

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council met on July 23, 2014 at 6:06 p.m., at the Freeport Municipal Court Room, Police Department, 430 North Brazosport Boulevard, Freeport, Texas for the purpose of considering the following agenda items:

City Council: Mayor Norma M. Garcia
Councilman Larry L. McDonald
Councilman Fred Bolton
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Assistant City Manager
Delia Munoz, City Secretary
Wallace Shaw, City Attorney
Nat Hickey, Property Manager
Bob Welch, Finance Director
Dan Pennington, Fire Chief

Visitors: Annette Sanford Lance Reaves
Melanie Oldham Troy Brimage
Royce McCoy Jennifer Hawkins
Kenny Kouches Edward Garcia
Nicole Mireles Sam Reyna
Roy Yates Eric Hayes
Jerry Meeks Loren Hayes
Ron Wise Louie Jones
Clan Cameron

Call to order.

Mayor called the meeting to order at 6:06 p.m.

Invocation.

Mr. Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma M. Garcia led the pledge.

Consideration of approving the July 7, 2014 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved the July 7, 2014 Council Minutes.

Attending citizens and their business.

Jennifer Hawkins stated that she is applying for the Economic Development Director's position.

Announcement: Inviting all the residents to the City of Freeport to Kidfest on July 26, 2014, Downtown Freeport Memorial Park, from 10:00 to 3:00 p.m.; Free Food, Games, Water Slides, Rock Climbing, Music, Moon Walks.

Mayor Norma Garcia invited all to the 3rd Annual Kidfest held Downtown Freeport Memorial Park.

Public Hearing: The City Council of said City will conduct a public hearing pursuant to Section 26.001 et seq., Texas Parks & Wildlife Code, to consider whether or not the portion of the park or recreation area within the corporate limits of said city known as Riverside Park located north of a westerly extension of the street shown on the plat of the Velasco Townsite as Ave. C and all of the park or recreation area within the corporate limits of said city known as Stephen F. Austin Park should be combined and moved to a new location within the corporate limits of the City to be selected and acquired by the City Council for the purpose of developing a modern sports complex at such new location.

Mayor Norma M. Garcia opened the Public Hearing at 6:10 p.m.

Edward T. Garcia of 1924 N. Ave. G, expressed concern that "Stephen F. Austin should be combined and moved to new location with the corporate limits of the City", felt that it should go before the general public for a vote. The other concern is that nobody knows or has identified the new location of developing a sports complex. The Riverside Park has already been approved by the voters to sell. Riverside Park has a portion of the baseball field that is dedicated to Joe Ortiz, wonders what will become of this. He opposes combining and the move to a new location.

Councilman McDonald asked for the new sports complex location. Councilman Bolton said behind the Salvation Army.

Mayor Garcia asked Mr. Shaw to explain the purpose of the Public Hearing: Mr. Shaw agreed with Edward Garcia, that you cannot sell a public park without an election. He explained that the Texas Parks & Wildlife Code requires a public hearing when the use of a park or recreation area changes. City Council has to make certain fact finding and facts in a resolution form. Certain findings and facts are in the best interest of the public. A change in use to be made in Riverside Park and also combining S.F. Austin Park and the present use of a girls softball facility and the boys facility from Riverside Park into one modern sports complex. This public hearing is not about its sale but of its use.

Darlene Weir of 1118 W. 6th Street asked if the Velasco Community House is included in the plan.

Troy Brimage of 220 S. Front stated that he had lived here all his life, went to school, worked here and is financially invested in Freeport, asked Council to continue thinking positive and move forward.

Annette Sanford of 510 W. Broad expressed concern on the parking at the parks.

Roy Yates of 314 Mystery Harbor stated that it was a good idea to build a sports complex and that the present swimming pool and Recreation Park was too small. A sport complex would attract people to Freeport. He asked for the number of acres behind the Salvation Army. Mr. Pynes answered 12 acres. McLean Park is 8 acres.

Councilman Bolton stated he would not be interested unless it was a first class facility, not just softball, baseball, but recreation sports.

Loren Hayes, of 1531 W. 2nd Street, had questions on the lift station and the Fire Department building.

Mr. Jeff Pynes answered that it would be a part of the facility and the old Fire Station building is used as storage.

Councilman McDonald firmly stated the kids were no. # 1 and demanded that before any property of the park gets sold, the propose sports complex be completed.

Councilwoman Barbree stated that from the day she was elected, her priority is that the kids in the City have a baseball, softball fields, soccer, basketball, sport complex.

Mayor Norma M. Garcia closed the Public Hearing at 6:30 p.m.

Consideration of approving Resolution No. 2014-2441 pursuant to Section 26.001 of the Texas Parks and Wildlife Code with respect to relocating a portion of Riverside Park and all of Stephen F. Austin Park at a new location within the corporate limits of the city to be chosen by the City and at which a modern sports complex will be developed.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all voting "Aye", Council unanimously approved Resolution 2014-2441 with the correction of removing Stephen F. Austin Park.

Consideration of approving HGAC Energy Purchasing Corporation to prepare, request and manage for a period of 120 days a Request for Proposals ("RFP") for the purchase of electrical service for the City of Freeport and to approve the City Manager to consider and execute a favorable energy agreement.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved HGAC Energy Purchasing Corporation to prepare, request and manage for a period of 120 days a Request for Proposals ("RFP") for the purchase of electrical service for the City of Freeport and to approve the City Manager to consider and execute a favorable energy agreement.

Consideration of approving and signing a replat on the Old Brazos River Retreat a Subdivision of a 0.764 acre tract out of tract 4 of the City of Freeport as recorded in County Clerk's File No. 12-057412 of the Brazoria County Official Records in the Stephen F. Austin Survey Abstract 32 & 33, Brazoria County, Texas. (map enclosed)

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved to reagendaed this item.

Appointing qualified person(s) to the remainder of current terms and/or expired terms on the following boards and commissions:

- Planning Commission; On a motion by Councilman Bolton, seconded by Councilman Donald, with all present voting 4 to 1, Edward Garcia was reappointed to the Planning Commission of said City. Mayor Garcia opposed.
- Planning Commission; On a motion by Councilman Bolton, seconded by Councilwoman Loeza with all present voting "Aye", Council unanimously approved Royce McCoy to the Planning Commission of said City.
- Planning Commission; On a motion by Councilman Bolton, seconded by Councilwoman Loeza with all present voting "Aye", Council unanimously approved Lesa Girouard to the Planning Commission of said City.
- Library Board; On a motion by Councilman Bolton, seconded by Councilman McDonald with all present voting "Aye", Council unanimously approved Brock Owens to the Library Board of said City.
- Library Board; On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Martin Velez to the Library Board of said City.
- Board of Adjustments; On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved Raul Ramirez and Loren Hayes to the Board of Adjustments of said City.
- Board of Adjustments; On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Annette Sanford to the Board of Adjustments of said City.

- Beautification/Parks & Rec. Com.; On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting “Aye”, Council unanimously approved Rosemary Bravo, Chris Kozak, and Nino Herrera to the Beautification/Parks & Recreation of said City.
- Urban Renewal Board; On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting “Aye”, Council unanimously approved John Schultz and Melanie Oldham, to the Urban Renewal Board of said City.
- Economic Development; On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously reappointed Troy Brimage, Brooks Bass and Drew Ryer to the Economic Development Corporation of said City.
- Charter Review Commission (odd year)
- Senior Citizens Commission; On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting “Aye”, Council unanimously approved Carol Rangel, Dorothy Pirrung and Mary Talbert to the Senior Citizens Commission of said City.

Consideration of taken action on any item discussed in Executive Session.

Mayor Garcia opened the formal session to take action on Executive Session item.

- Negotiations with Skymark Development Company, Inc. Agreement & Earnest Money Contract regarding 1500 West 2nd Street.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting 4 to 1, Council approved the Skymark Development Company, Inc. agreement . Councilman McDonald opposed.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting 3 to 2, Council approved the Earnest Money Contract for \$125,000. Councilman McDonald and Councilman Bolton opposed.

Work Session:

Regarding salary wages & benefits of employees for fiscal year 2014-2015 budget.

Mr. Pynes will be looking at three categories to determine the salary wages of a employee based on data:

Cost of Living; set by the Bureau of Labor Statistics.

Longevity – adjusting the longevity (current \$1.85)

Evaluation based on tenure and job performance.

Another recruiting tool to attract people and retain employees is to offer a TML Retirement Insurance Plan. Mr. Pynes has been talking to TML and the Retirement Plan must meet certain requirements to be eligible.

Regarding inspections before leasing rentals facilities.

Mr. Pynes proposes implementing a safety inspection fee before they can rent property.

Mayor Garcia works for Justice of the Peace, and constant does eviction notices to renters. They are some landlords that do not keep up with their properties or code issues.

Councilman McDonald asked what the cost would be to the tenants.

Mayor Garcia said it would be the landlords to pay the safety inspection fee. Councilman McDonald stated that it would have to be based on case by case.

Regarding trash service.

Mr. Pynes is getting complaints from Waste Management about trash not being picked up. He is asking Council for direction on preparing a proposal or rebidding the trash service. McDonald stated that the City of Lake Jackson, Clute and Angleton do their own trash service.

Scheduling Budget Workshop dates for fiscal year 2014-2015.

Mr. Pynes recommended July 29 and August 5, 2014 for budget workshop dates at 6:00 p.m.

Appointing City Council liaison(s) to the following Boards and Commissions:

- Planning Commission/Councilman McDonald
- Library Board/ Councilman Bolton
- Board of Adjustments/ Councilman Bolton
- Beautification/Parks & Rec. Com./Councilwoman Loeza
- Urban Renewal Board /Mayor Garcia
- Economic Development/Councilwoman Barbree
- Charter Review Commission/ Mayor Garcia
- Senior Citizens Commission/ Mayor Garcia

Mayor Garcia opened the Executive Session at 7:33 p.m.

Executive Session:

Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- Negotiations with Skymark Development Company, Inc. Agreement & Earnest Money Contract regarding 1500 West 2nd Street.
- Pending legation related to the Freeport Marina:
Karwn Jewel & Scott Bounds with Olson & Olson, LLP
Brooks Bass & Troy Brimage with Economic Development Corporation
(no motion)

Mayor Norma Garcia closed the Executive Session and reconvened the open session at 8:22 p.m. to motion on item 12.

Adjourn

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting “Aye”, Mayor Norma Garcia adjourned the meeting at 8:23 p.m.

Mayor Norma M. Garcia
City of Freeport, Texas

City Secretary Delia Munoz
City of Freeport, Texas