

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, September 18, 2023 at 6:00 PM 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 George Matamoros
Councilman Winston Rossow

Staff:

Tim Kelty, City Manager
Lance Petty, Assistant City Manager/PWD
Tommy Ramsey, Interim City Attorney
Clarisa Molina, Assistant City Secretary/Administrative Assistant
Cathy Ezell, Finance Director
Toby Cohen, IT Manager
Donna Fisher, Human Resource Director
Chris Motley, Fire Chief
Kacey Roman, Building Official
Ana Silbas, Main Street Coordinator
Robert Johnson, EDC Director
Jennifer Howell, Police Chief

Visitors:

David McGinty	Sam Reyna
Nicole Mireles	Margaret Bachman
Chris Duncan	Oscar Aquines
Jason Hayes	

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER:

Mayor Bass called the meeting to order at 6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by City Manager Tim Kelty.

CITIZENS' COMMENTS:

Alyssa Cantu from Brazosport High School was introduced by Mayor Bass as our Fair Queen Candidate for 2023. Mayor Bass said she is looking for sponsors. These funds go to the Fair Association and they help with

numerous scholarships. Ms. Cantu said she is a Senior at Brazosport High School. She said she is honored to be nominated for this. She said she would be grateful if she would be allowed to hang flyers and to receive any sponsors.

Ana Silbas, Main Street Coordinator, said she wanted to share a few updates. She announced the Freeport Historical Commission and Main Street Advisory Board will be having a Board training workshop on September 21st from 5 PM to 8 PM in the 3rd floor conference room at City Hall. She announced the Main Street Fall Market on October 21st from 11 AM to 4 PM in downtown. She said there is still time for vendors to sign up. She also announced Freeport Main Street will be hosting a Dia de los Muertos procession on November 2nd at 6 PM, which will include a community procession led by Father Sebastian. There will be a live Mariachi performance as well as food and cultural vendor items.

David McGinty 521 West Broad, said he wanted to request an agenda item. He talked on a broader scale about the code office and issues we are having. He said it goes way beyond the sound and he would like an agenda item to discuss all of it.

Sam Reyna 2002 North Avenue G, spoke of the last EDC meeting, he said a citizen spoke and asked that Councilman George Matamoros be removed. He read a statement and said there is no State Law or local ordinances that states a Councilmember cannot be on the EDC Board. He said he applauds Councilman Matamoros for volunteering his time.

PRESENTATIONS/ANNOUNCEMENTS:

Presentation of Employee of the Month, for the Month of August.

City Manager Tim Kelty presented Employee of the Month for the month of August 2023 to Evelyn Betancourt.

EDC Annual Presentation

EDC Director Robert Johnson presented to council his annual report on Economic Development for the Freeport EDC. Mr. Johnson covered grants, marketing, and projects for the coming year.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council Meeting Minutes, from September 5, and September 11, 2023.

Consideration and possible action of approving road closure for Homecoming Parade.

Consideration and possible action on the approval of road closures for Fall Market Days on October 28, 2023.

Consideration and possible action on the approval of road closures for Dia De Los Muertos Procession on November 2, 2023.

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

COUNCIL BUSINESS – REGULAR SESSION:

Consideration and possible action of approving Ordinance No. 2023-2708, vacating and selling the 20' alley right of way in Velasco Townsite, Block 712 between lots 1-4 and 21-24 and approving the City Manager to sign and the City Secretary to attest to a deed transferring real property.

Building Official Kacey Roman presented to council Ordinance No. 2023-2708 vacating and selling a 20' alley right of way in Velasco Townsite. She explained the replat being eight lots, and the owners wanting to turn into one lot. She spoke of the owner wanting to purchase the alleyway, and turn it into a utility easement. The alley is undeveloped and blocked at both ends. A brokers opinion of value set the ROW value at \$1,850 which is what is being offered for the purchase of the alley.

A motion was made by Councilman Matamoros to approve Ordinance No. 2023-2708 vacating and selling the 20' alley right of way in Velasco Townsite, block 712 between lots 1-4 and 21-24 and approving the City Manager to sign and the City Secretary to attest to a deed transferring real property. seconded by Councilman Rossow with all present and voting "Aye" 5-0 council unanimously approved Ordinance No. 2023-2708.

Public Hearing; Public Hearing, consideration and possible action approving replat of Block 712 Subdivision, a One Lot Subdivision Composed of Lots 1-4 And 21-24 and a Portion of a 20' Wide Alley in Block 712 of the Velasco Townsite as recorded in Volume 32, Page 14 of The Brazoria County Plat Records in The Christian Henniger Survey Abstract 211 and The Samuel Angier Survey Abstract 8 Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 6:34 PM

Building Official Kacey Roman presented to council the consideration and possible action approving replat of Block 712 Subdivision, a One Lot Subdivision Composed of Lots 1-4 And 21-24 and a Portion of a 20' Wide Alley in Block 712 of the Velasco Townsite as recorded in Volume 32, Page 14 of The Brazoria County Plat Records in The Christian Henniger Survey Abstract 211 and The Samuel Angier Survey Abstract 8 Brazoria County, Texas. Ms. Roman said with the sale of the alleyway, we are asking for approval of the the replat. She said this went before Planning and Zoning last month and was approved if Council approved the sale of the alleyway.

Councilman Pena asked if this is commercial? Ms. Roman said yes.

Mayor Bass closed the Public Hearing at 6:38.

A motion was made by Councilman Cain to approve replat of Block 712 Subdivision, a One Lot Subdivision Composed of Lots 1-4 And 21-24 and a Portion of a 20' Wide Alley in Block 712 of the Velasco Townsite as recorded in Volume 32, Page 14 of The Brazoria County Plat Records in The Christian Henniger Survey Abstract 211 and The Samuel Angier Survey Abstract 8 Brazoria County, Texas, seconded by Councilman Pena. With all present voting "Aye" 5-0, council unanimously approved replat of Block 712 Subdivision, a One Lot Subdivision Composed of Lots 1-4 And 21-24 and a Portion of a 20' Wide Alley in Block 712 of the Velasco Townsite as recorded in Volume 32, Page 14 of The Brazoria County Plat Records in The Christian Henniger Survey Abstract 211 and The Samuel Angier Survey Abstract 8 Brazoria County, Texas.

Consideration and possible action approving the sale of City owned levee property located at, and adjacent to, 104 Mystery Harbor Lane, to Chris Duncan

Chris Duncan spoke to council about the city-owned levee property located at, and adjacent to 104 Mystery Harbor Lane. He said he received a copy of the appraisal last week. He said he has a couple of issues to discuss. He said one is the appraisal, the one presented by Mr. Duncan is much lower than the one presented by the City. He asked if there is a deed restriction or not. He said the second issues is the requirement to develop a specific dollar value, of \$350,000 within a three-year timeline to build. He said he does not know of anyone who bought property on the river that had a requirement of a minimum cost. He spoke of the three-year timeline to build, and other properties which had a timeline to build, and they still have not built.

A motion was made by Mayor Bass to table this item, seconded by Councilman Matamoros with all present and voting "Aye" 5-0 council unanimously tabled the item.

Consideration and possible action regarding Ordinance 2023-2709 amending regulations for amplified sound.

City Manager Tim Kelty presented to council possible action regarding Ordinance 2023-2709 amending regulations for amplified sound. Mr. Kelty said the ordinance that is in the council packet needs to have some revisions made by the City Attorney. He said we can still discuss the issues that are in the ordinance, but Mr. Kelty said he does not recommend approval of the ordinance tonight. He said in the proposed ordinance there is a new section that limits decibel levels, that will allow enforcement.

Nicole Mireles 2002 N. Ave G, spoke of her concerns about the City allowing business owners to open, get their occupancy, spend a lot of money to get the business up and running, and then the City comes back and points out the music is too loud. Why not tell them up front? She said her opinion is, we need to do better.

Mr. Kelty said this ordinance is a city-wide ordinance, and it will affect every business and property in the city. He said this ordinance proposes limitations of 65 decibels in daytime hours, and 58 decibels during night hours on residential properties. On non-residential properties, it proposes 68 decibels at all times as a limitation, as measured at the property line.

A motion was made by Mayor Bass to table this item, seconded by Councilman Cain with discussion that followed.

Councilman Pena said he appreciates the decimeter being used. He said it is unfair when you have acoustics in play that will amplify in closed quarters. He said a better test would be to put the speaker outside.

Councilman Cain spoke of the comparison of the app and the decibel reader Mr. Kelty has, he said they are relatively close. He said the noise of the vehicle driving on the highway exceeded 68 decibels.

Mayor Bass called the motion to a vote, with all present voting "Aye" 5-0 council unanimously approved to table the item.

Consideration of awarding a competitive sealed bid 2023-03 annual fuel and alternative fuel contract to MidTex Oil LP.

Finance Director Cathy Ezell presented to council the consideration of awarding a competitive sealed bid 2023-03 annual fuel and alternative fuel contract to MidTex Oil LP. Ms. Ezell said we did go out for bids for fuel and alternative fuels, hydraulic fluid, and we only received one bid for fuel and that was with Mid-Tex Oil LP. She said two were received for the alternative. She said this was our second go around for going out for bids. She said staff is recommending going with Mid-Tex for fuel and alternative fuels.

Councilman Pena said he does not like single bids, and wants a way to remedy this.

A motion was made by Mayor Bass to approve awarding a competitive sealed bid 2023-03 annual fuel and alternative fuel contract to MidTex Oil LP, seconded by Councilman Matamoros with all present voting 4-1 motion passed. Councilman Pena voted "Nay".

Consideration and possible action of approving Resolution No. 2023-2816 amending the annual investment policy.

Finance Director Cathy Ezell presented to council the possible action of approving Resolution No. 2023-2816 amending the annual investment policy. Ms. Ezell said this is so we can have brokers and dealers. This gives us more opportunity to make more money on the money we have now.

A motion was made by Councilman Cain to approve Resolution No. 2023-2816 amending the annual investment policy, seconded by Councilman Matamoros with all present voting 4-1 council approved Resolution No. 2023-2816. Councilman Pena voted "Nay"

WORK SESSION:

The City Council may deliberate and make inquiry into any item specifically listed as a Subsection under the itemized Sections A-H below, an item appearing on the City Council agenda for this meeting, on matters related to community events, or on matters that are not within the jurisdiction of the City for consideration by City Council. The City Council may not deliberate on any City matters not specifically disclosed under this Work Session or on this posted City Council Meeting agenda. City Council members and the Mayor always reserve the right to request that a matter be placed on a future agenda for consideration

Mayor Brooks Bass announcements and comments.

Councilman Pena Ward A announcements and comments.

Councilman Pena announced he had done a project with the Senior Citizens at their meeting this morning. He said there were about 45 seniors in attendance this morning. He announced the upcoming events for this group. He said he wanted to repeat the gas leaks. He spoke of the lights downtown that are not working. He asked if there are any current water leaks we are aware of? He asked about the meetings being on Facebook Live and now being moved to YouTube. He said some people are having technical difficulties on YouTube. He asked if the meetings could be on both? He asked that all replats have a map attached. Councilman Pena asked that there be additional security in executive session tonight.

Councilman Cain Ward B announcements and comments.

Councilman Cain thanked everyone that came to the meeting tonight. He said we have a lot of good stuff going on in Freeport right now, and in the very near future. He said October 2nd, we have Dia de los Muertos, October 3rd, National Night Out, October 7th we have a community-wide cleanup, October 26th is Fright Night, and October 28th is the Fall Market Days. He said on the north side of 1700 Block 9th Street, concrete repairs had been completed and they have started on the south side of that street. He said he understands once this is done Centerpoint will start the electrical connection to the new light poles.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros thanked everyone for coming to the meeting, or watching online. He also thanked the residents who spoke during the citizens' comments. He announced on September 23rd at the Municipal Park Pavilion beginning at 9 A.M. and lasting until 10:30 A.M. he would be holding donuts with George Town Hall for all Ward C residents and any other City of Freeport residents who want to attend. He said on September 26th at Freeport Riverplace from 12 noon until 6:30 P.M. the Brazoria County Hispanic Chamber, in conjunction with the Freeport EDC will host a business expo. He said he would like to invite all Freeport businesses to this expo. He said he has been driving around his Ward and other parts of the city, and he has noticed a lot of hard work that the Public Work Department has been putting in. He said this hard work does not go unnoticed.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow said Ward D is in good shape. He said he rides around a lot and looks at the whole city, and we are doing a great job. He said he is glad he lives in the City of Freeport, there are a lot of positive things going on. He said you will never hear me bad mouth the city. He said the guys and gals that work for the city are the ones doing the work, it is not us sitting up here. He said he appreciates what the people in charge are doing. He said he does not appreciate being bad mouthed on social media.

City Manager Tim Kelty announcements and comments.

- La Caza Azul

- Outriggers Sign

-O.A. Flemming property

City Manager Tim Kelty said we have National Night Out on October 3rd from 6 PM to 8 PM. Mr. Kelty spoke of La Caza Azul. He said at the last meeting we had there were a lot of people who got up and spoke. Mr. Kelty said the City, Ms. Roman and the EDC have been working with La Caza Azul and we are excited about them bringing their business to the city. Mr. Kelty said, originally, when they came to Freeport the owner talked about a food truck court. He said a temporary CO was issued verbally.

Ms. Roman spoke of the owner wishing to get the permits in stages, the first being concrete for the parking lot. She spoke of the temporary CO for the food truck court. She said now there will be new requirements for the business they are currently operating. She spoke of the replat that is a requirement, with buildings being added. Ms. Roman spoke of the huge increase in the number of food trucks permitted to operate in the city. She said we have had an increase in new businesses opening as well.

Cassie, one of the owners of La Caza Azul, spoke of the parking lot and being allowed to put it down. She said they never touched the structure when they were forced to replat. She said at this point they made changes. She said the food truck list that was just mentioned is not an updated list. She said she called them all. She spoke of the registered contractors in the City. She spoke of the CO's. She said this is very frustrating. She said it feels like we are getting pushed back.

Sara said she is a patron of La Caza Azul. She spoke of the numbers mentioned in local food trucks, and said she would like to know the longevity of the businesses in Freeport. She said if we are continually opening new businesses, but are we seeing Freeport grow?

Oscar said he is the father of Cassie and he is proud. He said he wants to say they are kids, and they want success, they want to grow. He said they are 22 years old and they are trying to be successful and bring something to the city. He said let's make some changes.

Suzette Aquinas said Cassie has passion and fire, she will not stop. She said she has paved a way, not just for her but for others around her. She said Cassie is inspiring other local businesses that have yet to launch. She said we are not trying to close, or be a burden on the city. She said we want to make a positive impact.

Police Chief Howell said Caza Azul spoke of being harassed by the Police Department. Chief Howell said on the weekend of September 1, there were a total of six complaints that came in and that is why we were brought to that location. Chief Howell said a citation was not written until the sixth complaint call. She said the following weekend there were no complaints, but a video was shown of a Police Officer driving back and forth. Chief Howell said there was talk of retaliation from incidents in other bars on Gulf Blvd, and the heightened police presence was because of that and concerns regarding activities potentially migrating in from the beach. The Police presence kind of helps deter things from happening that they were concerned about. Chief Howell said Cassie is correct, there was more police presence but it was not directed at them.

City Manager Tim Kelty spoke of the Outriggers sign. He said the sign on 2nd and Oak Street was placed there almost a year ago. He spoke of the notice given that the sign was illegal where it was placed. Mr. Kelty spoke of the ordinance that was adopted to help the business owner that would allow a sign. He said, however, the sign is still required to be permitted. Mr. Kelty said the owner of Outriggers has been notified many times to apply for a permit.

Ms. Roman said she explained the requirements in order to get the off-premise-sign permit. She said we still do not have an application. She said a citation has been issued to the property owner, Percy B. Croft, not the business owner, Jason Hayes. Ms. Roman said getting this sign would need to be wind storm certified to bring

it up to code. It has to be anchored, we require a copy of the survey, and a wind storm drawing. Ms. Roman said these property lines don't change. A 30-year survey will still be valid.

Jason Hayes owner of Outrigger, said it will be almost \$5000 to keep his sign there with the updated survey and the windstorm engineers. He said it is a lot of jumping through rules and regulations to have a sign. He said he thought the change to the ordinance would be so the sign could stay. He said, but once he came in to get the permit, there were added rules and regulations. He spoke of the noise ordinance.

City Manager Tim Kelty said there has been a lot of discussion on social media regarding the plans of O.A. Fleming. He said this is a nine-block area, and the City has not yet taken ownership of the property. We are hoping that we are getting close to this, with the land swap with the ISD. He said the plan which council has talked about and is a requirement from the ISD for the sale is that the property be used for residential development. Mr. Kelty said the ISD wants residential development to help increase their student population. He spoke of the park development that will be a small area in this nine-block property.

Updates on current infrastructure.

City Manager Tim Kelty spoke of the sewer system grant that we received from the GLO. He said it is about a six million dollar project that is currently underway. He said the project is proceeding, and it will take about 10 months. He also said we were originally going to open bids for the first phase of the WWTP. This is the other six million dollar grant we received from the GLO. He said in the pre-bid meeting there was discussion on the "*buy American Steel*" requirement. He said this would drive the cost up. The architect and our grant consultant confirmed with GLO and the Federal Government that we do not have to comply with that. The bid opening has been extended so we can make the modification and the addendum to remove that requirement.

Update on reports / concerns from Department heads.

CLOSED SESSION:

Executive Session regarding a.) (Personnel Matters) City Managers Annual Review

A motion was made by Mayor Bass to include City Manager Tim Kelty in Executive Session, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved the motion.

A motion was made by Councilman Pena to have security included in Executive Session, with lack of a second motion fails.

Council entered executive session.

COUNCIL BUSINESS – REGULAR SESSION:

Take any action resulting from Executive Session.

Executive Session recessed, and Council entered into Regular Session.

No action was taken from Executive Session.

ADJOURNMENT:

Adjourn

On a motion by Councilman Cain to adjourn, seconded by Councilman Pena, with 5-0 vote, Mayor Bass adjourned the meeting.



Brooks Bass, Mayor



Betty Wells, City Secretary