

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, January 10, 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
Lance Petty, Public Works Director
Chris Motley, Fire Chief
Kacey Roman, Building Official
Ray Garivey, Freeport Police Chief
Laura Cramer, Special Project Coordinator/GIS

Visitors:

Raven Wuebker	Sabrina Brimage
Melanie Oldham	Tommy Pearson
Desiree Pearson	Pam Dancy
Diane McCleaster	Con McCleaster
Ed Garcia	Keith Stumbaugh
Jim Saccamano	Kelly Burks Army Corps
Mr. Braden Army Corps	Sam Reyna

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, Pledge was led by Mayor Bass.

CITIZENS' COMMENTS:

Sam Reyna 2002 N Ave G, spoke to council about an article that was written in the Facts Newspaper. He also spoke of the Sprinkler Ordinance, he said that the city needs to start over on this ordinance, and it may keep businesses from leaving the City. He said that this is the ordinance that needs to be repealed. Mr. Reyna passed out to council some information on a house that is in his neighborhood. He said that this residence was given the okay, by Henry Rivas to turn on his power. But someone tagged the property

to not tamper with, but this was not signed, so he asked who did it? He said that they are still waiting to get this inspected. He said that they are using a generator, this needs to be taken care of it has been two months.

Ed Garcia 1924 N. G, said that he has lived in Freeport all of his life, he said that he has served the City of Freeport. He spoke of the allegations that were brought by Jeff Pena, against him, he said they are lies and no proof were brought forward to council. But council still removed him from the Board without an investigation. Mr. Garcia requested that council form an investigation on the allegations made against him by Jeff Pena. Mr. Garcia spoke of the investigation on the Boys and Girls Club, Mr. Garcia spoke of Mr. Duncan interviewing various ex-members of the Board, Mr. Garcia said he also spoke with these members, and they said Mr. Duncan did not inquire any information of any kind, Mr. Garcia said this is white washing.

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

Presentation of the Sabine Pass to Galveston Bay Coastal Storm Risk Management Program, (S2G)

Mr. Eddie Irigoyen Project Manager of the U.S. Army Corps of Engineers, Galveston District presented to council the S2G Program-Freeport Project which provides federal and Velasco Drainage District match funding to make improvements to the Levy around Freeport.

Presentation of a Proclamation for Martin Luther King, Jr.

Mayor Bass read the Proclamation for Martin Luther King, Jr.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from December 20, 2021.

Consideration and possible action approving the date change for the first and second city council meetings in January 2022, due to the New Years and Martin Luther King Holidays

Consideration of approving the ratification of the City Administration approval of the Windstorm Insurance Policy Renewal. Proposed by Victor Insurance for TWIA (Texas Windstorm Insurance Association).

On a motion by Councilman Muraira, seconded by Councilman Pena, with all present voting "Aye" 5-0 vote, Council approved item numbers 3-4 on the Consent Agenda.

COUNCIL REGULAR AGENDA:

Public Hearing: Re-Plat of Lots 432 & 433, Block 3 of Bar-X Ranch, Section II. Being a Re-Plat of a 2.00-acre tract of land known as Lots 432 and 433, Block 3 of Bar-X Ranch, Section II, situated in the Samuel Carter Survey, Abstract 53, Brazoria County, Texas, recorded in Volume 16, Page 119 of the Plat Records of Brazoria County, Texas.

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

Building Official Kacey Roman presented to council a re-plat of Lots 432 & 433, Block 3 of Bar-X Ranch, Section II. Being a Re-Plat of a 2.00-acre tract of land known as Lots 432 and 433, Block 3 of Bar-X Ranch, Section II, situated in the Samuel Carter Survey, Abstract 53, Brazoria County, Texas, recorded in Volume 16, Page 119 of the Plat Records of Brazoria County, Texas. Ms. Roman said that this was presented to Planning and Zoning and was approved.

Mayor Bass closed the Public Hearing at 6:34 PM.

On a motion by Councilman Cain, seconded by Councilman Muraira, with all present voting "Aye" 5-0 vote, Council approved a re-plat of Lots 432 & 433, Block 3 of Bar-X Ranch, Section II. Being a Re-Plat of a 2.00-acre tract of land known as Lots 432 and 433, Block 3 of Bar-X Ranch, Section II, situated in the Samuel Carter Survey, Abstract 53, Brazoria County, Texas, recorded in Volume 16, Page 119 of the Plat Records of Brazoria County, Texas.

Public Hearing: River Haven Village being a 5.000 Acre Tract (217,805.82 SQ FT) out of a 38.7667 acre tract (1,688,681.47 SQ FT) out of a 63 acre tract of land in the Eastern part of the Ramiddle Half of the C. G. H. and H. H. Allsbury One and One-Half League Grant, Abstract 4, Brazoria County, Texas, said 63 acre tract being described as second tract in a deed from J. L. Ducroz and wife, Ella Ducroz, to Charlie Ducroz as recorded in Volume 571, Page 574 of the Deed Records of Brazoria County, Texas. Reason to Plat, to Create 1 Block 5 Lots SCALE: 1"=60', date 10/26/2021.

Mayor Bass opened Public Hearing at 6:35 PM.

Building Official Kacey Roman presented to council a re-plat of River Haven Village being a 5.000 Acre Tract (217,805.82 SQ FT) out of a 38.7667 acre tract (1,688,681.47 SQ FT) out of a 63 acre tract of land in the Eastern part of the Ramiddle Half of the C. G. H. and H. H. Allsbury One and One-Half League Grant, Abstract 4, Brazoria County, Texas, said 63 acre tract being described as second tract in a deed from J. L. Ducroz and wife, Ella Ducroz, to Charlie Ducroz as recorded in Volume 571, Page 574 of the Deed Records of Brazoria County, Texas. Reason to Plat, to Create 1 Block 5 Lots SCALE: 1"=60'. She said this was presented to Planning and Zing and was approved.

Mayor Bass closed the Public Hearing at 6:35 PM.

On a motion by Councilman Muraira, seconded by Councilman Cain, with all present voting "Aye" 5-0 vote, Council approved a re-plat of River Haven Village being a 5.000 Acre Tract (217,805.82 SQ FT) out of a 38.7667 acre tract (1,688,681.47 SQ FT) out of a 63 acre tract of land in the Eastern part of the Ramiddle Half of the C. G. H. and H. H. Allsbury One and One-Half League Grant, Abstract 4, Brazoria County, Texas, said 63 acre tract being described as second tract in a deed from J. L. Ducroz and wife, Ella Ducroz, to Charlie Ducroz as recorded in Volume 571, Page 574 of the Deed Records of Brazoria County, Texas. Reason to Plat, to Create 1 Block 5 Lots SCALE: 1"=60'.

Public Hearing: Discussion regarding Zoning Ordinance No. 2021-2653 and Subdivision Control Ordinance No. 2021-2654.

Mayor Bass opened a Public Hearing at 6:36 PM.

Building Official Kacey Roman presented to Council the discussion regarding Zoning Ordinance No. 2021-2653 and Subdivision Control Ordinance No. 2021-2654. Ms. Roman said there have been several changes and suggestions made by the public and council. City Manager Tim Kelty said corrections were made of the concerns that City Attorney Chris Duncan had with his review and approval. There have

been a few requests that Councilman Pena has made for changes in the ordinance, and a map change as well.

Councilman Pena spoke of the changes he feels are important, he said these changes will help to maximize the growth of Freeport.

James Saccamano 1507 West 10, opposes the park changes, and changes to the boat ramp, he said people use these, as well as the levee.

James Schaffer asked if the W-1 Zoning will this include multi-family residence?

Mayor Bass said that some of the proposed changes Councilman Pena has is to expand the W-1.

Melanie Oldham said that Planning and Steering Committee has worked hard on this Zoning. She said there may be pros and cons to this.

Pamela Dancy opposes the changes she said she likes the park, and having the boat ramp.

William Leach he said city's grow or die. He said it is refreshing the city council is trying to refresh our city. He said the waterfront needs to be developed, to make something special out of our waterfront and draw people in.

Betty Page opposes these changes. She said we need our park space and the boat ramp.

Keith Stumbaugh 518 West 4, said it is his understanding the park will stay in place because it is City Park Land, regardless of what proposed changes Councilman Pena is requesting. City Attorney Chris Duncan said that this is correct. Mr. Stumbaugh said that no matter how it is zoned the city will still control any and all development, of the City owned Park Land. He said the street side of the levee needs discussion for development, instead of the City owned Park Land.

There was lengthy discussion on R-2, W-1, Downtown, and Spot Zoning by Mayor and Council.

City Attorney Chris Duncan said that the legal inconsistencies have been corrected.

City Manager spoke of residential development in downtown, he said there were not a whole lot of changes to what the Plan Commission and City Council spent several months developing in 2020. He said that Councilman Pena is recommending residential on the first floor. He said his concern is there are not a lot of businesses in the downtown, but we do have a vision for the downtown. If we make these changes we could have a developer, by right, buy up a block of the downtown, tear down and just build houses, and this could eliminate the downtown all together. He said he does not believe this is the vision that the Planning Commission, Council and the Public had for downtown.

Mayor Bass closed the Public Hearing at 8:20 PM.

Consideration and possible action approving Zoning Ordinance No. 2021-2653 and Subdivision Control Ordinance No. 2021-2654 and the signing of the Official Zoning Map by the Mayor and City Secretary.

Building Official Kacey Roman said at this point, it is at the discretion of Council.

Mayor Bass said in regards to the zoning map there are two issues brought up. The first is Councilman Pena was recommending from the Shaffer property down to the South Side of the Old River, to convert this to a W-1. The second issue is from Mr. Duncan, and the concern of some of the smaller subsections that are left out of bigger blocks of zoned areas. Mayor Bass said the zoning and subdivision ordinances there are four issues that were brought up. He said the W-1 proposal by Councilman Pena on the map. One is on page 63, reduce amount of acreage on the PUD from ten to one acre. Two is on page 61 the W-1 be included to add mixed use and residential, Mr. Kelty recommended specific use permit. The other issue to W-1 is on page 71, "Any developer shall provide public access to the water front". The last issue is on page 70, Councilman Pena recommend that the provision on top of the page be eliminated from the proposed ordinance, which allows only upper floor for residences.

Councilman Cain said, that currently residential use on the ground floor is prohibited. Councilman Cain said there was a lot of citizen input on this. He said it was discussed in depth. He said this is one of the things the citizens wanted. They did not want residence on the ground floor in the downtown district. Councilman Cain said he thinks this needs to stay as it is.

Councilman Muraira said in regards to Councilman Cain's comment about the citizens concern of downtown ground floor residence, he asked when was the conversation? Mr. Kelty said about two years ago?

Councilman Brimage said that he agrees with Councilman Cain with the ground floor residence. He said we need to identify the land we want to keep. Councilman Brimage disagreed to the change to W-1. He said the downtown Freeport will not develop without the waterfront.

Mayor Bass asked each Councilman what his informal vote is on the map? Councilman Muraira said that he is indifferent for the changes. Councilman Brimage said he is against changing the Park to be zoned W-1. Councilman Pena said he is for the changes. Councilman Cain agreed with Councilman Brimage that the park zoning should not be changed.

There was a lengthy discussion by council on the changes to the Ordinances and the Map.

Mayor Bass made a motion to approve Zoning Ordinance No. 2021-2653 and Subdivision Control Ordinance No. 2021-2654 and the Zoning Map, with changes to the proposed Zoning Map to remove Spot Zoning C-1 & C-2, and extend the W-1 Zoning from Velasco to Cedar along 2nd Street. In regards to the Ordinances, approve with change in W-1 modified to include residential and mix use and multifamily, and W-1 change to say that "the developer shall provide public access to the water front". Seconded by Councilman Brimage, with all voting "Aye" 5-0 Council unanimously approved Zoning Ordinance No. 2021-2653 and Subdivision Control Ordinance No. 2021-2654 and the signing of the Official Zoning Map by the Mayor and City Secretary.

Second Reading and Consideration of approval of Resolution No. 2021-2732 approving Economic Development projects to be enacted by the Freeport Economic Development Corporation.

City Manager Tim Kelty read to council the Second Reading and Consideration of approval of Resolution No. 2021-2732 approving Economic Development projects to be enacted by the Freeport Economic Development Corporation.

Mayor Bass asked Councilman Cain why is there no amount listed in the resolution? Councilman Cain, said he would ask the person that wrote the resolution. City Attorney Chris Duncan said the only legal requirement is it must be budgeted, and must stay within the budget.

Councilman Pena asked if council can set a dollar amount, or does this need to go back to EDC? Mr. Duncan said it can go either way.

On a motion by Councilman Pena, to pass Resolution as is with \$150,000 for the Local Business Improvement Grant, \$25,000 for the Outdoor Market on the EDC Property, and \$25,000 on the Bridge Lighting, seconded by Councilman Cain, with all voting "Aye" 5-0 Council unanimously approved. Second Reading and Consideration of approval of Resolution No. 2021-2732 approving Economic Development projects to be enacted by the Freeport Economic Development Corporation.

Discussion and possible action regarding Ordinance No. 2021-2648 to require all City Council and Public Board Members to disclose: All current Real Estate Assets in Brazoria County held in their personal name, immediate family's name, business name. All Business Entities owned or partnered in Texas. Any and all business agreements with any other Board or Council member. Any and all agreements or contracts with the city.

City Manager Tim Kelty presented to council Ordinance No. 2021-2648 to require all City Council and Public Board Members to disclose: All current Real Estate Assets in Brazoria County held in their personal name, immediate family's name, business name. All Business Entities owned or partnered in Texas. Any and all business agreements with any other Board or Council member. Any and all agreements or contracts with the city.

Councilman Cain asked if City Attorney checked with TML to make sure this is a legal ordinance? City Attorney Chris Duncan said yes, he spoke with TML and this is legal, that it does follow the same guidelines to larger cities, and we are a Home Rule City and we are allowed to similar law. He said the penalty to this ordinance will be a Class C Misdemeanor.

Councilman Brimage asked how will this be enforced, and who will represent me? Mayor Bass said he believes he would have the support of TML, being a councilmember.

A motion was made by Councilman Brimage, to pass Ordinance No. 2021-2648, adding that the City Attorney to be treated same as council, and adding disclosure of any liens and judgments against City Council Members and City Attorney, and any and all addresses owned or leased and lived in by any Council Member or City Attorney. The motion was seconded by Mayor Bass with discussion that followed.

Mayor Bass said he thinks this is requiring too much. As part of our new change with Auditors we have to provide our disclosure form, so I am sure it has already been done. Mayor Bass said in his personal opinion he will vote against this motion, but he will also be voting against item number ten. Mayor Bass said this is just too broad and too invasive.

Councilman Brimage said this information is all public record.

Councilman Pena said the spirit of the ordinance is for transparency. And provide what should and should not be investigated. Councilman Pena said that he has had informal discussion with the EDC Board and has had no negative feedback.

Mayor Bass said that he will get a copy of CHI St. Luke disclosure form, for the City Attorney to review. Mayor Bass said again he feels this is too invasive.

Councilman Cain asked about the disclosure form from CHI St. Luke? Mayor said he will ask what he can have a copy of, he said maybe a generic copy.

Mayor Bass called the motion for a vote, with a 2-3 vote, motion did not pass. Councilmen Muraira and Brimage voted "Aye" Mayor Bass, and Councilmen Pena and Cain vote "Nay".

On a motion by Councilman Pena, to pass Ordinance No. 2021-2648 as written, with a second by Councilman Cain with all present and voting 3-2, Council approved Ordinance No. 2021-2648 to require all City Council and Public Board Members to disclose: All current Real Estate Assets in Brazoria County held in their personal name, immediate family's name, business name. All Business Entities owned or partnered in Texas. Any and all business agreements with any other Board or Council member. Any and all agreements or contracts with the city. Mayor Bass and Councilman Brimage voted "Nay".

Consideration and possible action on Resolution NO. 2021-2733 and Resolution No. 2021-2734 appointing/reappointing members to various Boards and Commissions.

Mayor Bass presented to council Resolution NO. 2021-2733 and Resolution No. 2021-2734 appointing/reappointing members to various Boards and Commissions. He said that we have an application from Mr. Stoney Burke, and one from James Saccamano to serve on the Planning and Zoning Board. George Matamoras filed an application to serve on the Boards of Adjustments.

James Saccamano spoke to council of his interest in serving on the Planning Commission.

On a motion by Councilman Cain to appoint Stoney Burke to the Planning Commission with term ending on May 31, 2022, and to appoint James Saccamano to the Planning Commission with term ending May 31, 2023, seconded by Councilman Muraira, with all voting 4-1 Council approved Resolution No. 2021-2733. Councilman Pena voted "Nay".

On a motion by Councilman Brimage, to appoint George Matamoras to the Boards of Adjustments with the term ending May 31, 2022, seconded by Councilman Cain. With discussion that followed.

Councilman Pena said that it has come to his knowledge that Mr. Matamoras was related to a lawsuit that was brought onto the EDC, and there were questions regarding the activity. Councilman Pena asked if this could be discussed in Executive Session. City Attorney Duncan said this does not qualify for Executive Session.

Mayor Bass called for the motion, with all voting 4-1 Council approved Resolution No. 2021-2734, appointing George Matamoras to the Board of Adjustments. Councilman Pena voted "Nay".

WORK SESSION:

Mayor Bass said the Facts called and wanted to know what will be different and new in the City of Freeport. He said he thinks it is important that the city know our finances are strong, our administration is strong and he believes our council is strong. He said we have projects in place. He said the EDC is acting on projects. He said we have to be physically and emotionally strong. Mayor Bass said that it is important that we maintain our public trust.

Councilman Pena said he likes the new council chairs, he said tax payer money well spent. He said that the new trash bins are coming out, and they are much smaller. He asked Mr. Petty when the holiday lights will be removed. Councilman Pena said to be clear he would like the lights to stay up longer. Mr. Petty said this work will be done hopefully by the end of the week, but he has had a lot of staff out with COVID, and he has been short staffed. Councilman Pena asked about the weed eating contract for downtown, he said that there seems to be three different companies that do this. Mr. Petty said we have one contract, we do not have multiple contractors. Councilman Pena asked about the sidewalks on 2nd Street, he said he has been asking for this for over a year. He also asked about the 9th Street flooding, and when will this be addressed? Mr. Petty said that they have met with the City Engineer and he said there is no physical way to drain that water to 9th Street, so we will have to look at negotiating an easement on the backside of those properties. And we will have to go in and cut drainage ditches to get the water to Velasco Drainage. Councilman Pena asked if these conversations have commenced, Mr. Petty said they have not yet. Mr. Petty said the sidewalks are being surveyed and he is trying to come up with a sidewalk replacement program. He said he is putting the plan in place now. Councilman Pena asked about the bids for the Service Center. Councilman Pena asked Ms. Roman about the corner of Velasco and Gulf Blvd., he asked what is the development on the North West corner. Mr. Kelty said it is a Motel development. Councilman Pena asked if the beach road a County or City road? Mr. Kelty said it is a City road. Councilman Pena said the road paving falls short. He said it is not long enough nor wide enough. He said it is also important that we communicate to the community of what we are doing for the infrastructure. He said let's get a schedule mailed out in the water bills.

Councilman Cain asked where we stand for the slide for the park. Mr. Petty said it should be here tomorrow, and as soon as we get it, it will be installed. Councilman Cain said that on Velasco Bridge the sidewalk comes over to 2nd Street, on the East side the sidewalk comes all the way down and circles around, but on the West side it comes down about ¾ of the way and stops. Is there anyway we can make this come on around and follow 2nd Street. Mr. Petty said that this is in the plan. Councilman Cain asked Ms. Roman about the vacant home on the Corner of 4th and Mesquite. He said it looks like work is being done, but limbs are being thrown over the fence, and are in the roadway. He said also the garage door is not closed and just welcoming people in.

Councilman Muraira said that he likes the Facebook Live. He said for the longest time there were about 40 viewers. He said this is working and we need to continue. He said once this is posted it should remain and not be removed. This is required and keeps transparency.

Councilman Brimage apologized to Pam Dancy for the council, he said you are not the Peanut Gallery. He said that he appreciates everyone staying here until 10:00 PM. He said that he wants to address Ed Garcia's comment and he wants the people to know that he does not have anything to do with Chris Duncan doing the investigation on Mr. Pena. He said that he disagrees with this and he believes that a 3rd Party investigation should be done. He said he is still asking for this. Councilman Brimage asked the City Manager to get the Building Department some temporary help. He said these inspections need to be done in a timely manner. Councilman Brimage also asked that the EDC Meetings to be held online, so that council can be involved.

City Manager Kelty said that we held a bid on concrete streets last week. He said that the solid waste contract is moving forward, and a newsletter went out focusing on the communication of the upcoming changes for the solid waste. He said we also have 3 homes going before the BOA this month.

Update on reports / concerns from Department heads


CLOSED SESSION:


Open session was closed at 10:00 pm and Council entered into Executive 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.

Adjourn

Mayor Bass called the Regular Meeting back into session at 10:25 PM. The meeting was immediately adjourned with no further action.


Mayor, Brooks Bass
City of Freeport, Texas


City Secretary, Betty Wells
City of Freeport, Texas