

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday May 7, 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 Brooks Bass
Councilman McDonald
Councilwoman Nicole Mireles
Councilman Roy E. Yates

Staff:

Bob Welch, Finance Director / Interim City Manager
Wallace Shaw, City Attorney
Ursula Reyes, City Secretary
Kim Townsend, Parks / Rec. Director
Loni Kershaw, Human Resources
David Hoelewyn, Streets Director
Billy Shoemaker, Building Official
Leann Strahan, Museum Director
Kenny Collins, Street Supervisor
Jennifer Hawkins, EDC
Yvette Ruiz, Building / Code Secretary
Ray Garivey, Police Chief

Visitors:

Jerry Meeks	James Barnett
Sandra Barnett	Lila Diehl
Evelyn Burrige	Moby Burrige
Guillermo Willie Garcia	Gardner Campbell
Erin Callahan	Christina Travis
Tommy Pearson	Desiree Pearson
Sabrina Brimage	Ken Green
Sandra Loeza	Manning Rollerson
Eric Hayes	Chris Duncan
Angie Williams	Elliot Cundieff
Edmeryl Williams	Stuart Herbst
Sam Reyna	Mike Darlow
Rick Byers	Kirk Paschal
Mr. Jolly	Rey Mack

Edward Garcia
Cindy Cain
Mrs. Roberts

Lessa Girouard
George Roberts
Mingo Marquez Jr.

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.

There were none.

Consideration of approving the minutes for April 16, 2018.

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved the April 16, 2018 Council Minutes.

Conduct a Public Hearing to discuss whether or not to charge for driving or parking on the Public Beaches in the City to offset the cost of cleaning such Beaches.

Opened Public Hearing at 6:04 PM.

Mayor Brimage stated that this idea is far from taking place because there is a lot to do but we have to start the process for this to take place. The damages being done are mainly from people coming in from out of town. A permit would cost only twelve dollars and is a way to generate revenue to keep our beaches clean.

Kim Townsend said that they picked up 68 trash bags on Monday from over the weekend. She said that they burn the trash cans and they try to repair them as fast as they can.

Mayor Brimage said that there will still be a free spot on the beach.

Councilman McDonald suggested to Kim to put metal cans out at the beach.

Mr. Hayes asked if we had an estimate on revenue that the twelve dollars would be bringing in. Mayor Brimage said no but that they are researching it.

Lila Diehl asked if we patrolled the beach and if we wrote tickets for littering. Mayor Brimage said we do patrol the beach and write tickets for littering and that we also have unmarked patrol cars that we put out on the beach.

Manning Rollerson said that he want to be able to go to the beach and not get stuck. Mayor Brimage said they are going to redo the entrance with base under the sand. Councilman McDonald said even that wasn't going to stop people from being stuck. David Hoelewyn said the sand that Quintana has put on their beach has ended up on our beach and it is no good and it won't patch.

Gardner Campbell said that he thought it was a great idea to charge that fee. He said he personally picks up a lot of trash also out of the water and that he has tried everything by giving them trash bags to the people and has signs everywhere but it only impacts about 15 percent of the people in that river.

Mayor Brimage said that he wanted to get some input from the public and he would take each concern to heart on making our final decision.

Mayor Brimage closed the Public Hearing at 6:15 PM.

Conduct a Public Hearing on approval of a proposed replat of a portion of the Freeport Townsite, which will be combined with portions of the closed and abandoned Right-of-Way of Brazos Boulevard and Cedar Street and the adjacent waterfront of the Old Brazos River, to form a new subdivision to be known as Brazos Shores, Section One.

Mayor Brimage opened the Public Hearing at 6:17 PM.

Elliot Cundieff said they had to redo the replat because the original city lots did not connect to the Waterfront. They had two pieces of property plus a closed street that had to be taken in and he is proposing those property lines to be running all the way up to the Waterfront. This will create nine Waterfront home sites.

Lessa Girouard said the Planning Commission made a recommendation to approve the replat.

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved a proposed replat of a portion of the Freeport Townsite, which will be combined with portions of the closed and abandoned Right-of-Way of Brazos Boulevard and Cedar Street and the adjacent waterfront of the Old Brazos River, to form a new subdivision to be known as Brazos Shores, Section One.

Consideration of calling a Joint Public Hearing with Planning Commission to consider a proposed replat of a portion of Stern Subdivision for Joe Rosales.

Mayor Brimage suggested calling the Joint Public Hearing for June 4, 2018.

On a motion by Councilman McDonald, seconded by Councilman Bass, with all present voting “Aye”, Council unanimously approved calling a Joint Public Hearing with Planning Commission on June 4, 2018 to consider a proposed replat of a portion of Stern Subdivision for Joe Rosales.

Consideration of calling a Joint Public Hearing with Planning Commission to consider a proposed replat of a portion of Bastrop Bayou Acres.

Mayor Brimage suggested calling the Joint Public Hearing for June 4, 2018.

On a motion by Councilman McDonald, seconded by Councilman Bass, with all present voting “Aye”, Council unanimously approved calling a Joint Public Hearing with Planning Commission on June 4, 2018, to consider a proposed replat of a portion of Bastrop Bayou Acres.

Mayor Brimage closed the Joint Public Hearing at 6:20 PM.

Consideration of approving Ordinance No. 2018-2148 closing and abandoning a portion of Wharton Street ROW between Blocks 809 and 790 abutting Lot 12, Block 809 and Lot 1, Block 790 and authorizing the Mayor to sign and the City Secretary to attest a deed without warranty conveying the City’s interest to Lamar Jordan, the adjoining lot owner, for the fair market value.

Tabled

Consideration of approving Ordinance No. 2018-2149 closing, abandoning and selling Wharton Street ROW between Block 788 and 811 and authorizing the Mayor to sign and the City Secretary to attest a deed without warranty conveying the City’s interest to Lamar Jordan, the adjoining lot owner, for the fair market value.

Tabled

Consideration of Resolution No. 2018-2540 appointing Valerie Crosby to the Senior Citizen Commission.

Mayor Brimage said that he spoke to the Senior Citizen Board and they all approved.

On a motion by Councilman Bass, seconded by Councilman Yates, with all present voting “Aye”, Council unanimously approved Resolution No. 2018-2540 appointing Valerie Crosby to the Senior Citizen Commission.

Consideration of Resolution No. 2018-2541 appointing Mingo Marquez Jr. to the EDC Board.

Mayor Brimage stated that Mingo has been a lifelong resident of Freeport and very involved in the City.

Councilman McDonald asked why we were putting the people on the boards now. Mayor Brimage said because this was vacated by Mr. Yates and he had asked at a previous council meeting to fill that position and Mr. Marquez was the one to turn in his application. Councilman McDonald said that normally we fill all the boards after the election to let the new members put their people on the boards.

On a motion by Councilman Yates, seconded by Councilman Bass, with all present voting "Aye", Council unanimously approved Resolution No. 2018-2541 appointing Mingo Marquez Jr. to the EDC Board.

Consideration of Resolution No. 2018-2542 authorizing Mayor to sign and the City Secretary to attest a deed without warranty conveying Lots 13-19, Block 729, of the Velasco Townsite, City of Freeport, Brazoria County, Texas, known locally as 1301 thru 1313 N Avenue M, Freeport, TX to Willie Garcia, the highest bidder.

Mayor Brimage stated that Mr. Willie Garcia bid \$42,000.00 for these lots.

On a motion by Councilman McDonald, seconded by Councilman Yates, with all present voting "Aye", Council unanimously approved Resolution No. 2018-2542 authorizing Mayor to sign and the City Secretary to attest a deed without warranty conveying Lots 13-19, Block 729, of the Velasco Townsite, City of Freeport, Brazoria County, Texas, known locally as 1301 thru 1313 N Avenue M, Freeport, TX to Willie Garcia, the highest bidder.

Consideration of Resolution No. 2018-2543 authorizing the Mayor to sign and the City Secretary to attest a Deed without Warranty conveying Lot 20, Block 64, Velasco Townsite Tax ID 260075 to the Trustees of the First United Missionary Baptist Church.

Mayor Brimage asked Dr. Roberts if he was ok with the appraisal. Dr. Roberts stated he was provided that there were not any liens against the property. Mayor Brimage said that he would make sure that the property would be free and clear of any liens.

On a motion by Councilman McDonald, seconded by Councilwoman Mireles, with all present voting "Aye", Council unanimously approved Resolution No. 2018-2543 authorizing the Mayor to sign and the City Secretary to attest a Deed without Warranty conveying Lot 20, Block 64, Velasco Townsite Tax ID 260075 to the Trustees of the First United Missionary Baptist Church.

Consideration of Resolution No. 2018-2544 reappointing Edward T. Garcia and Trey T. Sullivan to the EDC Board.

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved Resolution No. 2018-2544 reappointing Edward T. Garcia and Trey T. Sullivan to the EDC Board.

Consideration of collection report to be given by Mike Darlow.

Mike Darlow gave a report on Tax collection and on Municipal Court fines and fees.

Councilman Yates asked how much did Mr. Darlow charge for doing this. Mr. Darlow stated that it costs the City nothing.

Consideration of disposition of 8,717.5 (50 x 174.35 + -) square feet of the Division Street ROW located South of Mystery Harbor Lane.

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting 4 to 1, Council approved a disposition of 8,717.5 (50 x 174.35 + -) square feet of the Division Street ROW located South of Mystery Harbor Lane. Councilman Yates voted No.

Consideration of preparation of documents to transfer all or a portion of the lots owned by the City and the City's interest in the lots owned jointly with the Urban Renewal Agency to the City's Local Government Corporation or to the City's Economic Development Corporation, or both.

Mayor Brimage stated that the EDC has been working with this project and trying to get the developers that want to build homes in the area to sale it to them and get the process started.

Mr. Chris Duncan stated that if Council did approve of transferring the property over to the EDC there would be a few specific findings that are required by the statue.

First, the Council would have to approve the EDC moving forward to find the best opportunity or the best developer in the best interest of the City for Economic Development.

Second, such action by the EDC serves a public purpose. Councilman Bass asked if building additional housing be a public service. Mr. Duncan stated yes Economic Development is found to be in a public purpose under the statues.

Third, authorize the new or City Manager to sign an agreement with the EDC that requires the EDC to follow through with the plan and make sure it serves a public purpose and executes a deed. In the deed there has to be a reversion clause that states if the EDC tries to do anything other than what they are approved to do then it reverts back to the City. If the City deeds the property to the EDC then the EDC has to have a public hearing before they choose any development plan. Mr. Duncan said that the development agreement that they have with anyone that wants to develop that property is required to performance requirements, deadlines that things must be accomplished, and reversion clause in any deeds to the developers so that if they don't follow through with their requirements the land with revert back to the EDC.

Councilwoman Mireles asked if the builders would pay for these lots or if EDC was just going to let them build on them. Mr. Duncan said yes they would pay and the money would go to the EDC. Councilman Yates asked if the City did this they would have to go out for bids but if the EDC does it they don't have to do it. Mr. Duncan said yes that is correct.

Mayor Brimage said the process to get this done is to use the EDC for what is created for to have a development agreement in place and not to just sale it to the highest bidder to do whatever they want to with it.

Councilman Yates asked Mr. Paschal from Realty World that if they didn't develop in a certain amount of time if they would give it back to the City. Mr. Paschal said that is correct but the money would go to the EDC but the tax dollars would be \$6000.00 dollars a year at least. Councilman Yates asked what kind of deadline they would have. Mr. Paschal said they haven't discussed a deadline but would break ground maybe within 120 days.

Councilman McDonald asked Mr. Paschal if he was going to sale the homes. Mr. Paschal said yes. Councilman McDonald stated that those people would be paying a City water, sewer and garbage bill. They would be doing shopping in Freeport and paying sales tax amongst their property tax where the City will be getting their money back.

Mr. Duncan stated that the EDC would have to publish this in the paper and give public notice to anybody that is a developer or wants to develop these lots will have an opportunity to make a presentation to the EDC.

Mr. Willie Garcia asked if they were going to bring in outside builders or get local builders. Mr. Paschal said that they would be using local trades. Mayor Brimage said it's about Freeport and we have all the stuff we can do. Councilwoman Mireles said for the past two years she hasn't seen any other developers come and show a presentation or anything.

Councilman Bass asked Mr. Duncan for the three parts to his motion. Mr. Duncan said the transferring of the property, consideration of the agreement with the EDC and to serve as a public purpose. Councilman Bass made a motion to transfer our interest to those specific lots that are listed on the agenda. On a three part motion number 1 to transfer our interest with an agreement that it would serve as a public purpose. Second, it would be a public service if we transferred the property. Third, in which we have a reversionary agreement when we transfer it to the EDC that we put in place a reversion clause.

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved preparation of documents to transfer a portion of the lots owned by the City and the City's interest in the lots owned jointly with the Urban Renewal Agency to the City's Economic Development Corporation.

Consideration of selling the City's interest, setting a date for persons interested in purchasing and authorizing the City Secretary to advertise for interested persons to bid on purchasing Groce Street ROW South of the Southern boundary of Mystery Harbor Lane.

Mayor Brimage suggested a bid date for June 4, 2018

On a motion by Councilman McDonald, seconded by Councilman Bass, with all present voting "Aye", Council unanimously approved selling the City's interest, setting a date for persons interested in purchasing and authorizing the City Secretary to advertise for interested persons to bid on purchasing Groce Street ROW South of the Southern boundary of Mystery Harbor Lane.
Consideration of authorizing preparation of documents to convey Lot 6, Block 71, Velasco Townsite Tax ID 260134 to Port Freeport.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved preparation of documents to convey Lot 6, Block 71, Velasco Townsite Tax ID 260134 to Port Freeport.

Councilman Bass asked to put a three year time limit.

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 stated that Billy Shoemaker would be giving a presentation on the conditions of some of the buildings.

The ground breaking on the splash pad is underway and set to open June 1, 2018.

We are waiting on Center point energy and our service provider to release the work order to put the service into Arrington Park.

Mayor Brimage stated that Riverfest was a huge success.

Councilman McDonald Ward A.

Councilman McDonald thanked Kim Townsend for going to Lincoln Park.

Councilman Bass Ward B.

Councilman Bass asked for the status of Velasco Drainage and if they had fixed the pump. Mayor Brimage stated that they have a meeting Tuesday to watch it get fired up.

Councilman Bass said they had an Engineering study done in the 1300 Block of 5th Street. Mayor Brimage stated the mixer is down but on the list to get done.

Councilwoman Mireles Ward C.

Councilwoman Mireles thanked Kim Townsend and Mr. Welch for being so quick and fixing the Little League field. Councilwoman Mireles stated that Avenue G was really bad with potholes and asked David Hoelewyn if they were considering fixing them. Mr. Hoelewyn said yes they were going to take care of the issue.

Councilman Yates Ward D.

Councilman Yates said that the ladies at the Library asked about getting two stop signs put up. David Hoelewyn said that he would take care of it.

Updates on current infrastructure.

Lower water line 1500 Block West Broad and 4th
Commerce Street water and sewer project- Engineering phase
Lift station and force main South Avenue A
SSO plan camera inspection - hasn't started
Alley paving – 14 alleys - complete
1200 Block Avenue S, Water and Sewer Line
Engineer estimate water tower improvements – CDBG Grant Funds
Alley pothole repairs / concrete work / drainage
Supervise contractors on the 14 alley improvement project – Veolia/SJC Trucking-Complete
1600 Block of 5th Street – Curb, Gutter and Sidewalk
1600 Block of 6th Street – Curb, Gutter and Sidewalk
Repaired sidewalk at 1717 Yellowstone- Complete
Install drainage pipe at Holly/Mulberry in the alley between 8th and 9th Street- Complete
Driveway pipes for new homes

Update on Hwy 288 and Brazosport Blvd.

Mayor Brimage said that according to TX DOT in a few years it is slated to be redone. The engineers from Texas A & M said that it was going to hold up.

Update on reports / concerns from Department heads.

Kim Townsend said that the playground equipment for Peppermint Park and Arrington Park has been delayed and should be put in in about a week and a half.

Mayor Brimage told Council that he meet with Holden Roofing they went up there and cut a hole in the roof and there aren't any roofs on there. There will be a brand new membrane and it should last us about 20 years.

Leann Strahan said that they would be starting the roof tomorrow morning. Ms. Strahan stated that it was a slow day for the Mother Goose Nursery and she was going to leave that up until June. She reminded everyone of Market Day Sunday May 13th. Councilwoman Mireles asked Ms. Strahan that on the first Market Day she didn't charge but the second one she was. Ms. Strahan said that was correct because the first one she didn't know how the turnout was going to be and they didn't make any profit. She said she did let the vendors know that she was going to charge \$25.00 dollars to help with the Musician and the Port O Cans.

David Hoelewyn said that he is working on 5th Street sidewalk, curb and gutters. The contractor will be working on 10th and Yaupon and 11th and Yaupon they will be starting on the Intersection on Thursday.

Billy Shoemaker presented quotes to Council for the demolition of Old City Hall and The Community House on 2nd Street.

Billy Shoemaker said he meet with the tenant of Antonelli's and that they would be ending the contract until we could determine what was going to be done with the building. Mr. Shoemaker said that the building does need work inside and out. The exterior siding is completely rotten it would have to be reskinned with new material. Mayor Brimage stated that he wants to get bids and to bring it back to Council to decide. Mr. Shoemaker said that he found electrical issues also. Councilman Bass asked if it was not usable at this particular point in time for its present function. Mr. Shoemaker said to pass any kind of health codes to run a restaurant we would have to do some major up keep. Councilwoman Mireles asked how often does code do inspections and how did it get to that point. Mr. Shoemaker said they do a minimum of an annual inspection but that this particular building because it was a City owned building and being run by a private deal that it wasn't inspected the way it should have been.

Rey Mack tenant from Antonielli's read a letter to Council about how The Snack Shack opened. She stated that wants the building is repaired she would like to have another opportunity to open The Snack Shack back up. Mayor Brimage told Ms. Mack that this whole thing was not personal and had nothing to do with her. He said that he wanted her to come back and would give her that opportunity to come back and open up.

Billy Shoemaker also said that they have been addressing the front yard parking and have stepped up their enforcement. He said that they have written a lot of citations this month.

Desiree Pearson said that a house on Avenue A has put gravel in their whole front yard. Mr. Shoemaker said that they have addressed that and they have a meeting with them today. They basically put lime stone in their front yard for parking.

Councilwoman Mireles asked Mr. Shoemaker about the 1800 Block of Yellowstone and Avenue I. He said that there has been somethings issued and they would be meeting with the owner. She said that it has been going on for a long time Councilwoman Mireles wanted to know how much time do we give them.

Mr. Zirlock asked if there was a limit of how many dogs you could have. Mayor Brimage said three.

Councilman Yates asked Mr. Shoemaker about Church's Chicken. Mr. Shoemaker said they will not let them use the lobby because the degradation to the metal frame work is not safe. Their Engineer came in and he said that he agreed that the building has to come down. Billy stated that they are just letting them use the drive thru. Mayor Brimage said that Council suggested to put a timeline for Church's to do something with the building.

Tommie Pearson asked on an update with the Mystery Boat. Mayor Brimage said that Kim is working on bids and they are going to replace the boat.

Moby Burrige had some suggestions on the Mystery Boat. He said to drill a 2” hole on each side of the structure of the Mystery Boat, patch the front end and seal the deck.

Lawrence Cano said that he owned properties in Sweeney, Angleton, Lake Jackson, Freeport and Oyster Creek. He said that he saw the paper on Saturday and one of the items that he said Mayor Brimage was doing was that some of the things that needed to be corrected in Freeport had no time limit. He said he received a letter about his property and that if the issue wasn’t corrected that they would put a lien on his property and give him a ticket. Mr. Cano stated that we should talk to the owner of the property not the tenants. Mayor Brimage said that he wanted to set up a time to speak to Mr. Cano.

Mayor Brimage closed the Formal Session and opened the Executive Session.

Executive Session:

Section 551.074, Government Code

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

Discussion and possible action regarding report by, SGR, the entity retained to assist the City in finding a new City Manager.

No Action Taken.

Mayor Brimage closed Executive Session at 7:46 PM.

Adjourn

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting “Aye”, Mayor Brimage adjourned the meeting at 7:47 PM.

Mayor, Troy T. Brimage
City of Freeport, Texas

City Secretary, Ursula Reyes
City of Freeport, Texas

