

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday May 23, 2016 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 Norma Moreno Garcia
Councilman Larry L. McDonald
Councilman Fred Bolton
Councilwoman Nicole Mireles
Councilwoman Sandra Barbree – Absent

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Asst. City Manager
Delia Munoz, City Secretary
Wallace Shaw, City Attorney
Nat Hickey, Property Manager
Jennifer Hawkins, EDC Director
Dan Pennington, Police Chief
Chris Motley, Building Inspector

Visitors: Ruth Renobato Reuben Renobato
Manning Rollerson Jerry Meeks
Sam Reyna Billy Morris
Annette Sanford Raul Ramirez
Bill Morris Percy Walker
Steve Upton Rosa McDonald
Robert James Louie Jones
Eric Hayes

Call to order.

Mayor Norma Moreno Garcia called the meeting to order at 6:00 p.m.

Invocation.

Mr. Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma M. Garcia led the Pledge of Allegiance.

Attending citizens and their business.

There were none.

Consideration of approving May 16, 2016 Council Minutes.

On a motion by Councilman McDonald, seconded by Councilman Bolton, with all present voting “Aye”, Council unanimously approved the May 16, 2016 Council Minutes.

Public Hearing: The City Council of the City of Freeport, Texas, sitting as the Board of Adjustments and Appeals under the standard Unsafe Building Abatement Code adopted by Sections 150.025 and 150.026 of the Code of Ordinances of the City (hereinafter “the Standard Code”), for the purpose of determining whether or not the structures located on hereinafter described real property located within the corporate limits of the City fail to meet the standards set forth in the Standard Code and is/are therefore “unsafe” as that term is defined in the Standard Code:

The Showboat Theater Building, located on the South 50 feet of Lots 1 & 2, and all of Lot 3, and the building known as the Dollar General building, located on Lots 4 and 5, all in Block 47 of the Freeport Townsite of the City of Freeport, Brazoria County, Texas, according to the map or plat recorded in the office of the County Clerk of said county.

Mayor Norma M. Garcia opened the Public Hearing at 6:01 p.m. to hear comments from audience and staff.

Chris Motley reported that on March 20, 2016 the City of Freeport responded to the above address for a building collapse of more than 80% of the roof that affected the structural integrity of the remaining walls standing. Portions of the masonry wall from the Showboat Theater fell on to the roof the building east of the Showboat Theater (217 West 2nd Street) creating a structural collapse of a portion of the Dollar General roof (213 West 2nd Street). The Dollar General store vacated the premises. An inspection of the property was made by the Building Inspector and the following deficiencies were found at the time of the inspection. A report of inspections of the unsafe buildings were sent by Certified Letters to Tobey Davenport, Wayne Davenport and Michael Fuller, listing the deficiencies of the Showboat Theater and the Dollar General Store; both buildings belong to above names.

Showboat Theater:

1. Open Structure: open /broken windows or doors
2. Unstable structure: rotten, broken, and/or termite infested structural members such as beams, roof rafters, ceiling joist, sills and studs.
3. Roof failure: roof leaking, sagging, missing all or parts of roof.

4. Structure failure: collapse or threat of collapse concerning walls, beams, headers, floor and ceiling joint.
5. Foundation failure: breaking cracking, moving or settling of slab, pier, beam, or footing that has caused damage to the structure.
6. Absence of power distribution equipment; electric service panel, breakers, wiring, outlets, fixture missing or in need of repair.
7. This building is a non-conforming building; the C-1 zoning does not allow a movie theater.
8. It is recommended for demolish only.

Dollar General Store:

1. Unstable structure: rotten, broken, and/or termite infested structural members such as beams, roof rafters, ceiling joist, sills and studs.
2. Roof failure: roof leaking, sagging, missing all or part of roof.
3. Structural failure: collapse or threat of collapse concerning walls, beams, headers, floor and ceiling joist.
4. It is recommended to repair or demolish based on an engineering recommendations.

Councilman McDonald asked for the reports from the structural engineer and asbestos. Chris Motley said he had not received it yet. Councilman McDonald asked Chris Motley if he had the capability to tell if the Showboat Theater was going to fall. Chris Motley said it as unsafe.

Councilwoman Mireles asked what kind of permits and what kind of work was done by Hernandez Construction in 2014.

Annette Sanford asked if the building had been checked lately because of the recent rains. Chris said yes.

Manning Rollerson stated the building needs to be demolish.

Robert James stated that tax payers should not have to pay for dilapidated buildings. The owners need to be responsible for their building and cost of demolition.

Councilwoman Mireles asked if the City would place a lien on the property if the City condemns and demolishes it. She also asked who had decided to close the street.

Reuben Renobato asked if we had asked for financial statements of the Davenport's estate.

Wallace Shaw stated that the will had never been probated according to the court records at the County. A judgement could be pursued against other properties. Properties that are not tax exempt.

Reuben Renobato asked if we knew the cost to tear the building down.

Mr. Pynes said it was around \$140,000 to \$160,000 because of the asbestos.

Eric Hayes stated that residents should not carry the burden of the cost.

Councilman Bolton asked if we had talked to or received any report from Nation Wide Insurance or the adjuster on the Dollar General Store. Councilman Bolton understood that if they declared the Showboat Theater unsafe, meant the City would assume any liability for any accidents. Councilman Bolton stated that it was Tobey Davenport's family that needs to assume the responsibility of tearing down the building.

Councilman McDonald stated that for the last ten years there is a building on Broad Street that is standing with no roof. It is an inconvenienced to have 2nd Street blocked and losing the Dollar General Store. He concurs with Councilman Bolton statements.

There being no more comments, Mayor Norma M. Garcia closed the Public Hearing at 6:38 p.m.

Consideration of approving order finding the Showboat Theater building, 217 West Street, to be "unsafe" as that term is defined in the standard code.

Died for lack of motion.

Consideration of approving order finding the Dollar General building, 213 West 2nd Street building to be "unsafe", as that term is defined in the standard code.

Died for lack of motion.

Consideration of the approval of any action to be taken, as a result of closed Executive Session.
No action taken.

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:

- Questions concerning demolition for the Showboat Theater and Dollar General building.
- Proposed Interlocal Agreement with Port Freeport and the City of Freeport.

Mayor Norma M. Garcia reconvened the Open Session at 7:08 p.m.

Adjourn

On a motion by Councilman Bolton, seconded by Councilman McDonald, with all present voting "Aye", Mayor Norma M. Garcia adjourned the meeting at 7:08 p.m.

Mayor Norma Moreno Garcia

City Secretary, Delia Munoz

City of Freeport, Texas

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