

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, March 5, 2018 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 Troy T. Brimage  
Councilman Larry L. McDonald  
Councilman Brooks Bass  
Councilwoman Nicole Mireles  
Councilman Roy E. Yates

Staff:

Bob Welch, Finance Director / Interim City Manager  
Wallace Shaw, City Attorney  
Ursula Reyes, City Secretary  
Nat Hickey, Property Manager  
Chris Motley, Fire Chief  
Kim Townsend, Parks Supervisor  
Loni Kershaw, Human Resources  
Jennifer Hawkins, Economic Development Corporation  
Ray Garivey, Police Chief  
Billy Shoemaker, Building Official  
Kenny Collins, Street Department  
Leann Strahan, Museum  
Michelle Russell, Police Department

Visitors:

Gardo Campbell	Melanie Oldham
Christina Travis	Sam Reyna
Lila Diehl	Jerry Meeks
Jay Mejia	Erin Callahan
Manning Rollerson	Lamar Jordan
Mrs. Renabato	Guiellermo Garcia
Moby Burridge	Evelyn Burridge
Ruben Renabato	Rich Byers
Kirk Paschal	Kyle Hammonds
Ronnie Cantu	

Call to order.

Mayor Troy T. Brimage called the meeting to order at 6:00 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Troy T. Brimage led the Pledge of Allegiance.

Attending citizens and their business.

Manning Rollerson is concerned about the ditch that is facing Terminal Street he said it is too deep and he can't get his lawnmower down in the ditch to cut the grass. He also said the ditch is full of water because it is not draining properly. He wanted to know if any money was going to be put into the East End. He said that he wants to build a warehouse on his property. Mayor Brimage stated that Jerry Meeks is currently working on a 48,000 thousand dollar sewer project in the East End. Mayor Brimage also told Mr. Rollerson that he would send David Hoelewyn or Kenny Collins to go look at the ditch.

Consideration of approving the minutes for February 26, 2018.

Mayor Brimage stated Councilman Bass had a couple of corrections from the February 26, 2018 minutes. One was a spelling error and the other was a conversation that Mayor Brimage and Councilman McDonald had about levee road and it being closed at night.

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved the February 26, 2018 Council Minutes.

Consideration of approving Resolution 2018-2537 authorizing Crime Victim's Advocate position to be operated for the 2018-2019 and 2019-2020 Fiscal Year.

Michelle Russell stated that last year they tried it to see how it would go. This time she wrote a grant to fund her position for 2 years. Councilman Yates asked if the grant paid for everything and a vehicle. Michelle said last year it didn't pay for a vehicle because the state doesn't fund the vehicle for the first year. This year's grant will pay for her to have a vehicle because it is a 2 year grant. Councilman Yates asked how many crime victims she has helped in the last year. Michelle stated that as of October 1<sup>st</sup>, 21 crime victims have accepted her help and another 40 have been contacted. She helps them all the way through trial until their offender is convicted or until he gets out of prison. Councilman Yates stated when The Facts publish the police report, hardly anything is in Freeport, It's all in Lake Jackson.

On a motion by Councilman Yates, seconded by Councilman Bass, with all present voting “Aye”, Council unanimously approved Resolution 2018-2537 authorizing Crime Victim’s Advocate position to be operated for the 2018-2019 and 2019-2020 Fiscal Year.

Consideration of authorizing preparation of documents for sell of Lot 15,Block 46, Freeport Townsite, known as 226 West 2<sup>nd</sup> Street. Tax ID 4200-0497-000.

Mayor Brimage asked Mr. Hickey what size lot this was he said 50 by 140 feet. Mayor Brimage stated that Mr. Shaw advised him that since it was a 50 foot lot that it would have to be put in the paper for bids. Mayor Brimage stated that Tammy’s business is booming and he thinks it would be an asset to her business to sell it to her. Councilwoman Mireles asked if it’s because of the size of the lot that we have to put it in the paper. Mr. Shaw stated that the question is if it was a buildable lot under the zoning ordinance of the City, That’s why Mr. Shaw asked Mr. Hickey if all the lots in that block were the same size. Billy Shoemaker stated that with all the existing structures that are there in the ROW and setbacks that he doesn’t think it’s a buildable lot. Councilman McDonald asked if the lot size that we specify is 50 by 125. Mr. Hickey said the majority are 140 here in the City of Freeport. Councilwoman Mireles asked if the property had been surveyed. Mr. Hickey stated he did have a copy of the appraisal. Councilman McDonald said it was 6500 square feet of pavement. Councilman Bass asked if this would post for bid process as required by law if it’s not done correctly all she’s getting is a worthless piece of paper.

On a motion by Councilman Yates, seconded by Councilwoman Mireles, with all present voting “Aye”, Council unanimously approved authorizing preparation of documents for the sale of Lot 15, Block 46, and Freeport Townsite, known as 226 West 2<sup>nd</sup> Street. Tax ID 4200-0497-000.

Consideration of authorizing preparation of documents for closing, abandoning and selling a portion of Wharton Street ROW between Blocks 809 and 790 abutting Lot 12, Block 809 and Lot1, Block 790.

Mayor Brimage stated that back in the 60’s an ordinance was passed closing it. Councilman Yates asked why it was closed. Councilwoman Mireles asked if there were any utilities running through the property. Jerry Meeks said just the sewer. Councilman McDonald asked Mr. Hickey if Lamar Jordan owned both sides of the easement. Mr. Hickey said yes. Councilman McDonald asked if the neighbor on the other side had been contacted to see if they wanted their half and Mr. Hickey stated that they had not been contacted. Mayor Brimage asked Mr. Jordan what his plans were to do with the property. Mr. Jordan stated he is looking for more lots in that area to put them all together. Mayor Brimage stated that in the future that he would have a reversion clause that if something isn’t done in a certain amount of time that it needs to be reverted back to the city.

On a motion by Councilman Yates, seconded by Councilwoman Mireles, with all present voting 2 to 2. Councilman McDonald and Councilman Bass voting “Nay” authorizing preparation of documents for closing, abandoning and selling a portion of Wharton Street ROW between Blocks 809 and 790 abutting Lot 12, Block 809 and Lot1, Block 790.

Councilman McDonald stated that he wouldn't mind it but he wanted a deadline. He gave examples of Mr. Wong and the Urban Renewal that nothing has been done with the property. Mayor Brimage stated since that failed he entertained a motion to sale the property and to put a time restraint on it of a year. Mayor Brimage asked Mr. Jordan if a year was long enough. Mr. Jordan stated that he wanted to buy more lots and he didn't think he would be able to do anything in a year. Councilman Yates stated that he didn't think that any limits should be put on city lots he said on big property yes but not on lots like these. Mayor Brimage gave an example that all around town we were seeing this because no one wanted to sale their property. Councilman Yates disagreed and stated that if the City didn't sale Mr. Jordan the property he wasn't going to do anything in a year with it. Councilman McDonald told Councilman Yates that just the other day he voted to not sale a piece of property that the county sold on the tax sale and Councilman Yates voted against it and it was off the tax roll for 19 years. Councilman Yates said he didn't remember voting against it. Councilman McDonald advised Councilman Yates that yes he did because he asked Mr. Hickey how long the property had been off the tax row and Mr. Hickey stated 19 years. Mayor Brimage told Mr. Jordan that he wanted to be a fair and wanted to promote development he asked Mr. Jordan if he would accept 2 years. Mr. Jordan asked what would happen after 2 years. Mayor Brimage said it would revert back to the City.

Tabled

Consideration of authorizing preparation of documents closing, abandoning and selling Wharton Street ROW between Blocks 788 and 811.

Mayor Brimage told Mr. Jordan that they would visit with him and figure out a way to do this.

Tabled

Consideration of authorizing preparation of documents for closing, abandoning, and selling 8,717.5 (50 x 174.35 + - ) square feet of the Division Street ROW located South of Mystery Harbor Lane.

Mayor Brimage stated that Mr. Mejia has plans to build on this property. Mayor Brimage asked Mr. Mejia when his time frame was to get his house built. He stated he wanted to know first how much property he had to work with. Councilman Yates stated that we should just sale the lot to Mr. Mejia and not put any limitations. Councilman Yates commented "what about other people when they sale lots to one another should they have limitations". He said why should the City be different when the City sales a lot. Mayor Brimage disagreed with Councilman Yates and said why hold on to this lot forever. Mr. Renabato responded to Councilman Yates and stated that the difference between one person selling their property too another person is private property what we have here is public property belonging to the City. Councilwoman Mireles asked Mr. Mejia what his time frame was to build. Mr. Mejia said 3 years. Mayor Brimage asked Mr. Mejia if 3 years was enough time. Mr. Mejia said he wasn't against anyone else buying the property. Councilwoman Mireles made a motion to sale the property with a 3 year clause. Mayor Brimage stated that he would sale the property for the appraised value at \$ 45,800 with a revision clause of 3 years. Mr. Mejia asked that after 3 years and nothing is done if he lost the property with no value back?

Mr. Mejia denied the offer.

Consideration of approving ten (10) 380 agreements for Guillermo Willie Garcia in the amount of \$ 5,000.00 each.

Mr. Willie Garcia is trying to help bring in development into Freeport and his plans are to build 10 homes. He said he first spoke to Jeff and that he advised Mr. Garcia to get all his paperwork together but that he was told the 380 was not available any longer. Councilman Yates asked Mr. Garcia what was a 380 agreement. Mr. Garcia stated a 380 agreement is where the City of Freeport refunds a portion of your investment back. Councilman Yates asked Mr. Garcia if the City had done this before. Mr. Garcia said yes other investors have taken advantage of the 380 agreement. Councilman Yates said that Mr. Garcia should get what the other investors have gotten before him. Councilwoman Mireles asked Mr. Garcia if he is asking for the money on the 3 houses Mr. Garcia has already built. Mr. Garcia said yes and continuing on with the others. Councilman Bass asked Mr. Shaw if he would prepare the 380 agreements for council to review and provide it to Mr. Garcia to review also. Councilman Bass asked if he had an estimated time frame when he would have those agreements ready. Mr. Shaw said it shouldn't take a long time. Mr. Garcia asked what is it that you would be reviewing off the 380 agreements. Councilman Bass told Mr. Garcia that he didn't know if completed construction qualifies for the 380 agreement he didn't know if it is retroactive or not. Mr. Garcia stated that back in 2017 he spoke to Jeff Pynes and he said the 380 agreement did not exist anymore but for Mr. Garcia to get his paperwork together and turn it in. Councilman Bass stated that a lot of things were discussed and verbally approved and things like this can't happen we need to have it in writing. Councilman Bass said he didn't know legally if the 380 agreement could be retro actively applied so he is asking Mr. Shaw to research because he doesn't want to agree on something that we can't agree to. Councilman Yates asked if they could just get Mr. Shaw to draw up the paperwork and what can be done legally to do it. Councilman Bass stated he agreed to that but he wanted Mr. Garcia to understand that the 3 homes that he has already built may not be included in the 380 agreement. Mayor Brimage stated that if it's not legal they will not do it but if so they will approve it and Mr. Garcia will get it going forward. Mr. Garcia stated that he just wanted what other builders and investors have gotten. Councilman Bass said he could not promise that but what he could promise is that it will be legal and fair and it will be properly done going forward.

On a motion by Councilman Yates, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved ten (10) 380 agreements for Guillermo Willie Garcia in the amount of \$ 5,000.00 each.

Consideration of approving obtaining a cost estimate from John Mercer Associates Engineers for a sewer force main at Bryan Mound for the Department of Energy.

Mayor Brimage stated that the Department of Energy has contacted us because they are having sewer issues and they want to purchase sewer services through the City. They will be paying for all the costs of the sewer install. The approval is for the Engineer to do all the necessary work to find out what it is going to cost and what it will all consist of. Councilwoman Mireles asked if they would be tapping into ours and if the City would be selling it. Mayor Brimage said yes and it would be no cost to the City. Councilman McDonald stated that one good thing about this is that we would have sewer at the Levee for anything that develops out at Quintana.

On a motion by Councilwoman Mireles, seconded by Councilman Bass, with all present voting “Aye”, Council unanimously approved obtaining a cost estimate from John Mercer Associates Engineers for a sewer force main at Bryan Mound for the Department of Energy.

Consideration of taking action on any other item discussed in Executive Session.

No Action Taken.

Work Session:

Mayor Troy T. Brimage announcements and comments.

Mayor Brimage let the citizens know that all the Department heads were available to talk to if they had any questions or concerns.

Councilman McDonald Ward A announcements and comments.

Councilman McDonald said he has driven around the East End and the port has taken down a few more houses and trees and he saw Center Point out there removing poles.

Councilman Bass Ward B announcements and comments.

Councilman Bass said budget process is coming up and he would like to have a Citizens Advisory Board regarding the budget.

Councilman Bass said the alleys are still being worked on but are not getting done fast enough.

Councilman Bass said he is still waiting on the contract from Mr. Meeks in regards to Veolia and SJC.

Councilwoman Mireles Ward C announcements and comments.

Councilwoman Mireles asked Kim Townsend what the status was on the Mystery Boat. Kim said that it's getting to the point that it's not repairable and not safe anymore. Kim stated that we should put a fence around it and barricade it off.

Councilwoman Mireles thanked Kenny Collins for starting on the pot holes in her Ward.

Councilman Yates Ward D announcements and comments.

Councilman Yates stated that Mr. Willie Garcia wanted to build a new business but that he couldn't because the detention pond requirement was taking up all the space. Councilman Yates said that was horrible.

Updates on current infrastructure.

Victoria Street drainage was completed.

Councilman McDonald asked Jerry Meeks how the alley was coming along 4<sup>th</sup> & Broad Street. He said they would start working on the water line in the next couple days.

Street Department patched up some holes on Avenue B and also on 1st and Maple.

Update on Hwy 288 and Brazosport Blvd.

Mayor Brimage stated that we are one week away and to please contact your representative and senator and express your concerns.

Update on reports / concerns from Department heads.

Kim Townsend said that the playgrounds are in and they will be putting them up at all the parks.

Discuss Museum budget for maintenance, repairs, projects and events.

Leann Strahan provided three quotes to council for the roof at the Heritage House. She said that it has been patched over and over again and water is getting through into the walls. She stated the floor, interior walls and window seals are being damaged by this.

She also wanted to know if the Hickey building could be rented out to generate money. She said the Farmers Market is April and May.

Leann also said that for Spring Break they wanted to have movies, inflatable, snow cones and have kids play in the children's museum.

Mr. Paschal on building homes in Freeport.

Kirk Paschal with RWP Homes put on a presentation about different types of homes that he would like to build on 50 foot lots in the City of Freeport. He said he believes there are other markets and other demographics that will also rise up where he sees the overall property base and tax base that he hopes to see have a genuine interest in helping. Councilman Bass asked what type of interest rate for 30 years? Mr. Paschal said about 8 percent and subject to change. Mr. Paschal stated that he wanted to assist the City in building a strong community and he thinks home ownership brings pride in the community. Councilman Yates asked what Mr. Paschal wanted out of the City. Mr. Paschal stated that he wanted support in whatever way. Mayor Brimage said it's a great thing for the City of Freeport the price the size and everything falls in line of what we are looking for. Mr. Renabato asked Mr. Paschal if his plan to build these houses would he require a 380 agreement or if he felt that the company could make the money without it. Mr. Paschal said it was a commitment and it is a financial commitment on their part. Mr. Paschal stated that they anticipated laying 5 slabs a month. Mr. Paschal said the wanted to build a product that is reasonable and everyone is proud of.

Discuss delivery of Council packets.

Mayor Brimage stated that he would like for the packets to be emailed and have a hard copy handed out at the Council meetings.

Closed the Formal Session at 7:45 PM and opened Executive Session.

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:

1. Discussion and possible action regarding claims asserted by Jeff Pynes in connections with the termination of his employment with the city and any counterclaims or other response the City may have to such claims.

No Action Taken

Section 551.074, Government Code

Deliberations concerning the appointment, employment, evolution, reassignment, duties, discipline or dismissal or a public officer or employee or to hear a complaint or charge against an officer or employee, to wit:

1. Discuss and possible action regarding the appointment of City Manager.

No Action Taken

Closed the Executive Session at 8:02 PM.

Adjourn

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting “Aye”, Mayor Brimage adjourned the meeting at 8:05 PM.

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Mayor, Troy T. Brimage  
City of Freeport, Texas

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City Secretary, Ursula Reyes  
City of Freeport, Texas