

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, March 7, 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 by phone

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
- James Carter, Veolia
- Ray Garivey, Freeport Police Chief
- Clarisa Molina, Administrative Assistant
- LeAnn Strahan, Destinations Director
- Toby Cohen, Information Technology

Visitors:

Raven Wuebker	David McGinty
Tommy Pearson	Desiree Pearson
Bob Casale	Stella Casale
Shonda Marshall	Lucy Ware
Aaron Ware	Nicole Mireles
Sam Reyna	Kenny Hayes
Con McCleaster	Diane McCleaster
Brent Bowles	Manning Rollerson
Sabrina Brimage	

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.

PRESENTATION:

Mayor Bass said it is his pleasure to present Certificates of Accomplishment for recognition to these Brazosport High School students for their qualifying for the State Unified Interscholastic Track and Field Meet. The certificates we presented to the following Brazosport High School students. Kevin Rodriguez, Vivianna Ruiz, Jocelyn Royston, Jacob Minor, Gion Labrada, Dominic Tovar, and Jose "Jojo" Rodriguez III. Mayor Bass said "Standing Tall, Standing Proud".

CITIZENS' COMMENTS:

Shonda Marshall, 135 Brazos Landing spoke to council about a workshop that was hosted by the EDC. She said the speaker said he can walk into a room and in thirty minutes decide if the people are unified or divided. She said she instantly thought of our City. She said there is so much drama, and people are talking about our meetings. Ms. Marshall said a prominent pastor even commented on our meetings. She said she hopes we can come together as a city. She said a good debate is healthy. She said we need to come together and compromise. She said she begs of everyone to come together.

Mr. and Mrs. Casale, Snapper Lane spoke of a gate that he placed across Snapper Lane in front of his property six years ago. He said this was approved by the City of Freeport Code Enforcement. Mr. Casale said the reason for this gate is to keep people off of his property, to stop break-ins and to prevent drunk drivers from coming onto his property. He has had gas cans stolen, windows have been broken, and people have tried breaking in. He said this gate was removed without his permission by the City Manager and the Building Official Kacey Roman. The Casale's said that a dead-end street sign would help. Ms. Casale said they have placed cones on the driveway to keep people from using this as a turn around.

Sam Reyna, 2002 N. Ave G spoke to council about the editorial in the Fact's on Saturday on the sprinkler system and the firewalls. He also spoke of the inspections that have been done since October by Ms. Roman, and all of the failed of inspections by her. He spoke of all the 3rd Party inspections that have all passed, except for one, because the contractor was not at the property.

Manning Rollerson spoke to council of his concern in the decision of allowing Councilman Brimage to remain as a Reserve Officer for the City of Freeport Police Department. Mr. Rollerson spoke of the attack on in him 2005, he said this man may have been part of the attack on 1001 North Ave J. He said this is a conflict of interest. City Attorney Chris Duncan explained the rules of Citizens Comments. Mr. Rollerson spoke of the temperament in council. Mr. Rollerson said the bad outweighs the good. He said Council should look out for the citizens of Freeport. Mr. Rollerson spoke of how dysfunctional the City Council looks on Facebook Live. Councilman Brimage said he was not part of the Freeport Police Department in 2005.

Kenny Hayes spoke of the last meeting and the mention that one of our Council Members was a real racist. Mr. Hayes said he remembers when this Councilman and his family raised two black kids in his home, so they could finish school. Mr. Hayes said this is not a racist. He also said the City Manager is doing a great job with the staff that he has hired. Mr. Hayes said that he is puzzled at the agenda, and seeing that council is doing an employee review of the staff. He said I thought, this was Mr. Kelty's job.

Nicole Mireles spoke to council about everything going on and how the public is talking about our city council meetings, and how bad they are. She said it is horrible. She said when she served on council you never saw council act like this. She said there has to be unity. She said you need to respect your position. She said this is embarrassing.

Kenneth Glass spoke to council about trying to bring a Bar to the City of Freeport. He said he has been trying to do this for seven months. Mr. Glass said the Inspector has come out once and gave him a list of things to do. Mr. Glass said he has been calling, and emailing and no one will contact him back. He said this is going on entirely too long. He said he is trying to bring a business to Freeport. He asked that someone please come back and look at the things that have been done. He asked Council to please help him.

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

Presentation from Brett Bowles from IAD for City Hall rehab.

Mr. Bowles with IAD presented to council the City Hall rehab. He explained the layout of the first floor of City Hall which will include significant changes. He said that the second floor will be mainly cosmetic. There was discussion on the new room adjacent to council chambers being used for executive session and Jury room. There was discussion of the bank side of the building being the court and water department. There was discussion on the size of the first and second floors, first floor being 11,400 square feet and second floor 7,102 square feet. He said this is the net area inside the walls. There was discussion of the code department working with this project. He spoke of the glazing on the windows, he said this will bring it to windstorm compliance. There will also be a sprinkler fire prevention system, as well as landscaping. There was discussion on the storage for City Hall. This project plan includes putting the second elevator back into service, as well as a generator.

Presentation by Building Official Kacey Roman on the improvements of the Building/Code Department

Building Official Kacey Roman presented to council the improvements of operations of the Building/Code Department. She said the overview of this department is responsible for Building/Permit and Inspections, Health Permits and Inspections, all Code Enforcement, Short Term Rental Inspections, Planning and Zoning, Boards of Adjustments, and all Permit Desk Operations. Code Enforcement is working with residents to make their homes look good, she said there are hundreds that have been cleaned up. Ms. Roman said all forms are in English and in Spanish. She spoke of the dangerous structures in the City. Ms. Roman said the City approved a budget of \$75,000 to demo unsafe structures. If the city pays for the demo there is a property maintenance lien that is placed on the property. Once the property is sold the City is paid back. Ms. Roman said 50 % of the time the owners pay for the demo. Councilman Cain asked about the fence and driveway that was left on a property on second street. Ms. Roman said a Code Officer has been in contact with the owners. She said there is a large rack with all the forms for the Building/Code Department. She said these are checklist to help with questions. Councilman Pena asked if these have response times on these forms? Ms. Roman said this is something that can be added. Ms. Roman spoke of the outdated computer program. She said citizens cannot do anything online. Councilman Cain asked if this process has already begun? Ms. Roman said she has already gone out for bids. She said that she will be bringing Citizen Serve Program before council soon. She spoke of how COVID challenged this department. She said that cross training has been done. Ms. Roman said they are back to full staff with the exception of the building inspector. She said code is hanging doorhangers for the utility department, for the trash service, and for tires. Ms. Roman spoke of the third-party inspection company, BBG, she said they charge per inspection. It is \$105.00 for two inspections and \$32.00 for each additional. Ms. Roman said our city is helping other cities with training. She said, likewise other cities have helped us. She spoke of the future goals.

COUNCIL REGULAR AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from February 22, 2022.

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

Public Hearing was open at 7:42 PM.

Public Hearing: Consideration and possible action on approving re-plat for request for replat of subdivision of plat of Joseph Manjos Subdivision of Part of Lot 63 - Lot 66 of the San Bernard Syndicate Subdivision Being All That Certain Joseph Manjos Called 5.43 Acre Tract as Recorded Under Clerk's File No. 2018056364 Of the Brazoria County Official Records Same Being Part of All That Certain Lot 63. Lot 64 Lot 65 and Lot 66 In the San Bernard Syndicate Subdivision as Recorded in Volume 2, Page 135 of the Brazoria County Plat Records in the Thomas and William Alley Survey, Abstract 2 And the Thomas B. Bell Survey Abstract 41 In Brazoria County, Texas Containing 1 Block, 2 Lots.

Building Official Kacey Roman presented to council a re-plat for request for replat of subdivision of plat of Joseph Manjos Subdivision of Part of Lot 63 - Lot 66 of the San Bernard Syndicate Subdivision being all that Certain Joseph Manjos Called 5.43 Acre Tract as Recorded Under Clerk's File No. 2018056364 Of the Brazoria County Official Records Same Being Part of All That Certain Lot 63. Lot 64 Lot 65 and Lot 66 In the San Bernard Syndicate Subdivision as Recorded in Volume 2, Page 135 of the Brazoria County Plat Records in the Thomas and William Alley Survey, Abstract 2 And the Thomas B. Bell Survey Abstract 41 In Brazoria County, Texas Containing 1 Block, 2 Lots. Ms. Roman said this was approved by Planning and Zoning Commission.

Public Hearing was closed at 7:44 PM.

On a motion by Councilman Brimage, seconded by Councilman Cain. With all present voting "Aye" 5-0 vote, Council unanimously approved a re-plat for request for replat of subdivision of plat of Joseph Manjos Subdivision of Part of Lot 63 - Lot 66 of the San Bernard Syndicate Subdivision Being All That Certain Joseph Manjos Called 5.43 Acre Tract as Recorded Under Clerk's File No. 2018056364 Of the Brazoria County Official Records Same Being Part of All That Certain Lot 63. Lot 64 Lot 65 and Lot 66 In the San Bernard Syndicate Subdivision as Recorded in Volume 2, Page 135 of the Brazoria County Plat Records in the Thomas and William Alley Survey, Abstract 2 And the Thomas B. Bell Survey Abstract 41 In Brazoria County, Texas Containing 1 Block, 2 Lots. Ms. Roman said this was approved by Planning and Zoning Commission.

Public Hearing opened at 7:45 PM.

Public Hearing: Consideration and possible action on approving re-plat for Bastrop Beach – Block 17 Lot 1a – 0.806 Acre Amended Plat of Lots 1,6,7,10,11,14 And 15 Block 17 Of Bastrop Beach Subdivision. According to The Records Map or Plat Thereof in Volume 3, Page 98 of the Plat Recorded, Brazoria County, Texas

Building Official Kacey Roman presented to council a re-plat for Bastrop Beach – Block 17 Lot 1a – 0.806 Acre Amended Plat of Lots 1,6,7,10,11,14 And 15 Block 17 Of Bastrop Beach Subdivision, According to The Records Map or Plat Thereof in Volume 3, Page 98 of the Plat Recorded, Brazoria County, Texas. Ms. Roman said this was approved by Planning and Zoning Commission.

Public Hearing was closed at 7:46 PM.

On a motion by Councilman Cain, seconded by Councilman Brimage. With all present voting "Aye" 5-0 vote, Council unanimously approved a re-plat for Bastrop Beach – Block 17 Lot 1a – 0.806 Acre Amended Plat of Lots 1,6,7,10,11,14 And 15 Block 17 Of Bastrop Beach Subdivision, According to The Records Map or Plat Thereof in Volume 3, Page 98 of the Plat Recorded, Brazoria County, Texas. Ms. Roman said this was approved by Planning and Zoning Commission.

Consideration and possible action on Resolution 2022-2741, authorizing the sale of Levy property to Lucy Ware, owner of adjacent property located at 2 North Front Street.

Aaron and Lucy Ware, said they have purchased some land at 2 Front Street. Mr. Ware spoke to council about purchasing two pieces of property from the City, the levee property, and the adjacent remaining portion of undeveloped Division Street. Mr. Ware said this piece of property is too small to sell to anyone else except to them. Mr. Ware said the city did an appraisal on this property. He said that this is a restricted appraisal. He said the appraisal on the levee is \$23,000, and this is way too much. Mr. Ware said we want a fair price to this property. He said the Division Street ROW has a water pipe from BWA going through the property. The appraisal on this property was \$48,300, and this is way too much. Lucy Ware asked how much the appraisal cost the City? She said she just wants to pay a fair number for this property. Ms. Ware told Council this will be their second home, and not homestead. Ms. Ware said there is a waterline on the property, she said there is no record of this line anywhere, so BWA is going out to locate this line. She said this lot is not buildable. Ms. Ware said that Darla does a great job for the City of Freeport.

City Manager, Tim Kelty presented to council Resolution 2022-2741, authorizing the sale of Levy property to Lucy Ware, owner of adjacent property located at 2 North Front Street. Mr. Kelty said that Ms. Ware approached the city about wanting to purchase these two properties. Mr. Kelty explained the comps on each property that were used for the appraisal.

Councilman Pena asked why the appraisal was ordered? Mr. Kelty said the appraisal was ordered to expedite the process. Councilman Pena said he does not disagree with requesting a full appraisal. Mr. Kelty said the full appraisal is in the packet, it came in late this afternoon.

Ms. Ware said she called several appraisers and she was told no they would not do the appraisal. Ms. Ware spoke of the lots that was sold to Gardo Campbell, and she said that she knows of others that was given for free. She said Division Street is not worth anything to anyone. Councilman Pena asked if she had a copy of the properties she is speaking of.

City Attorney Chris Duncan asked if they want the property sold to Aaron and Lucy Ware, or just to Lucy Ware as listed on the agenda? Mr. and Mrs. Ware said to Arron and Lucy Ware. Chris Duncan asked Mrs. Ware if she received the information from the Public Information Request she had submitted on the property sales on the river? Mrs. Ware said no she did not. He asked if this is something they would like to look at? Mrs. Ware said that she is not here to start issues with the City. She said she did not get the records. She said that Mr. Kelty called, and she said that she just asked to be placed on the agenda. Ms. Ware made an offer to purchase both properties for the amount of \$15,000.

On a motion by Councilman Pena, seconded by Mayor Bass. With all present voting "Aye" 5-0 vote, Council unanimously approved to table Resolution 2022-2741, authorizing the sale of Levy property to Lucy Ware, owner of adjacent property located at 2 North Front Street. And to table Ordinance No. 2022-2660, closing and abandoning the remaining Division Street right of way between

Front Street and the Brazos River and authorizing the sale of said property to Lucy Ware, owner of adjacent property located at 2 North Front Street.

Consideration and possible action awarding bid and signing of the contract to Tex-Con Services for the rehabilitation of the Levee Walking Trail.

Public Works Director Lance Petty presented to council the possible action of awarding bid and signing of the contract to Tex-Con Services for the rehabilitation of the Levee Walking Trail. Mr. Petty said that staff recommends awarding the bid to Tex-Con Services. He said with the award of this bid the contractor will begin the rehabilitation of the walking trail. The rehabilitation will include 1.8 miles of granite to be installed. The cost of this project will be \$132,880.

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

Mayor Bass asked if the 1.8 is from the bridge all the way around to Riverplace? Mr. Petty said yes.

Councilman Pena asked if this price includes demolition? Mr. Petty said yes. Councilman Pena asked when is the expected completion? Mr. Petty said it will within 90 days. Councilman Pena asked if this is the only proposal? Mr. Petty said yes, this is the second time we have bid this out.

Councilman Muraira asked if the city will be doing any work alongside the contractor? Mr. Petty said no. Councilman Muraira asked if they will be blocking off portions as they are working? Mr. Petty said yes.

Mayor Bass called the motion for a vote, with all present voting "Aye" 5-0 vote, Council unanimously approved awarding bid and signing of the contract to Tex-Con Services for the rehabilitation of the Levee Walking Trail

WORK SESSION:

Mayor Bass said he wants to talk about the GLO and the Grants that we received. He said if you recall we were approved last year for approximately \$12 million. These were two separate grants, one is for the renovation of the Waste Water Treatment Plant and the other for the I & I. He said that we met with the GLO representative recently at a kick-off meeting, and we can now begin and Engineering and Environmental Review. We cannot do any remedial work to sewer lines in the areas designated for these funds, without jeopardizing the entire grant. This is Federal money, and there are rules.

Mayor Bass said the question was asked about the language for Executive Session. He said this is with the advice from the City Attorney.

Councilman Pena asked about the pickup schedule for heavy trash pick-up. Mayor Bass said there is a schedule for each Ward, each week of the month. Councilman Pena asked for a follow up regarding the lawn care in the downtown park, and multiple contractors. He also said at 224 East Park and Broad Street, the corner lot has tall grass that needs to be taken care of. Councilman Pena asked about the gate that was removed from Mr. Casale's property and the follow up inspections for the business that Mr. Glass is wanting to open up. He said it is important all outstanding follow up inspections be done. Has all the paperwork been complete by Mr. Glass? Kacey Roman said that she has not heard back from Mr. Glass. Ms. Roman said that the recommendation from the City Attorney was to remove the gate from Mr. Casale's property because it was blocking at street ROW. Councilman Pena spoke about Shonda Marshall's comment, he said bygones and apologizes but healthy debate is very conducive, but they are crippled when you have insults and threats. He said it is our responsibility to act professionally, and

maturely. Councilman Pena said City Hall Employees and Elected Officials are not untouchable. He said currently there is a recall on my seat here on council. He said this fine. He said welcomes this. You are welcome to exercise the election laws. He said good and innocent people lose their jobs. Councilman Pena asked Mr. Kelty how many people he has fired since he has been the City Manager? Mr. Kelty said there have been two departments heads that has been terminated, and additional disciplinary action taken. Mayor Bass said that this is announcements and comments. Councilman Pena said creditability matters, doing what is right. He said he is concerned about our disciplinary policy and making sure as a city and as a council we hold each other accountable. He said State Law will not allow a Peace Officer serve as a Councilman. He said this poses a liability to the city.

Councilman Cain said on a weekly basis we come and discuss issues we see in the city. He said maybe a pot hole, or a structure that may need looking at. Councilman Cain said on one hand he is encouraged. He said council takes steps to look into any wrong doing, and/or misconduct. Conversations are had and proper steps are taken to resolve these issues. This is how it should be. We have two ongoing investigations, he said he is 100% for both, he voted for these. He said these will come out one way or another, and we may have another tough decision to make, and if we don't then we move on. Councilman Cain said his concern is that he doesn't want this to become the norm. Councilman Cain said there are many scandalous rumors and allegations around the City of Freeport. He said he does not think we will spend any time or money investigating whether or not our Council was involved in the Insurrection in Washington D.C. He said this is a rumor and allegation going around the city. Councilman Cain said he challenges this council to pick your battles. It takes a lot of everyone's time and energy, as well as tax payer's dollars. It also creates trust issues among Council Members, City Employees, and the Citizens of Freeport. I challenge you not to forget why you ran for these positions, and it is our part to do what we can to improve the lives of our residents, and the overall experience of Freeport.

Councilman Muraira said challenge accepted, Councilman Cain. Councilman Muraira said he got a complaint for 522 West 7 Street. He said it looks like there is a sinkhole. Mr. Petty said that he went and looked at this with the resident. Councilman Muraira said that he spoke to some people who have a sewer line problem on North Ave M. He asked that Mr. Kelty add this to his list. Councilman Muraira asked Mr. Petty for the sidewalk list. He said that he does like the work that has been done on the sidewalks. Councilman Muraira asked for the list of the water front properties that have been sold.

Councilman Brimage said that he wants to ask that we keep Previn Hobbs family in our prayers. He said Mr. Hobbs had dedicated many hours and years to the City of Freeport. He said that he hopes we remember Previn over the next few days and years. He was a good man.

Tim Kelty introduced Toby Cohen as our new IT Manager. He said he was given his first challenge with moving City Hall offices to the 3rd floor. Mr. Kelty apologized to the public for the challenges that has been presented by this move but it was necessary. Mr. Kelty said we will be keeping Utility Billing and Court, on the first floor for the next six weeks or so until the elevator doors are replaced. He said that he would like to commend Public Works and City Staff for the move upstairs. The second air quality test came back for the first floor, and there are no additional concerns.

City Attorney Chris Duncan spoke on the language that was used for Executive Session, he said the language used on the agenda was not the language he proposed. He said the language was not followed. Mayor Bass asked Mr. Duncan if he was saying the language that was used, was not the language he sent? Mr. Duncan said this is correct. He said the concern is the rights of the employees, and protect the rights of these employees. He said several employees will be called to talk of what they observed, not their job performance. And some will be called with the possibility of review related to their performance. Mr. Duncan said the problem is with the language used, if you are an employee and the

council is considering your job performance that goes to the general public. He said this is a disservice to the employees because it presents that their job performance is being scrutinized. Mr. Duncan said the City should issue something in writing for those employees who should not of had this language included. He said this will clear their name with the general public, that their job is being called into question. Mayor Bass said no one's job is being called into question. Chris Duncan said we can move forward, but there should be a correction issued to the public. Councilman Pena asked if the correction can be made after this Council Meeting? Mr. Duncan said yes. Mayor Bass asked each Council Member if they would like to move forward. Councilman Brimage, and Mayor Bass said yes to move forward. Councilman Cain said, as long as there is no liability to the city, Councilman Pena, as long as there is no liability to the city. Councilman Muraira said he would rather wait. Chris Duncan said he will get a correction to be posted in the same manner as the agenda is posted. Mayor Bass asked when this needs to be done? Mr. Duncan said we can take care of this tomorrow.

Fire Chief, Chris Motley commented on Manning Rollerson's comment in citizens comments. Chief Motley said Mr. Brimage was not there on this night at 1001 N. Ave J. Chief Motley said he was working this night, when Mr. Rollerson was arrested.

Update on reports / concerns from Department heads

CLOSED SESSION:

Open session was closed at 8:56 pm and Council entered into Executive Session.

Executive Session regarding a.) (Personnel Matters) Review of job performance of City Manager, Tim Kelty, in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.074.

Executive Session regarding a.) (Personnel Matters) Review of job performance of City Secretary, Betty Wells, in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.074.

Executive Session regarding a.) (Personnel Matters) Review of job performance of Building Official, Kacey Roman in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.074.

Executive Session regarding a.) (Personnel Matters) Review of job performance of Police Chief, Raymond Garivey in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.074.

Executive Session regarding a.) (Personnel Matters) Review of job performance of Public Works Director, Lance Petty in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.074.

Executive Session regarding a.) (Personnel Matters) Review of job performance of Freeport Fire Chief, Chris Motley in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.074.

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), East End, and Brazos Cove, d.) (Economic Development) Project 2022-C in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072, 551.087

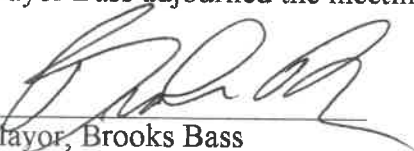
Mayor Bass asked if there were any objections to the six people being allowed into Executive Session? All Council said there was no issue. Councilman Pena said he agrees as long as there is no liability to the City, and to the due process of Mr. Kelty.

Executive session was closed on March 8, at 12:01 am, and entered back into Open Session.


A motion was made by Councilman Cain, after full review of the documentation presented by Mr. Kelty and listening to the comments made, I would like to make a motion that Council finds that each the allegations made recently against him, and the City of Freeport Management staff are found to be unsubstantiated. We continue to support the efforts of this administration to put this City and its citizens first, and are excited about all the positive things that have occurred and are in the works. The motion was Seconded by Councilman Muraira. With a vote 4-1 council passed this motion. Councilman Pena voted "Ney".

Adjourn

On a motion by Councilman Brimage, seconded by Councilman Cain, with all present voting "Aye", Mayor Bass adjourned the meeting at 12:06 A.M.



Mayor, Brooks Bass
City of Freeport, Texas



City Secretary, Betty Wells
City of Freeport, Texas