

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, February 26, 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
Kim Hammonds, Parks Department
Ray Garivey, Police Chief
David Hoelewyn, Street Department
Billy Shoemaker, Building Official
Kenny Collins, Street Department
Leann Strahan, Museum

Visitors:

Sandra Barnett	James Barnett
Gardo Campbell	Eric Hayes
Melanie Oldham	Rudy Reyna
Desiree Pearson	Edmeryl Williams
Angela Williams	Mingo Marquez
Christina Travis	Sam Reyna
Lila Diehl	Kenny Kouches
Jerry Meeks	Danny Pearson
Jay Mejia	Erin Callahan
Tommy Pearson	Ken Green
Sabrina Brimage	Jeff Pena
Moby Burridge	Evelyn Burridge
Ruben Renabato	

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 February 5, 2018.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved the February 5, 2018 Council Minutes.

Consideration of approving Ordinance No. 2018-2144 calling the annual general election for the City of Freeport for the first Saturday in May, 2018, being May 5, 2018, at which the voters of said City residing in Wards A and C shall be permitted or vote for or against the candidates for Positions A and C on the City Council of the City of Freeport; providing polling places for said election; establishing the qualifications for candidates for the offices to be voted upon; providing for applications for candidates and specifying a filing dead line and the date when filing may begin; providing for the qualifications of electors; appointing the officers of said election and designating the number of clerks to assist in conducting said election and the compensation to be paid the election judge and clerks; providing for early voting; providing for ratification and confirmation by the Mayor of said City of the action taken by this Ordinance; and providing for and effective date of this ordinance.

Mayor Brimage announced to Council and the Citizens of Freeport that the election law states that this Ordinance has to be approved 78 days prior to the elections which was President's Day. Mayor Brimage stated that he choose not to have a meeting because of the Holiday. However, we did check with our Attorney Mr. Shaw, Olson and Olson and the Secretary of State Office and the election code 3.007 states that it does not affective the validity of an election.

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved Ordinance No. 2018-2144 calling the annual general election for the City of Freeport for the first Saturday in May, 2018, being May 5, 2018, at which the voters of said City residing in Wards A and C shall be permitted to vote for or against the candidates for Positions A and C on the City Council of the City of Freeport; providing polling

places for said election; establishing the qualifications for candidates for the offices to be voted upon; providing for applications for candidates and specifying a filing dead line and the date when filing may begin; providing for the qualifications of electors; appointing the officers of said election and designating the number of clerks to assist in conducting said election and the compensation to be paid the election judge and clerks; providing for early voting; providing for ratification and confirmation by the Mayor of said City of the action taken by this Ordinance; and providing for an effective date of this ordinance.

Consideration of approving Ordinance No. 2018-2145 calling A Charter Amendment Election on the question of adopting three (3) amendments to the Home Rule Charter of said City; providing for two (2) municipal polling places and designating the location thereof; providing for the qualification of electors; providing for the appointment of the officers of said election, for designating the number of clerks to assist in conducting said election, and for the compensation to be paid the election judge and clerks; providing for early voting; providing for ratification and confirmation by the Mayor of said city of the action taken by this ordinance; providing a severance clause; and providing that this ordinance shall take effect and be in force from and after its passage and adoption.

On a motion by Councilman Bass, seconded by Councilman Yates, with all present voting 4 to 1 Council approved Ordinance No. 2018-2145 calling A Charter Amendment Election on the question of adopting three (3) amendments to the Home Rule Charter of said City; providing for two (2) municipal polling places and designating the location thereof; providing for the qualification of electors; providing for the appointment of the officers of said election, for designating the number of clerks to assist in conducting said election, and for the compensation to be paid the election judge and clerks; providing for early voting; providing for ratification and confirmation by the Mayor of said city of the action taken by this ordinance; providing a severance clause; and providing that this ordinance shall take effect and be in force from and after its passage and adoption. Councilman McDonald voted “Nay”

Consideration of approving an Ordinance No. 2018-2146 closing a portion of Ash Street South of 9th Street, and authorizing the Mayor to sign and the City Secretary to attest deeds without warranty conveying 15 feet each to adjacent property owners and retaining the center 30 feet.

Mayor Brimage stated that this has been an ongoing situation and there were three different scenarios that could be done to keep everyone happy in this situation. Considering that the requirement for a city street is 26 feet so the fire trucks can go thru the City would retain 30 feet, 15 feet to Mr. Marquez and 15 feet to Mr. Gomez. Mayor Brimage stated that he also met with Mr. Hayes and that he was ok with doing it this way.

Councilman Bass asked Mr. Hayes and Mr. Marquez if they were ok with this proposal and they both said yes. He stated that he had a problem in the ROW for potential development and he also had issues with his interpretation of the law but he said the people that are involved are ok.

Councilman McDonald stated that there were still utilities behind the property and that he wants to make sure we have a way to access them so that we don't have to tear down fences and continue to replace them like we have in the past.

On a motion by Councilman Yates, seconded by Councilman Bass, with all present voting "Aye", Council unanimously approved an Ordinance No. 2018-2146 closing a portion of Ash Street South of 9th Street, and authorizing the Mayor to sign and the City Secretary to attest deeds without warranty conveying 15 feet each to adjacent property owners and retaining the center 30 feet.

Consideration of approving Ordinance 2018-2147 amending the budget for 2017-2018.

Mr. Welch gave the dollar amounts for the budget adjustment. Mayor Brimage stated that in order for us to focus on the infrastructure and fix the streets we have to do the budget adjustment to pay for it. Councilman McDonald asked if we would be doing the work in house or have it hired out. Mr. Welch said that we would have it hired out.

Councilwoman Mireles asked if they were going to fix 2nd Street. David Hoelewyn said it was tabled last year because of the way it was going to be done but that he would like to meet with council so they could discuss it.

Councilman McDonald stated that there are two layers on 2nd street and that they just keep adding on to the top of the road.

Councilman Yates asked about the bidding process and if David would be going out for sealed bids.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved Ordinance 2018-2147 amending the budget for 2017-2018.

Consideration of approving Resolution No. 2018-2537 authorizing Crime Victim's Advocate Position to be operated for the 2018-2019 and 2019-2020 Fiscal Year.

Tabled

Consideration of accepting Racial Profiling Report for 2017.

Police Chief Garivey stated that the racial profiling report is mandated by the state and it has to by law be shared with Mayor and Council. He said that he is proud of his department and they are all following protocol.

Consideration of setting a date for Public Hearing on a proposed Rental Inspection Ordinance.

Mayor Brimage said he wanted citizens, landlords, or renters to come in and express their concerns, support or against a stringent rental inspection ordinance. Set the Public Hearing date for March 20, 2018.

On a motion by Councilman McDonald, seconded by Councilman Bass, with all present voting "Aye", Council unanimously approved setting a date for Public Hearing on a proposed Rental Inspection Ordinance.

Consideration of setting a date for Public Hearing to discuss road improvements for Ward A-D.

Mayor Brimage said the he wanted to hear from the citizens of Freeport and to express their concerns are on our roads. Set the Public Hearing date for March 20, 2018.

On a motion by Councilman McDonald, seconded by Councilwoman Mireles, with all present voting "Aye", Council unanimously approved setting a date for Public Hearing to discuss road improvements for Ward A-D.

Consideration of approving a Temporary Easement for placement Area 88 (Bryan Beach State Park Site) and authorizing the Mayor and the City Secretary to execute and attest the same.

Mayor Brimage said that Corps. Of Engineers has had a lease with the City for years and it wouldn't hurt the City it's just land that they are dredging out the intercostal and pumping mud on to the land out on the wetlands onto Bryan beach. Mayor Brimage also stated that this is a temporary easement until we can come up with an agreement so they can continue to dredge the intercostal.

Councilman Bass asked how long the temporary easement was and at one time the drainage district sent a letter stating our levees didn't meet specifications and that we would lose certification for the flood insurance. Mayor Brimage said he didn't believe the P88 agreement will have any leverage on fixing the levee road.

Councilman McDonald asked if you could still travel levee road Mayor Brimage stated just at night.

Mayor Brimage stated we have 2 years to decide what we want to do and maybe we can get the road redone for a longer term lease.

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved a Temporary Easement for placement Area 88 (Bryan Beach State Park Site) and authorizing the Mayor and the City Secretary to execute and attest the same.

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

No action taken.

Work Session:

Mayor Troy T. Brimage announcements and comments.

Mayor Brimage said he would update when they get to the Work Session.

Councilman McDonald Ward A announcements and comments.

Councilman McDonald East End of town is getting to look vacant and the Port is taking more trees and houses down.

Councilman Bass Ward B announcements and comments.

Councilman Bass stated he had questions about the alleys.

Councilwoman Mireles Ward C announcements and comments.

Councilwoman Mireles stated that she had to call Vernor Material and let them know that a truck was speeding down the East End. She said there is residents that still live their and they needed to be careful. She also stated that she spoke to David and addressed her concerns in her Ward about the streets.

Councilman Yates Ward D announcements and comments.

Councilman Yates mentioned if our insurance rates go up on account of levee road maybe they could put in another detention pond.

Updates on current infrastructure.

Update by Jerry Meeks on Alley Projects.

Mayor Brimage stated that this is money that Jerry had left over from another project and instead of returning it the City allocated it to continuing the upgrade of the alley's and that is what Mr. Meeks is going to talk about.

Mr. Meeks handed out a drawing of the alley's and sewer lines that were being replaced. He said 50 percent of it was done. Councilman Bass asked who was doing the work besides Veolia and if there was a contract with Veolia and SJC. Councilman Bass asked to see a contract. He also stated that the recovery process that isn't Veolia's responsibility but SJC is not being done in an appropriate matter. Mayor Brimage advised that the City is done with SJC and they still need 11 alleys' to be finished. Mr. Meeks agreed to get contract between Veolia and SJC to Mr. Bass.

Councilwoman asked if there was a different material that could be used for our alleys so we could get more than what we are paying for.

Councilman Yates asked how much it was for one alley David Hoelewyn said \$10,000 per alley.

Councilman Bass asked to camera the sewer lines that were under asphalt to make sure they were ok.

Update by Jerry Meeks on sewer repair.

Mr. Meeks said that the sewer repair on the East End is complete. Ms. Williams thanked Veolia for everything they did on the East End. He stated that they would start repairing the sewer line on South Avenue I and then start working on the water line on Broad Street.

Update on Storm Pumps for Velasco Drainage and City.

Mayor Brimage stated that Velasco Drainage said they would be replacing the pumps that they lost during Harvey.

David Hoelewyn said the City would have 2 new pumps and 2 rebuilt pumps.

Update on Hwy 288 and Brazosport Blvd.

Mayor Brimage spoke to Mark McGuire from TX DOT and he said that they would be starting in 2 weeks. He advised everyone to call Mr. McGuire and voice your concerns about 288.

Melanie Oldham asked if TX DOT would tell us where the money went. Mayor Brimage stated he didn't know.

Update on light at Hwy. 36 and Velasco repair.

Kim Townsend stated it is fixed but that the light was put at an angle and doesn't give off that much light.

Update on Downtown Parking Lot.

Mayor Brimage stated that it is done and has 30 parking spots.

Update on parking in front yard Ordinance.

Billy Shoemaker said the Ordinance has passed as of October 16th he said they have been giving courtesy notices and notifying people with door hangers. He stated quite a few people have responded to it and in the next few weeks they will start issuing letters to the people that have not responded. Councilman Bass asked Billy if next time he could bring an updated tally for the number of people that have been given citations or notices. Councilman Yates asked if this was just front yards Billy said yes the Ordinance just states front yard only.

Update on Master Plan and the next meeting dates.

Jennifer Hawkins said it will be held Thursday March 8, 2018. Mayor Brimage asked about the whole master plan date and Jennifer said it would be held sometime in August.

Update on Reports / Concerns from Department heads.

Mayor Brimage asked if anyone had any concerns to the Department Heads.

Sabrina Brimage asked Billy Shoemaker about a house on the corner by the Rec. Center. Billy stated he would go take a look at it.

Citizen asked David Hoelewyn about a generator by Superior if it was in good working condition. David Hoelewyn said yes it was working and does a cycle every Tuesday or Thursday it fires itself up and runs for so long and then cuts off.

Citizen asked David Hoelewyn if there was an electrician or anyone on contract that could come and maintain the pumps. Mr. Hoelewyn stated that the City doesn't have anyone but they are working with different companys.

Melanie Oldham asked Mr. Hoelewyn who was the one to determine what streets were going to be done. Mr. Hoelewyn said he was told to do those streets. Melanie asked who over ruled Mr. Hoelewyn. Mayor Brimage stated that was the past and we will have a public hearing so the citizens can tell us what streets to repair.

Jeff Pena stated that he filled out his application to be a candidate for Ward A and that he had some technicalities that may disqualify him from running. He wanted to know how was this ordinance on the general election going to be passed if the ordinance needed to be passed prior to a certain date. Mayor Brimage stated in section 3.005 in the election code that it's a 78 day requirement and in section 3.007 it states if the City misses the 78th day that it does not affect the validity of the election. Mr. Pena stated in terms of the flexibility to the dates that the city was awarded to the state he was curious if the same flexibility might be awarded to him. Mayor Brimage stated he would get with Mr. Shaw and Olson and Olson. Mayor Brimage also thanked him for being on the EDC board and encouraged him to run again.

Update on the ability to pay water bill online.

Mayor Brimage stated it would be no cost to the city and the ability to pay the water bill on your phone will be coming soon.

Update on Urban Renewal concerns i.e., Traffic, Road Conditions, Etc.

Mayor Brimage stated that on Gulf Blvd. they had a sweeper that was sweeping the mud into the parking lots off the state highway into the parking lot of the business owners. He had our vacuum truck go clean the parking lots of our business owners first and that we charged the man hours and the equipment back to the company.

Mayor Brimage told Councilwoman Mireles that he went to the lady's house off Avenue G and they witnessed some road destruction and Billy has gotten with the company and they will take care of the damages.

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 of 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

Adjourn

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting "Aye", Mayor Brimage adjourned the meeting at 7:46 PM.

Mayor, Troy T. Brimage
City of Freeport, Texas

City Secretary, Ursula Reyes
City of Freeport, Texas

