

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, October 7, 2019 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 Brimage
Councilman Brooks Bass
Councilman Ken Green
Councilwoman Sandra Loeza
Councilman Roy E. Yates

Staff: Tim Kelty, City Manager
Betty Wells, City Secretary
Chris Duncan, City Attorney
Stephanie Russell Assistant City Manager
Brenda Miller-Ferguson Human Resource Director
Nat Hickey, Property Manager
Courtland Holman, Economic Development Director
David Hoelewyn-Street Department Director
Laura Tolar-Special Projects Coordinator Assistant City Secretary
Danny Gillchrist-Police Captain
Billy Shoemaker-Building Department Director
Michael Praslicka-EMS Coordinator
Ray Garivey-Freeport Chief of Police
Kim Townsend-Parks Director

Visitors: Melanie Oldham Angie Williams
Edmeryl Williams Manning Rollerson
Jerry Meeks Desiree Pearson
Tommy Pearson Kenny Hayes
Donna Hayes Lloyd Biggs
Eric Hayes Sabrina Brimage
Keith Stumbaugh

Call to order.

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

PRESENTATIONS/ANNOUNCEMENTS: Announcements by Mayor, City Council and/or Staff

There were no presentations/announcements.

Citizen's Comments

Mr. Keith Stumbaugh spoke to Council on the proposed Garage Sale Ordinance. He recommends looking at zoning instead of putting a blanket rule on everyone when it's really not necessary. There are only a handful of problem situations across the City.

Mr. Manning Rollerson spoke to Council in regards to the flooding on the West Side of 6th and Cherry Streets. He said that his concern is that the ditches are dirty and have trees growing in them. He expressed the water has nowhere to drain.

Mr. Kenny Hayes spoke to Council in regards to the flooding issue. His concern is the drainage and the generator that should be hooked up and ready to go. Mr. Hayes feels the City Manager should turn the drainage pumps over to someone that can manage the pumps. He suggested Veolia.

Mr. Lloyd Biggs spoke to Council in regards to the flooding issue that he has seen in Ward A. He wants to know why there is nothing in place to pump the water from the ditches. He wants to know why nothing has been done to control the flooding.

Ms. Melanie Oldham spoke to Council in regards to the proposed garage sale ordinance. She does not feel that we need to have a garage sale ordinance. She also commended the Leaders of Freeport on being open with posting the Agenda and supporting documents on the website so that residents can also view.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from September 16, 2019

Consideration of approving a request from Brazosport High School for road closures during the 2019-2020 Brazosport High School Homecoming Parade.

On a motion by Councilman Bass, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved the Consent Agenda

REGULAR SESSION

Public Hearing: Public Hearing and possible action of a proposed replat. being a Plat Partition Survey of Lot 9 (Unrecorded Subdivision), situated in the William M. McDermott League, Abstract No. 341 in Brazoria County, Texas.

Public Hearing was opened by Mayor Brimage at 6:17 PM. Billy Shoemaker, Building Department Director presented Council with possible action of a proposed replat being a Plat Partition Survey of Lot 9 (Unrecorded Subdivision), situated in the William M. McDermott League, Abstract No. 341 in Brazoria County, Texas. There were no comments from the public. Mayor Brimage closed the Public Hearing at 6:18 PM.

On a motion by Councilman Bass, seconded by Councilman Green, with all present voting "Aye", Council unanimously approved the proposed replat being a Plat Partition Survey of Lot 9 (Unrecorded Subdivision), situated in the William M. McDermott League, Abstract No. 341 in Brazoria County, Texas.

Public Hearing: Public Hearing and possible action of a proposed Plat of Lots 202 and 203, Block 1 of the amended plat of Lazy Oak Ranch Subdivision and a portion of a called 3.84-acre tract in Brazoria County, Texas.

Public Hearing was opened by Mayor Brimage at 6:19 PM. Billy Shoemaker, Building Department Director presented Council with possible action of a proposed Plat of Lots 202 and 203, Block 1 of the amended plat of Lazy Oak Ranch Subdivision and a portion of a called 3.84-acre tract in Brazoria County, Texas. Mr. Shoemaker stated that they are just realigning the lots lines, squaring them up. Councilman Green asked if this was the perimeter, Mr. Shoemaker answered with no it is just squaring up the lot lines. There were no comments from the public. Mayor Brimage closed the Public Hearing at 6:21 PM.

On a motion by Councilman Bass and seconded by Councilman Green with all present and voting “Aye” Council unanimously approved proposed Plat of Lots 202 and 203, Block 1 of the amended plat of Lazy Oak Ranch Subdivision and a portion of a called 3.84-acre tract in Brazoria County, Texas.

Public Hearing: Conduct the second public hearing to review the Juvenile Curfew Ordinance of said City codified as Section 130.20 through 130.99 of said Code of Ordinances, for purpose of determining whether or not to abolish, continue or modify said ordinance.

Public Hearing was opened by Mayor Brimage at 6:22 PM. Chief Raymond Garivey presented to Council the Juvenile Curfew Ordinance of said City codified as Section 130.20 through 130.99 of said Code of Ordinances, for purpose of determining whether or not to abolish, continue or modify said ordinance. Mr. Kelty explained to Council and the public that this ordinance has to be reviewed, and reconsidered every three years. No comments from the public. Councilman Bass asked if we were re-adopting the same ordinance, he asked why the Chief wanted to readopt, and expressed that if we have more amenities for the youth to do, then we need to come back and look at this ordinance. He feels that they need to be allowed to stay out later if there are safe amenities. Councilman Yates asked what the age limits are. Captain Gillchrist said up to the age of fourteen have to be off the streets by 10:00 PM on weeknights, and 11:00 PM on weekends. Ages fifteen to seventeen must be off the streets by 11:00 PM on weeknights, and midnight on the weekends. Councilwoman Loeza asked if we want to look at this again before the three years, can we. Mr. Kelty said this ordinance can be reviewed at any time. Mayor Brimage closed the Public Hearing 6:25 PM.

On a motion by Councilwoman Loeza and seconded by Councilman Green with all present and voting “Aye” Council unanimously approved the Juvenile Curfew Ordinance No. 2019-2584 Section 130.20 through 130.99 of said Code of Ordinances.

Consideration of approving Ordinance No. 2019-2585 creating standards for garage sale.

Billy Shoemaker, Building Department Director, presented Council with possible action of a proposed Ordinance No. 2019-2585. He said that the Planning Board asked to review the garage sale ordinance. The City did not currently have regulations on garage sales. He said based on his research with other area cities, all other cities investigated regulated garage sales. Our city is one of the very few that does not. Under the proposed garage sale ordinance there is no fee for the permit, the residents would fill out the application and identify the date and location of the sale. The purpose for this ordinance is to prohibit the habitual garage sales that are running businesses from their homes. He also stated that the State Comptroller says, that more than two garage sales in one calendar year requires the registration as a business and get a tax ID number, and pay sales tax. Councilman Bass asked if there were two or more garage sales at a certain site, will the City be responsible to notify the State for sales tax. Mr. Duncan said that for informational purposes it is easier to treat everyone fair if the city has record of who has

applied for a permit. Mr. Kelty said, in regard to Mr. Stumbaugh suggestion to enforce this as a zoning issue, that enforcing zoning regulations is more cumbersome than if it is a simple code issue. Also, with regard to the fine, it is up to that amount, and then the Judge will determine the actual amount. Councilwoman Loeza asked if the two per year is standard in other cities. She also asked if the signs have to be in the yard only. Mr. Stumbaugh suggested four per year. Manning Rollerson said that 8th Street has quite few habitual people having garage sales. He also said it's our constitutional right. Mr. Ruben Rubenato said that he would recommend three garage sales per year. Two being personal and one being city-wide with the exception of an estate sale. Mayor Troy Brimage said that the city has bigger issues to take care of than hosting a city wide garage sale.

On a motion by Councilman Bass as written and seconded by Councilman Yates with all present and voting "Aye" Council unanimously approved Ordinance No. 2019-2585 as presented creating standards for garage sale.

Consideration of approving Ordinance No. 2019-2586 Repeal and Replace Chapter 153, and adopting a new Chapter 153 Flood Damage Prevention Ordinance.

Billy Shoemaker, Building Department Director, presented Council with possible action of proposed Ordinance No. 2019-2586. He said that on May 13, 2019 the city had a CAV (Community Assistant Visit) meeting with FEMA. With this visit they reviewed building plans, property that has been built over the years, city ordinances, and internal practices for maps. Out of this visit came three recommendations. One of them is this update of Chapter 153 which is the flood damage prevention program. In this chapter there were some definition deficiencies. Some things were not identified in our existing ordinance. According to our current ordinance, we were using the 1983 FIRM map and should be using the 1993 Version. Mr. Shoemaker said this is a house keeping item to make sure the city stays consistent with FEMA regulations as to not jeopardize flood policies in the City of Freeport.

On a motion by Councilman Bass and seconded by Councilman Green with all present and voting "Aye" Council unanimously approved proposed Ordinance No. 2019-2586_Repeal and Replace Chapter 153, and adopting a new Chapter 153 Flood Damage Prevention Ordinance.

Consideration of approving Resolution No. 2019-2610 adopting the FEMA letter of map change (LOMC) process.

Billy Shoemaker, Building Department Director, presented Council with possible action of proposed Resolution No. 2019-2610; he said that the meeting the City had back in May with FEMA this is one of the three issues they found, the lack of documentation that the City participates in the LOMC process. The city does want to participate in the LOMC, but we did not have the letter that stated that we were authorized to participate. With the adoption of this resolution this will clean up this issue, it states that the City will participate in future map processes.

On a motion by Councilwoman Loeza and seconded by Councilman Yates with all present and voting "Aye" Council unanimously adopted proposed Ordinance No. 2019-2610 adopting the FEMA letter of map change (LOMC) process.

WORK SESSION:

Mayor Troy Brimage announced that the Back the Blue football game at Hopper Field will be Friday October 11, 2019 at 7:30 PM. He also congratulated Kim Townsend on the lift truck. He also said that on the Port of Freeport's agenda for Thursday night there is an agenda item that the Port will be considering pursuing eminent domain for the East End property.

Councilman Green spoke on the situation on the west side of 6th Street and Cherry. Mr. Green said that there is a lot of debris and brush in the ditches; he said that it is an issue. He said with the flooding situation it is a real deal, and that the City has to stay on top of it. He asked Street Director David Hoelewyn if there was paving planned for Broad by the railroad.

Councilman Bass commended the City workers for being out in the six and half inches of rain we received in forty-five minutes on Thursday. He knows that they did the best that they possibly could. He knows that Manning Rollerson spoke on the Velasco side of town; the city has got to figure out some way to keep those ditches cut. He said that he knows the Planning commission is looking at this, as well as Mr. Kelty. According to City ordinance it is the responsibility of the home owner to take care of the ditches that run alongside of the property especially the back of the alley, but when they are used for City drainage it becomes part of the City's responsibility as well. He said that Council will be talking and trying to figure this out. He said that he has been speaking with Freese and Nichols about the flooding on Velasco. Mr. Bass mentioned the Methodist Fish Fry and asked Kim for community service workers Saturday October 12, 2019 from 11-2. He also wanted to recognize the City of Freeport's very own Breanna Brimage who was a candidate for Brazoria County Fair queen.

Councilwoman Loeza asked David Hoelewyn the Street Department Director if he knew when they would be starting the work Victoria Street, he said that it should be the next one. She asked him if it will not be soon if he could fill in the pot holes. She asked about Jones Street, and the 1900 block of North Ave H. David said those should have been done this morning, and if not it would be on Tuesday.

Councilman Yates talked about the flooding and said on Ave A. the owner of Mikes Machine shop said, he had about four inches of water in his shop and he has never had water in his shop before. He said that there in a pump in back that the City had out there and no one turned it on. David said that when the power goes completely off one of the pumps is on a seven minute delay and will not come back on for seven minutes. The other pump has a five minute delay when the power goes completely off. The pumps come on automatically when the float gets to a certain height. Mr. Pearson asked why we didn't have a backup generator sitting just in case there was a power failure since the City new the generator was down. He asked if there should be two streams of water from the pumps, or one stream. He said that there was only one stream. He asked how we know the pumps are running. There are no gauges. He asked about the third pump where this pump was at. Mayor Brimage said that he takes full responsibility for this, and we can guarantee that we will be getting with Freese and Nichols who is qualified to tell us what we need to do to fix the problem at the pump stations.

City Manager Tim Kelty said that Tuesday morning the he asked for a ten-inch pump in place on Velasco and a backup generator at the pumps near the service center on stand-by from the rental company that has the pumps. Mr. Kelty said this is his fault that he did not say to have the generator in place prior to the storm hitting. He said that he now knows. He said that this was his call and he made the wrong one. He said there are places that we can improve on. He has Freese and Nichols working on a proposal that he can bring back to council. In regards to drainage, and storm water utility to make sure our ditches are clean and the equipment is working properly. Mr. Kelty also said that Ms. Russell, Mr. Holman and he are going to a meeting on Tuesday morning to the Texas Water Development Board, to look at grant funding for some infrastructure needs water, sewer and drainage. He feels that it will be very important for the City. Also they will be at TML on Wednesday-Friday. Mr. Kelty said that we had a successful National Night Out.

Update on reports / concerns from Department heads

Stephanie Russell Assistant City Manager spoke to Council about the EDC balloon payment that they had planned to refinance. But after review from the City's Bond Council, the city was advised to pay off the loan entirely, due to some issues with the original loan itself. Since the EDC cannot afford to pay off the loan itself, staff is working on what the EDC can pay and a recommendation for council. They are currently working on the terms of a 380 Agreement with the EDC that be brought before Council before the loan is due in November.

Kim Townsend said that the volleyball sand was delivered today it is ready to spread tomorrow and the poles are in. The striping of the parking lot will be done this week. The Seniors Harvest Fest is October 21 at Riverplace. The Recreation Center has the Fall Fest and Trunk or Treat October 24 at Riverplace from 5-7 PM. She thanked Council for the bucket truck.

Courtland Holman said that he will be TEDC conference the same time that Mr. Kelty will be at TML.

Open session was closed at 7:10 pm and Council entered into Executive Session.

CLOSED SESSION:

Executive Session regarding economic development (Projects 2019-2 and 2019-3) and Attorney Consultation (Potential Litigation) in accordance with Vernon's Texas Government Code Annotated, Chapter 551, 551.087 and Chapter 551, 551.071.

REGULAR SESSION

Mayor Troy Brimage opened regular session at 7:46pm

Consideration in open session of taking action on any matter discussed in closed executive session

No action taken.

Adjourn

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

Mayor, Troy Brimage
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas