

**CITY OF FREEPORT
PLANNING COMMISSION
Tuesday, August 26, 2008, 6:00 p.m.
Freeport Police Department, Municipal Courtroom
430 North Brazosport Boulevard
Freeport, Texas**

AGENDA

*Diane Williams, Chairperson
Raul Ramirez
Roberto Caceres*

*Eric Hayes
Alonzo Martinez
Reuben Cuellar*

NOTICE is hereby given that the Planning Commission of the City of Freeport, Texas will meet in a regularly scheduled meeting on **Tuesday, August 26, 2008 at 6:00 P.M.** at the Freeport Police Department, Municipal Courtroom, 430 North Brazosport Boulevard, Freeport, Texas, to discuss the following:

1. Open Meeting.
2. Invocation.
3. Approval of minutes for August 12, 2008.
4. Discuss/consider changing the day of Planning Commission meetings.

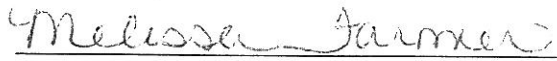
WORK SESSION

1. Further discussion and consideration of the recommendations to City Council regarding changes, if any, to safety inspections under Section 151.23(D) and 151.28(A) of the Code of Ordinances.
2. Discuss scope and procedures of the Planning Commission.
3. Adjourn.

NOTE: ITEMS NOT NECESSARILY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE COMMISSION, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS AS LISTED.

This notice is posted pursuant to the Texas Open Meeting Act (Chapter 551, Government Code).

I, Melissa Farmer, Building/Permit Department Secretary, City of Freeport, Texas, hereby certify that this Agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building with 24-hour access, at 200 West 2nd Street, Freeport, Texas, on or before Friday, August 22, 2008 at 5:00 P.M.



Melissa Farmer
Building/Permit Department
City of Freeport

STATE OF TEXAS)(

COUNTY OF BRAZORIA)(

CITY OF FREEPORT)(

BE IT REMEMBERED that the Planning and Traffic Commission of the City of Freeport, Texas met in a **Workshop** on **Tuesday, August 12, 2008 at 6:00 P.M.** at the Police Department Conference Room, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

Planning Commission:

*Diane Williams, Chairperson
Raul Ramirez
Roberto Caceres
Eric Hayes
Alonzo Martinez
Reuben Cuellar*

Staff:

*Gary Beverly
Larry Ellis
Melissa Farmer
Wallace Shaw
Nat Hickey
Fire Chief - John Stanford*

Visitors: Joyce Adkins

Open Meeting

Ms. Diane Williams called meeting to order at 6:00 P.M.

Invocation

Mr. Reuben Cuellar opened meeting with prayer.

Approval of Minutes

Mr. Eric Hayes moved to accept the minutes for July 28, 2008, seconded by Mr. Alonzo Martinez, unanimous vote for approval.

Further discussion and consideration of the recommendations to City Council regarding changes, if any, to safety inspections under Section 151.23(D) and 151.28(A) of the Code of Ordinances.

Ms. Diane Williams discussed with the Planning Commission members that City Council had passed their recommendation to put a moratorium on the safety issues for 180 days and that she did not think that they would need that long to come up with a recommendation to send back to City Council on the safety permits. Mr. Raul Ramirez stated that he did not want to totally repeal the safety inspections.

Fire Chief John Stanford spoke to the Planning Commission members and handed out copies of the City of Rosenberg's Ordinances. He discussed at length the issues and ways to protect the citizens of Freeport.

Mr. Eric Hayes and Mr. Alonzo Martinez wanted to know why the Planning Commission couldn't just take out the second sentence that reads, "whenever any service is disconnected to any building structure for any cause whatever (expecting nonpayment of bill) a clearance will be necessary before each building or structure can be reconnected." Ms. Diane Williams stated that the members did not need to rush into any decisions and that they needed to take their time and come up with solutions that were going to protect the citizens.

Ms. Diane Williams asked Mr. Wallace Shaw and the City Manager, Gary Beverly, to compile information and try to get it to the members before the next meeting so that they had some references to look at so that they could come to the next Planning Commission meeting and make uniformed decisions.

Mr. Alonzo Martinez made a motion to remove from Section 151.28(A) the second sentence, seconded by Mr. Rueben Cuellar.

By a vote of 3 to 3, with Ms. Diane Williams, Mr. Raul Ramirez and Mr. Roberto Caceres voting against, the motion was denied.

Adjourn

Mr. Eric Hayes made a motion to adjourn, seconded by Mr. Alonzo Martinez. Meeting was adjourned at 7:45 P.M.

These minutes read and approved this _____ day of _____, 2008.

Diane Williams, Chairperson

SAFETY INSPECTIONS

I. § 151.28 CONNECTION WITH ELECTRICAL SERVICE; PREREQUISITE.

(A) It shall be unlawful for electrical supply agency operating in the city to furnish current to any new building, tent, structure, or outdoor wiring of any kind, nature, or description, without first obtaining a clearance from the Electric Inspector, stating that such wiring is approved and a permit has been issued for the use of current. *Whenever any service is disconnected to any building structure for any cause whatever (excepting nonpayment of bill) a clearance will be necessary before each building or structure can be reconnected.* On all commercial buildings which are vacated the electric supply agency shall remove their meter and not reinstall the meter until the City Electric Inspector shall inspect the building and issue a permit.

(B) No wiring or equipment shall be connected without approval of the City Electric Inspector. No meter shall be installed until a certificate of inspection has been issued.

('68 Code, § 39-55) (Ord. 102-B, passed 5-15-40; Am. Ord. 2005-2100, passed 9-19-05) Penalty, see § 10.99

ADVANTAGES:

- We have received numerous “thank you’s” from people that said the inspection prevented a fire in their home.
- Creates a “minimum living standard” for citizens and landlords.

DISADVANTAGES:

- Requires safety inspection prior to electrical turn-on, inconveniencing citizens.
- With deregulation, the City gets blamed for slow response from the Electrical provider and CenterPoint.
- In the case of a rental unit, it places the burden of making the fixes on the renter, instead of the landlord.

II. OPTIONS TO TAKE NOW

- Eliminate: “*Whenever any service is disconnected to any building structure for any cause whatever (excepting nonpayment of bill) a clearance will be necessary before each building or structure can be reconnected.*” from the ordinance.

Alternatives for Section 151.23(D)

1. Leave unchanged.
2. Repeal

Alternatives for Section 151.28(A)

1. Leave unchanged
2. Repeal second sentence which reads:

“Whenever any service is disconnected to any building structure for any cause whatever (excepting nonpayment of bill) a clearance will be necessary before each building or structure can be reconnected..”

3. Amend second sentence to read:

“Whenever any service is disconnected to any building or structure for any cause whatever (excepting nonpayment of bill), and more than six (6) months have elapsed since the last electrical inspection of such building or structure, a clearance will be necessary before each building or structure can be reconnected..” (Emphases added for discussion only).

(B) A permit application covering the installation of motors on any job shall specify each motor individually and no grouping of motors or other such grouping of horsepower shall be permitted.

(C) When an inspection is made as required by this code and the work, as completed, fails to pass so that an additional inspection is required, then a \$7 reinspection fee shall be charged for each reinspection.

(D) Requested safety inspections of existing buildings shall require a \$5 fee.

(E) In the event that work for which a permit is required by this code is done prior to the required permit being issued, then a \$10 fee shall be added to the permit fee, or the fee shall be doubled, whichever is greater. It is specifically provided, however, that this provision shall not apply to work started on Saturday, Sunday, or legal holidays if the required permit is obtained by 12:00 noon of the first work day following such Saturday, Sunday, or legal holiday. The additional fee is imposed to defray additional costs of inspecting work already done or in progress and the issuance of permits under such circumstances and is not a penalty nor preclusive of any remedy otherwise available to the city to enforce this code. ('68 Code, § 39-52) (Ord. 102-B, passed 5-15-40; Am. Ord. 1563, passed 9-12-83; Am. Ord. 2005-2100, passed 9-19-05) Penalty, see § 10.99

§ 151.24 INSPECTION PROCEDURES.

(A) Master electricians shall at all times keep the Electric Inspector notified of the progress of their work. Upon receipt of an application requesting inspection, the Electric Inspector shall inspect or cause to be inspected said work within 24 hours after receiving the application. Sundays and holidays are not included in this time.

(B) No inspections may be called for except by the person holding the permit. ('68 Code, § 39-53) (Ord. 102-B, passed 5-15-40; Am. Ord. 2005-2100, passed 9-19-05) Penalty, see § 10.99

§ 151.25 RIGHT OF ENTRY TO REMOVE OBSTRUCTION.

(A) The Electric Inspector shall have the right during reasonable hours to enter any building or premises in the discharge of his official duties, or for the purpose of making any inspections, reinspections, or tests of the electrical equipment contained therein or its installation.

(B) The Electric Inspector shall have the right to remove or compel the removal of an obstruction such as lath, plastering, ceiling, or flooring which may hinder a full and complete inspection of such wires or apparatus.

(C) The City Electric Inspector may remove or compel the removal of any conductors which are enclosed in conduit or otherwise inaccessible for complete inspection. When the conductors or appliances are not in accordance with the requirements of this chapter, or found to be unsafe to life and property, he shall have the right to condemn such conductors or appliances. ('68 Code, § 39-54) (Ord. 102-B, passed 5-15-40; Am. Ord. 2005-2100, passed 9-19-05)

§ 151.26 AUTHORITY TO ORDER REPAIR; DISCONNECT.

When any electrical equipment is found by the Electric Inspector to be dangerous to persons or to property because it is defective or defectively installed, the person responsible for the electrical equipment shall be notified in writing and shall make any changes or repairs required in the judgment of the Electric Inspector to place such equipment in safe condition. If such work is not completed within 15 days or any longer period that may be specified by the Electric Inspector in said notice, the Inspector shall have the authority to disconnect or order the discontinuance of the electrical service to said electrical equipment. In cases of emergency, where necessary for safety of persons or of property, or where electrical equipment may interfere with the work of the Fire Department, the Electric Inspector shall have the authority to immediately disconnect or

cause the disconnection of any electrical equipment. ('68 Code, § 39-55) (Ord. 102-B, passed 5-15-40; Am. Ord. 2005-2100, passed 9-19-05)

meter shall be installed until a certificate of inspection has been issued.

('68 Code, § 39-55) (Ord. 102-B, passed 5-15-40; Am. Ord. 2005-2100, passed 9-19-05) Penalty, see § 10.99

§ 151.27 FINAL INSPECTION; CERTIFICATE.

(A) Upon completion and receipt of final inspection papers covering electrical work, the Electric Inspector shall make a final inspection and if such work is found to comply with this chapter, a certificate of inspection shall be issued stating that the work has been done according to the provisions of this chapter and the rules governing the respective class to which it belongs.

(B) This certificate shall not relieve the master electrician of his responsibility for any defective work that may have been concealed or escaped the notice of the Inspector.

('68 Code, § 39-55) (Ord. 102-B, passed 5-15-40; Am. Ord. 2005-2100, passed 9-19-05)

§ 151.28 CONNECTION WITH ELECTRICAL SERVICE; PREREQUISITE.

(A) It shall be unlawful for electrical supply agency operating in the city to furnish current to any new building, tent, structure, or outdoor wiring of any kind, nature, or description, without first obtaining a clearance from the Electric Inspector, stating that such wiring is approved and a permit has been issued for the use of current. Whenever any service is disconnected to any building structure for any cause whatever (excepting nonpayment of bill) a clearance will be necessary before each building or structure can be reconnected. On all commercial buildings which are vacated the electric supply agency shall remove their meter and not reinstall the meter until the City Electric Inspector shall inspect the building and issue a permit.

(B) No wiring or equipment shall be connected without approval of the City Electric Inspector. No