

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council met on Monday, September 14, 2015 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 Norma Moreno Garcia
Councilman Larry L. McDonald – Absent
Councilman Fred Bolton
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Assistant City Attorney
Delia Munoz, City Secretary
Wallace Shaw, City Attorney
Nat Hickey, Property Manager
Bob Welch, Finance Director
Brian Davis, Fire Chief
Dan Pennington, Police Chief
Loni Kershaw, Human Resources
Brian Dybala, Golf Director
David Hoelewyn, Street Department
Chris Motley, Fire Marshal/Building

Visitors: Laretta Lux Denny Corder
Melanie Oldham Jerry Meeks
Loren Hayes Eric Hayes
Lila Dielh Rudy Moreno
Willie Garcia Larry Fansher
Bill Morris

Call to order.

Mayor Norma Moreno Garcia called the meeting to order at 6:00 p.m.

Invocation.

Mr. Wallace Shaw offered the invocation.

Pledge of Allegiance.

Jeff Pynes City Manager led the Pledge of Allegiance.

Attending citizens and their business.

Mayor Norma M. Garcia thanked City staff for participating in the City Wide Cleanup, this past weekend September 12, 2015.

Consideration of approving September 3, 2015 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved the September 3, 2015 Council Minutes.

Public Hearing – Proposed budget for fiscal year.

Mayor Norma M. Garcia opened the Public Hearing on the proposed budget for Fiscal year 2015-2016.

City Manager Mr. Pynes presented to Council a PowerPoint presentation of the City’s \$21,348,711 budget for fiscal year 2015-2016. He reviewed and presented a summary of each department’s proposals, showing increases/decreases in some departments. This year’s budget of \$3,865,959.00 is the largest infrastructure improvement in any single year in Freeport’s history.

No further comments from Staff or audience, Mayor Norma M. Garcia closed the Public Hearing at 6:25 p.m.

Consideration of approving Ordinance No. 2015-2093 adopting a budget for the fiscal year 2015-2016 for the City of Freeport.

On a motion by Councilwoman Loeza, seconded by Councilman Bolton, with all present voting “Aye”, Council unanimously approved Ordinance No. 2015-2093 adopting a budget for the fiscal year 2015-2016 for the City of Freeport.

Consideration of approving Resolution No. 2015-2471 declaring that the operation within said City of a non-regulated night club at 127 West Second Street during any period of time beginning at 2:00 A.M. and ending at 7:00 A.M. on the same day would create a public nuisance; declaring a moratorium on the issuance of certificates of occupancy and other permits for such use at such location, or elsewhere within the City, that do not exclude operation as a non-regulated night club during any period of time beginning at 2:00 A.M. and ending at 7:00 A.M. on the same day; prohibiting such use during any period of time beginning 2:00 A.M. and 7:00 A.M. on the same day at such location or elsewhere within said City, pending consideration and adopting of an appropriate amendment to the Comprehensive Zoning Ordinance of the City to remediate such nuisance; directing the building official of the City to refrain from issuing any such certificates or permits that do not exclude operation as a non-regulated night club during any period of time beginning at 2:00 a.m. and ending at 7:00 A.M. on the same day until further orders of the City Council; directing the Planning Commission of the City to study and report to the City Council its recommendation regarding such amendment of the Zoning Ordinances.

Chief Pennington commented on a public safety standpoint that the club closes down at 2:00 a.m. There was another club in the City that was “bring your own alcohol”, and opened after 2:00 a.m., and there were continuance complaints of the club selling alcohol behind the bar, fighting and a gunshot call. The club eventually closed down.

Denny Corder club owner, updated Council on the TABC’s standard penalty chart. The fines that can occur conducting business.

Karetta Lux of 227 W. Prescott Dr., West Columbia is the club owner of 127 W. 2nd Street, does not sell alcohol, but wants to provide a place after clubs close down after 2:00 a.m. She provides pool tables, dance floor, and music. She has security officers and bouncers. Her club will provide coffee, and food. She feels that she is being treated differently and feels harassed by the police officers that do bar checks. She asked Council to grandfather her night club. She is not aware of any police reports on her establishment.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved Resolution No. 2015-2471 declaring that the operation within said City of a non-regulated night club at 127 West Second Street during any period of time beginning at 2:00 A.M. and ending at 7:00 A.M. on the same day would create a public nuisance; declaring a moratorium on the issuance of certificates of occupancy and other permits for such use at such location, or elsewhere within the City, that do not exclude operation as a non-regulated night club during any period of time beginning at 2:00 A.M. and ending at 7:00 A.M. on the same day; prohibiting such use during any period of time beginning 2:00 A.M. and 7:00 A.M. on the same day at such location or elsewhere within said City, pending consideration and adopting of an appropriate amendment to the Comprehensive Zoning Ordinance of the City to remediate such nuisance; directing the building official of the City to refrain from issuing any such certificates or permits that do not exclude operation as a non-regulated night club during any period of time beginning at 2:00 a.m. and ending at 7:00 A.M. on the same day until further orders of the City Council; directing the Planning Commission of the City to study and report to the City Council its recommendation regarding such amendment of the Zoning Ordinances.

Consideration of approving a request from the Fraternity of Eagles Aerie # 3111 for their Annual Turkey Shoot beginning October 18, 2015 and ending December 20, 2015 every Sunday from noon to 4:00 p.m.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved a request from the Fraternity of Eagles Aerie # 3111 for their Annual Turkey Shoot beginning October 18, 2015 and ending December 20, 2015 every Sunday from noon to 4:00 p.m.

Consideration of approving and authorizing the Mayor to sign an order of Demolition on 411 South Ave. F and 1026 West 4th. , that fails to meet standards set forth in the Standard Unsafe Building Abatement Code.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously the Mayor to sign an order of Demolition on 411 South Ave. F and 1026 West 4th., that fails to meet standards set forth in the Standard Unsafe Building Abatement Code.

Consideration of awarding the bid for the exchange of City owed property in Blocks 35, 71, 507, 661, 676, 720, 752, 755, 764, 789, 790, 809, 810 for Jordan owed properties in Blocks 716, 729, 730, 731, 742, 743, 760, 773.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting “Aye”, Council unanimously approved awarding the bid for the exchange of City owned property in Blocks 35, 71, 507, 661, 676, 720, 752, 755, 764, 789, 790, 809, 810 for Jordan owed properties in Blocks 716, 729, 730, 731, 742, 743, 760, 773.

Consideration of awarding a bid for a boat ramp and pier, and authorizing the City Manager or his designee to negotiate a contract with the successful bidder and authorizing the Mayor and City Secretary respectively to execute and attest such contract.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved and awarded the bid for a boat ramp and pier to Salt Water Salvage for \$163,000.00 and authorizing the City Manager or his designee to negotiate a contract with the successful bidder and authorizing the Mayor and City Secretary respectively to execute and attest such contract.

Consideration of authorizing the Mayor to sign a new agreement for Operations, Maintenance and Maintenance and Management Services, with Veolia Water North America –Central, LLC.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved the Mayor to sign a new agreement for Operations, Maintenance and Maintenance and Management Services, with Veolia Water North America –Central, LLC.

Consideration of approving Ordinance No. 2015-2094 amending Chapter 71 of the Code of Ordinances of said City to delete from Section 71.51 of said Code the intersection of Dixie Drive and Eighth Street as a two-way stop intersection and adding such intersection to Section 71.50 of said Code of Ordinances as a four-way intersection.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved Ordinance No. 2015-2094 amending Chapter 71 of the Code of Ordinances of said City to delete from Section 71.51 of said Code the intersection of Dixie Drive and Eighth Street as a two-way stop intersection and adding such intersection to Section 71.50 of said Code of Ordinances as a four-way intersection.

Consideration of approving Ordinance No. 2015-2095 amending Chapter 71 of the Code of Ordinances of said City deleting from Section 71.51 of said code the intersection of Dixie Drive and Fourth Street as a two-way stop intersection and adding such intersection to Section 71.53 of said Code of Ordinance as a three way stop intersection.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting “Aye”, Council unanimously approved Ordinance No. 2015-20952095 amending Chapter 71 of the Code of Ordinances of said City deleting from Section 71.51 of said code the intersection of Dixie Drive and Fourth Street as a two-way stop intersection and adding such intersection to Section 71.53 of said Code of Ordinance as a three way stop intersection.

Consideration of the approval of any action to be taken as a result of Executive Session.

No action taken

Mayor Norma M. Garcia closed the Formal Session and Opened the Executive Session at 6:55 p.m.

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:

- Praxair

Mayor Norma Garcia closed the Executive Session at 7:20 p.m. and reconvened the Formal Session to adjourn.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “Aye”, Mayor Norma M. Garcia adjourned the meeting at 7:20 p.m.

Mayor Norma Moreno Garcia
City of Freeport, Texas

Delia Munoz, City Secretary
City of Freeport, Texas