor Bass challenged him with 5% cut in the Operating Budget of recurring cost. Mr. Kelty said he was unsuccessful with the 5%, but he did find about \$443,000 or 3%. He offered cuts in the Administration, Public Works, Code Department, with vacancies that will not be filled. He said the Legal Fund will be cut \$20,000 and the Police Jailers positions, could also possibly be cut. He spoke of the reduction at the Rec Center, and changing the hours of operation. The Museum \$30,000 will be cut on the exhibit cases the fundraising event and the requested additional part-time position. There was discussion in the reduction of fuel cost for each department, due to the drop-in fuel cost.

Mayor Bass asked about the reduction of hours at the Rec Center. Mr. Kelty said this is based on the use of the Rec Center, he said there is very little usage during the day while school is in session, and we have two staff members there the whole time. Mayor Bass asked with this Budget, with the proposed changes, does it still include the work on Fire Station #2? Mr. Kelty said yes these are the only changes we have proposed.

Councilman Pena spoke on the \$30,000 cut at the Museum Exhibits. He asked what is this for? Cathy Ezell said it is exhibit cases and panels. Councilman Pena asked why we are reducing the fuel at the Golf Course? Cathy Ezell said it is because the fuel cost is lower. Councilman Pena asked about the reduction of the Jailers at the Police Department, he asked if there will be reallocation of employees? Councilman Pena asked what is the total cost of the proposed COLA? Mr. Kelty said \$265,000, and this is already in the proposed Budget.

Councilman Cain asked that Mr. Kelty explain the Administration reorganization. Mr. Kelty said currently there is the Finance Director, Financial Analyst, Human Resource Specialist 1, Human Resource Specialist 2, Accounts Payable Clerk. We are proposing promoting the HR Specialist to Human Resource Director, eliminating one of the HR Specialist positions. The AP Clerk would handle both Accounts Payable and Payroll. This would eliminate one currently vacant position. Councilman Cain asked if we make this change, how will the HR department look? Mr. Kelty said Donna Fisher will be the HR Director, Mary Chavez will continue to do payroll and assist when necessary, which is the way it was structured previously.

Finance Director Cathy Ezell formally presented the proposed FY22/23 Annual Budget. She spoke on expenditures. She explained how these cuts will also help the future years' budgets. She said we are looking at long term, to stay sustainable.

Mr. Kelty asked for feed back from Council to incorporate into this budget. He said he had not yet met with Councilmen Cain or Brimage, and received no specifics from Councilman Pena.

Mayor Bass said he has concerns of reducing the Jailers positions.

George Matamoros said council needs to reconsider the extension of 5<sup>th</sup> Street. He said this is a lot of money to extend a street that has just been redone. He said the cost he believes is \$795,000. He said cut this and keep the Jailers.

Councilman Pena presented a PowerPoint. He spoke on the Bryan Beach. And Kendig Keast studies. Councilman Pena said overall objective is to minimize capital projects, that do not enhance the quality of life, or maximize return on investment. He said we need to make sure we are reinvesting in ourselves. He said he wants to touch on cuts, he spoke on the Rec Center, Golf Course, and the Museum. He said the Rec Center we need to cut the budget, but instead of completely eliminating the Rec Center, to actually build a new Rec Center. He said this will allow for greater usage by our residents. He said he has heard from staff that our Rec Center is not very conducive.

Mayor Bass asked what is the deadline of approving the Budget. Ms. Ezell said the second meeting in September.

Consideration and possible action approving Not to Exceed Tax Rate, and setting a public hearing date on the Budget and Tax Rate.

Finance Director Cathy Ezell presented to Council Not to Exceed Tax Rate, and setting a public hearing date on the Budget and Tax Rate. She said staff recommends that council propose a tax rate in the amount of \$0.61.

A motion was made by Councilman Brimage, seconded by Councilman Cain. With all present and voting, for proposed Not to Exceed Tax Rate of \$0.61.

Councilman Pena voted "Aye"

Councilman Brimage voted "Aye"

Councilman Cain voted "Aye"

Mayor Bass voted "Aye"

Motion passed

A motion was made by Councilman Pena, seconded by Councilman Cain. With all present and voting, setting a Public Hearing date on the Budget and Tax Rate.

Councilman Pena "Aye"

Councilman Cain "Aye"

Councilman Brimage "Aye"

Mayor Bas "Aye"

Motion passed.

Consideration and possible action of approving Ordinance No. 2022-2673, for Budget Amendment #4 to the Fiscal year 2021-2022 budget

Finance Director Cathy Ezell presented to council Ordinance No. 2022-2673, for Budget Amendment #4 to the Fiscal year 2021-2022 budget. She said this is for the funds received from the EDC for various projects. She said this Budget Amendment will budget the expenditures for these funds.

Councilman Brimage said he would like President of the EDC Mingo Marquez, to present to council and the public the Grants they are giving out, and where this money is going.

A motion was made by Councilman Cain, seconded by Councilman Brimage with all present voting "Aye" 4-0 council unanimously approved Ordinance No. 2022-2673, for Budget Amendment #4 to the Fiscal year 2021-2022 budget.

Consideration and possible action of approving Freeport EDC Resolution No. 2022-2758, amending the EDC Fiscal year 2021-2022 budget

Finance Director Cathy Ezell presented to council Resolution No. 2022-2758, amending the EDC Fiscal year 2021-2022 budget. She said EDC Board voted unanimously to approve this budget amendment. She said it is for Marketing Expenditures, Electricity Expenditures, and Mowing Services and Contract Labor.

A motion was made by Councilman Cain, seconded by Councilman Pena with all present voting "Aye" 4-0 council unanimously approved Resolution No. 2022-2758, amending the EDC Fiscal year 2021-2022 budget.

**WORK SESSION:**

Councilman Pena thanked all that came out and spoke in Citizens Comments. He said he wants to make sure Mr. Kelty, that we are doing our due diligence. We need to make sure Kisuma is abiding by the environmental permitting. He said make sure we are not rushing into this. Let's make sure the safety of the residents is put at a premium. Councilman Pena asked if there was a Phase 1 done on this project? He also discussed the chemicals that are going to be produced by Kisuma, the EPA Permitting and the limestone Mr. Olson advised Councilman Pena this cannot be discussed because this item was tabled. Councilman Pena asked can we compile questions and send to Kisuma? Councilman Pena touched on the redistricting of the Wards. He asked if there is still a continuing issue, on the trash service? Mr. Kelty said we address the issues as they come up. He spoke on the demo of O. A. Fleming, he asked what was demoed? Mr. Kelty said all but the main building. He thanked Mr. Petty and Mr. Kelty for the soccer lighting. He said he wants to clarify the comment from Mr. Matamoros, he said not all lawsuits are built the same, and the law allows public and political figures and board members fair game for rebuttal. He said per Ms. Roman this is the proper protocol. Councilman Pena asked Mr. Olson how to get in touch with him? Mr. Olson said to email him, or on his cell. Mr. Olson said we try to have one point of contact, and that is usually the City Manager, but he said I have an open-door policy. Councilman Pena asked where we stand on the search of the Police Chief? Mr. Kelty said the committee met last week, and we will meet again tomorrow. Councilman Pena said the fountain on 2<sup>nd</sup> Street is not working. He said Walnut or Cedar Street, is this Street is closed, or is it a private road? Mr. Kelty said he is not sure, he will find out. Councilman Pena is curious if West Brazos is a private street? Mr. Kelty said he will find out. He said on 5<sup>th</sup> and Cherry the water drainage is not moving, he said please address this.

Councilman Cain said he thinks it is time to redistrict the Wards. Mr. Kelty said he had a conversation with Mr. Olson about this last week. Mr. Olson is he is looking for some firms for us to get proposals. Councilman Cain said he wants to give a shout out to LeAnn and the rest of employees, who put Kidfest on this year, it was a huge success.

Councilman Brimage had no comment.

Mayor Bass said to the citizens, this is your budget come to the meetings express your thoughts. He said we do this to meet the needs of the upcoming year. He said he thinks it is important to have a savings in case of emergencies. Mayor Bass said he thinks social media is the devil. We are responsible for what we put out there, and once it is out there, it stays. He asks the public and the council to think before you put it out there. Mayor Bass said he understands we have a council person that has called the Board of Adjustments incompetent. He said I don't know this first hand, but I was sent a picture from the Facebook page. This is atrocious, to call committee members that you appoint, incompetent. He said you may think it, and you may believe it, but you don't have to say it, and you don't have to type it. Mayor Bass said, I just ask that we act in a professional manner, and be careful what we say.

Mr. Kelty said he will be at a conference from September 18-21. He said he will not be at the second meeting in September.

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

Mr. Petty told council we have gone out to bid twice on the project for replacing the sewer lines at the alley between 8<sup>th</sup> and 9<sup>th</sup> from Dixie to Yaupon. He said the first time we got one bid back, and it was really high. This second time we got three bids, and they were all really high. He said this is the project the county will do once complete with asphaltting, the road once the sewer lines are replaced. He said it is really a terrible alley. The cheapest bid that came in was \$263,000. Last year we were getting sewer lines replaced for \$60,000. These three bids were rejected. Sorrel has given a price to remove the broken-up concrete out of the alleys, we will get this done. We will put some material in this alley to smooth it out. Mayor Bass asked if this will affect the sewer? Mr. Petty said it will not.

#### **CLOSED SESSION:**

Open Session was closed at 7:59 PM.

Executive Session was closed at 8:22 PM

No action was taken from Executive Session.

#### Adjourn

On a motion by Councilman Cain, seconded by Councilman Brimage, with 4-0 vote, Mayor Bass adjourned the meeting at 8:22 P.M.

  
\_\_\_\_\_  
Mayor, Brooks Bass  
City of Freeport, Texas

  
\_\_\_\_\_  
City Secretary, Betty Wells  
City of Freeport, Texas