

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, October 2, 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, Not Present
Lance Petty, Assistant City Manager/PWD
Betty Wells, City Secretary
David Olson, Interim City Attorney
Cathy Ezell, Finance Director
Toby Cohen, IT Manager
Donna Fisher, Human Resource Director
Chris Motley, Fire Chief
Jennifer Howell, Police Chief
Kacey Roman, Building Official
Wade Dillon, Museum Manager

Visitors:	David McGinty	Pam Dancy
	Cathy Cox	Keith Morgan
	Karla Clark	Kenny Hayes
	Manning Rollerson	Thompson Pearl
	Rolando deal Fuente	Melanie Oldham
	Ron Bachman	Margaret Bachman
	Sam Reyna	Leo Salazar
	Tom Pearson	Desiree Pearson
	Chris Duncan	

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER:

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by Councilman Rossow.

CITIZENS' COMMENTS:

Pam Dancy 313 S. Front, spoke of campaigning. She said she would like to hear how Councilmembers make their vote now on items. She said the public would like to hear this. She said she would like the individual thoughts of the council, and would like to know if they read the information given beforehand. She asked that the EDC applicants be allowed to speak before the vote on appointing a member to the EDC Board.

Karla Clark 411 Sailfish, thanked the EDC, Hispanic Chamber and the City of Freeport for hosting the Expo. She said it was a nice event and hopes it continues next year. She thanked the PD and the FD for sponsoring National Night Out. She announced they will be registering people to vote at this time. She also asked that the EDC applicants be allowed to speak. She said she would like to hear their qualifications.

Thompson Pearl 1710 West 10th, spoke of the street repair on 10th Street. He said he has a lake in front of his house if it rains.

Manning Rollerson said there are things he wants cleared up: Braztex, the issue with Brimage being on Council and law enforcement. He said in Citizens Comments council can respond to a question, this is something council made up. He spoke of Starbucks being sold. He said EDC dropped the ball. He also asked how an EDC member can have a shipping container in their backyard.

Chris Duncan said he wanted to discuss the agenda item on tonight's agenda, he said he is withdrawing his request to buy the levee property behind his property on Mystery Harbor. He said he wanted to buy this property to open it up to the public. He spoke of tearing down the fences on the levee. He said behind his property he would be willing to build a public fishing pier, donated to the city. Allowing anyone from the public to go and fish on this pier. He said he invites all of council to help build this pier. He said he is going to build and pay for it regardless. He said he encourages Mr. Kelty to do the same with his property.

Sam Reyna, 2002 N. Ave G, said on Tuesday morning he contacted the City Manager that he and Eric Hayes wanted to place an item on the agenda. Mr. Reyna said he was told he could not at this time. Mr. Kelty asked what the item was about, Mr. Reyna said a discussion about our Building Official who is causing a lot of problems in our city. He said he would like an item about the removal of the Building Official.

Wade Dillon Museum Manager announced upcoming events. He said today two exhibits were opened, "Haunting Tales of the Texas Coast" and the "Dia de los Muertos". He spoke of the restructuring with the FY2023/2024 budget. He spoke of the 100th birthday of Mr. Nat Hickey. He said the Museum hours are Monday-Friday 8 A.M. to 5 P.M. and Saturday 10:00 A.M. to 4 P.M. and closed on Sunday. He said he invites everyone to come to the Freeport Museum.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council Meeting Minutes, from September 18, 2023.

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Consideration and possible action to approve the Brazoria County Firefighter's Association Fire Protection Agreement with Brazoria County.

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

COUNCIL BUSINESS – REGULAR SESSION:

Public Hearing: Consideration and possible action approving replat for Willowbreeze Farm Section II a Subdivision of 55.168 Acres out of a 73.33 Acre Tract Being the same tract conveyed to SBK Family Homes LLC a Texas Limited Liability Company asrecorded in Clerk's File No. 2022-007505 of the Official Records of Brazoria County, Texas. William McDermott Survey Abstract 341 Brazoria County, Texas

Mayor Bass opened the Public Hearing at 6:21 P.M.

Building Official Kacey Roman presented to Council replat for Willowbreeze Farm Section II a Subdivision of 55.168 Acres out of a 73.33 Acre Tract Being the same tract conveyed to SBK Family Homes LLC a Texas Limited Liability Company asrecorded in Clerk's File No. 2022-007505 of the Official Records of Brazoria County, Texas. William McDermott Survey Abstract 341 Brazoria County, Texas. She said this was approved by Planning and Zoning.

Mayor Bass closed the Public Hearing at 6:23 P.M.

A motion was made by Councilman Cain to approve replat for Willowbreeze Farm Section II a Subdivision of 55.168 Acres out of a 73.33 Acre Tract Being the same tract conveyed to SBK Family Homes LLC a Texas Limited Liability Company asrecorded in Clerk's File No. 2022-007505 of the Official Records of Brazoria County, Texas. William McDermott Survey Abstract 341 Brazoria County, Texas, seconded by Councilman Matamoros with all present voting "Aye" 5-0, council unanimously approved the motion.

Public Hearing: Consideration and possible action amending an ordinance establishing regulations on the placement of portable storage containers.

Mayor Bass opened the Public Hearing at 6:24 P.M.

Building Official Kacey Roman presented to council the possible action amending an ordinance establishing regulations on the placement of portable storage containers. She said Planning and Zoing has held several meetings, and there has been a lot of discussion over the amendment. They have approved what is being presented tonight.

Sam Reyna said State Law allows these storage containers. He said we have to follow State Law.

There was discussion by council on the State Law, asking if we pass this ordinance and whether it would conflict with the State Law. There was discussion about the rusting of the storage containers. Ms. Roman said the containers must be maintained. There was discussion on containers that are now being used. Ms. Roman said they would be grandfathered in.

Mayor Bass closed the Public Hearing at 6:32.

A motion was made by Mayor Bass to table this item to give Legal the opportunity to look at Sate Law, seconded by Councilman Cain with all present voting "Aye", 5-0 council unanimously approved the motion.

Discussion regarding Rental Inspection Program.

Building Official Kacey Roman presented to council the discussion of the Rental Inspection Program. She spoke of residents calling and making complaints about what is wrong with their rental property, but they do not want an inspection done because of fear of the homeowner evicting them. She said the inspection would be a General Property Inspection. This will make sure everything works, all is safe and there are no health concerns such as mold. Ms. Roman said it protects the homeowner as well. She said there was an inspection sheet which stated that the inspection had passed.

There was a lengthy discussion by council over wanting to include houses as well as apartments at the start of

this program. There was discussion about units not having to be fully brought up to the current code, but having to meet code requirements from when they were built with all equipment being safe and operational. There was discussion that there would need to be an additional Inspector who would manage this program. They discussed notifying the homeowners and the apartment managers of this program prior to adoption.

Council directed staff to continue work and Mayor Bass said he expects this will take several months and much more discussion before being implemented.

Councilman Pena spoke about affordable housing.

Consideration and possible action approving Resolution No. 2023-2819, nominating candidate(s) for a position on the Board of Directors of the Brazoria County Appraisal District.

Assistant City Manager Lance Petty presented to council consideration and possible action approving Resolution No. 2023-2819, nominating candidate(s) for a position on the Board of Directors of the Brazoria County Appraisal District. He said Freeport City Council will have 18 votes.

Karla Clark 411 Sailfish, spoke of the Board that is now in place and said it is the same as it has been for many years. She said council needs to look at this and not replace them with the same members.

A motion was made by Councilman Cain to approve Resolution No. 2023-2819, nominating Eric Hayes and Karla Clark as candidate(s) for a position on the Board of Directors of the Brazoria County Appraisal District, seconded by Councilman Pena with all present and voting "Aye" 5-0 council unanimously approved the motion.

Consideration and Possible action authorizing additional funding for 2023 Super Feast

Assistant City Manager Lance Petty presented to council the consideration and possible action authorizing additional funding for 2023 Super Feast. Mr. Petty said the city has sponsored this for the last 10 years. He said that Pastor Ernie has stepped down and Pastor Andrew Dill is stepping up to lead this event. Pastor Dill said they would need at least an additional \$5000. Mr. Petty said staff recommends authorizing the additional \$5000.

Pam Dancy said this is a great event.

Sam Reyna said this is a great event.

Cathy Cox said she has volunteered for the last three years. She said they will have to start from scratch.

A motion was made by Mayor Bass to approve up to \$20,000 in funding for the 2023 Super Feast, seconded by Councilman Rossow with discussion that followed.

Councilman Pena suggested getting sponsorships within the next two weeks, so the city is not carrying this burden.

Mayor Bass said maybe we can set up a separate account where we can put any sponsorship funds. Ms. Ezell said yes, she could set up an account.

Councilman Cain said this has been going on for 17 years, and not just the City of Freeport residents, but people in surrounding cities.

Janet, 1123 West Broad, said she has worked at the Super Feast for the last four years. She said she agrees with sponsorships but she does not have the connections.

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

Consideration and possible action approving Resolution No. 2023-2817 of appointment for the open position on the Freeport EDC.

Assistant City Manager Lance Petty, presented to council Resolution No. 2023-2817 of appointment for the open position on the Freeport EDC. He said there is one open position on the Board and the City received three applications for this vacant position to fill the remainder of the term ending May 2025.

Karla Clark spoke to council as to why she would like to serve on this board. She said she feels she meets the qualifications to serve on this board.

A motion was made by Councilman Pena to appoint Karla Clark to the open position on the Freeport EDC Board. The motion failed to get a second and failed.

A motion was made by Councilman Rossow to appoint Mark Parker to the Freeport EDC Board, seconded by Councilman Matamoros. With all present and voting 4-1, council approved Resolution 2023-2817 for appointment of Mark Parker to fill the remaining term of the open position on the Freeport EDC. Councilman Pena voted "Nay"

Consideration and possible action approving Resolution No. 2023-2818 of appointment for the open position on the Senior Citizen Commission.

Assistant City Manager Lance Petty presented to council Resolution No. 2023-2818 of appointment for the open position on the Senior Citizen Commission. He said there is one vacant position on the Senior Citizen Board. The term for this position will be until May of 2024. We have received one application for this vacancy from Linda Harrison.

A motion was made by Councilman Pena to approve Resolution No. 2023-2818 of appointment of Linda Harrison to fill the remaining term for the open position on the Senior Citizen Commission, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action on designation of City Representative to HGAC 2024 General Assembly.

Assistant City Manager Lance Petty presented to council designation of City Representative to HGAC 2024 General Assembly. He said the HGAC is a regional coalition of cities, counties and ISDs that serves the interests of the government agencies. Staff recommends appointment of elected representatives of the City Council to serve as the City's Representative and Alternate. Councilman Pena was appointed last year as the Representative, and Councilman Cain as the Alternate.

A motion was made by Councilman Matamoros to appoint Councilman Rossow as the Representative, seconded by Councilman Pena with all present and voting "Aye", 5-0, council unanimously approved the motion.

A motion was made by Councilman Pena to appoint Councilman Cain as the Alternate, seconded by Councilman Matamoros with all present and voting "Aye", 5-0 council unanimously approved the motion. .

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

Assistant City Manager Lance Petty, presented to council Ordinance 2023-2709 amending regulations for amplified sound. He said the existing regulations on amplified sound are very antiquated. They provide limited guidance to staff in regard to enforcement. The recommendation of the City Attorney is that the regulations be updated to more current and tested standards. Staff recommends that council discuss the proposed ordinance and make any changes they feel are necessary.

There was discussion by council on the decibel level being set at 68. They felt this was too low. There was discussion on the time frame of amplified sound in residential and non-residential areas. Council feels that 68 decibels is too low for non-residential. There was discussion about raising the decibel level to 75, but there needs to be a timeframe set for this. There was discussion that this ordinance affects the entire city.

Discussion on OSHA decibel level is 85 for extended exposure for a maximum eight hour period. There was discussion of the 85 decibel not being allowed after midnight.

Sam Reyna agrees with the 75 decibels.

Karla Clark said Caza Azul has a great atmosphere and brings a lot to the city.

Cassie, the owner of Caza Azul, said 85 decibels would be great.

Ron Bachman 96 Dolphin, spoke of avoiding sub woofers.

Karla Clark said the rules for Bridge Harbor are all different, because four or five residents are ruling our city.

Leo Salazar asked about the events that the city hosts. Its loud too. He also asked if they would need to get a permit for this month since the rules will not be applied yet? Mayor Bass said yes.

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

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 announced that he was withdrawing his request to purchase this property. There was no further discussion on this item.

Consideration and possible action granting a 2.7 acre drainage easement to the Velasco Drainage, between Brazosport Blvd., and the Brazos River south of Riverside Park.

Assistant City Manager Lance Petty, presented to council the consideration and possible action granting a 2.7 acre drainage easement to the Velasco Drainage, between Brazosport Blvd., and the Brazos River south of Riverside Park. He said the Velasco Drainage District has requested that the city grant an easement of the levee area between the Brazos River and Brazosport Blvd. The Velasco Drainage District currently mows and maintains this area.

Mr. Williams with Velasco Drainage District said we cannot have any gaps in our levee. He said this is a federal mandate from the Army Corps of Engineers as this is a federally recognized levee. He said the Velasco Drainage District has requested that the city grant an easement of the levee area between the Brazos River and Brazosport Blvd

A motion was made by Councilman Cain to approve granting a 2.7 acre drainage easement to the Velasco Drainage, between Brazosport Blvd., and the Brazos River south of Riverside Park. seconded by Councilman Matamoros with discussion that followed.

Councilman Pena asked how long the gaps had existed? Mr. Williams said we just found it. Councilman Pena asked about the park. Mr. Williams said the easement can still be used for park purposes.

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

Consideration and possible action to ratify the purchase of public safety vehicles

Finance Director Cathy Ezell presented to council possible action to ratify the purchase of public safety vehicles. Ms. Ezell said staff recommends the ratification of the purchase of two 2023 Chevy Tahoes in the amount of \$98,992 through the BuyBoard contract, and one 2023 Ford Responder F150 in the amount of \$51,647 through TIPS USA contract. She said this was included in this year's budget.

A motion was made by Councilman Cain to approve the action to ratify the purchase of public safety vehicles, seconded by Councilman Matamoros with all present voting "Aye". 5-0 council unanimously approved the motion.

Consideration and possible action approving the purchase of a vehicles for the Public Works Department.

Finance Director Cathy Ezell presented to council the possible action approving the purchase of vehicles for the Public Works Department. Ms. Ezell said staff recommends the purchase of a one-ton dump truck, and three trucks for the Public Works Department. She said staff requests authorization to purchase a 2022 Chey Silverado 5500 truck BuyBoard Contract, and three 2023 Ford F150 EXT cab trucks. TIPS USA contract is over \$50,000, we need the approval of council. Funding was included in the FY2023/2024 budget.

A motion was made by Councilman Matamoros to approve the purchase of vehicles for the Public Works Department, seconded by Councilman Rossow with all present voting "Aye", 5-0 council unanimously approved the motion.

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 thanked all that came and spoke at the meeting tonight. He said he wanted to echo Ms. Clark's voter registration. Councilman Pena said he put items on the agenda, and posted the agenda on some of his talking points. He said this was approved by the City Attorney. Councilman Pena said when he arrived this evening he was informed that he needed to make sure the city had the information and it was communicated to the city. He said we need clarification of what is allowed and not allowed to happen in work session. He said citizen comments by council members were not voted on by council. He said he wants this on the agenda for the next meeting. He said he would like the terms of policies and procedures put on the agenda as well.

Councilman Cain Ward B announcements and comments.

Councilman Cain thanked everyone for coming out. He announced National Night Out, tomorrow night at 6 P.M. he said he would be at this event. He announced the City Wide cleanup this Saturday. He said he would like on the next agenda the rehab of the kitchen at the park.

Councilman Matamoros Ward C announcements and comments.

* Hotel Occupancy Taxes (HOT)

Councilman Matamoros thanked all that came out and spoke and those that watched online. He thanked all that participated in the City Wide Garage Sale. He thanked all that attended his Town Hall. He also said he would be at National Night Out, for residents to come and speak with him. He announced there were quite a few break-ins in Ward C. He said to stay alert and be on the lookout and to be sure and contact law enforcement on anything that is not normal. Councilman Matamoros spoke of the item he requested to be put on the agenda: the

HOT taxes.. He asked Ms. Ezell how AirB&B pays the HOT taxes they collect? Ms. Ezell explained that AirB&B collects and pays State Hotel Occupancy taxes, but not local Hotel Occupancy taxes. The responsibility to collect and pay local HOT taxes remains the responsibility of the property owner. Councilman Matamoros spoke of the article in the Fact's newspaper about a Councilman not paying their HOT taxes. That Councilman is a STR owner. He said that Councilman has not paid them for years. He said these taxes are collected from visitors and they should be forwarded to the city. These funds could be used to beautify the beaches. Councilman Matamoros said in his opinion this is theft. He said it is not a justified excuse for not agreeing with an ordinance which does not give you the right to not pay these taxes. He said this has cost the city \$29,339 dollars in legal fees on this issue, from the lawsuit filed by the Councilman in Ward A. Councilman Matamoros said he believes the Councilman from Ward A should remit payment for all back HOT taxes tomorrow morning. If payment is not made, the city should start collection efforts on those taxes by whatever legal means necessary.

Councilman Pena said he agrees 100%. He said, "I am happy to make the payments as long as we get this resolved.

Councilman Matamoros said until those taxes are paid, Councilman Pena should remove himself from any elected city duties. Being fat, lazy and stupid are not excuses to steal from the city.

Councilman Pena said, "as I said on social media, if there is a discrepancy, let's resolve it. I am not going to be responding to George Matamoros' timetable. I am not going to compromise my legal position in terms of registering for that ordinance."

Councilman Rossow Ward D announcements and comments.

Councilman Rossow said Ward D is doing good. He said he has not heard of any problems. He said if there is a problem he promises that he would get on it. He said he attended Matamoros' Town Hall. He said it was a success as far as he is concerned. He said come and meet me tomorrow night at the National Night Out. He said he wants this city to stay positive. He said everybody has a job, and if we let the people do their job we would not have all this bickering and fussing. He said nationwide people watch our meetings and they comment that they are entertaining. He said he is glad Ave A is open, and stop signs that were knocked down are back up in a timely manner.

City Manager Tim Kelty announcements and comments.

Updates on current infrastructure.

Update on reports / concerns from Department heads.

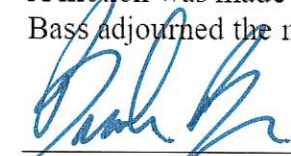
Kacey Roman - Citizen Serve website portal

Kacey Roman said the Citizen Serve portal is up and running. She said she wants to commend her staff they have worked hard on this. She said citizens can now apply for permits online. She said we are working with finance so we are able to make payments online. She said this is pulling us into the next generation. She said the permit approval was less than 30 minutes. She said there are checks and balances in place.

ADJOURNMENT:

Adjourn

A motion was made by Councilman Cain to adjourn the meeting, seconded by Councilman Matamoros Mayor Bass adjourned the meeting at 8:27 P.M.



Brooks Bass, Mayor

Betty Wells, City Secretary