

NOTICE OF PUBLIC HEARING
THE FREEPORT CITY COUNCIL
MONDAY AUGUST 1, 2016, 6:00 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
FREEPORT, TEXAS
AGENDA

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Attending citizens and their business.
5. Consideration of approving July 18, 2016 Council Minutes. Pg. 639-643
6. Consideration of approving the sale of City's interest on Block 718, Lots 21-22 (undivided 50% interest) Velasco Townsite, known as 1727-1729 North Ave. P, Tax Id No. 8110-3120-000. Pg. 644-648
7. Consideration of authorizing the Mayor to sign an Interlocal Agreement with Brazoria County and the City of Freeport for the repair of streets for fiscal year 2016-2017. Pg. 649-652
8. Consideration of approving a request for a temporary mobile trailer for security to be located at 1517 E. Hwy. 322, Freeport for a period of one year. Pg. 653-657

Work Session:

- A. Gardo Campbell Properties discuss and review a development proposal of constructing 3 new homes approximately 1700 square feet and constructing one new barn dominium style, total of 4 new construction projects. Pg. 658-659
- B. Budget Presentation for fiscal year 2016-2017.

Adjourn

Items not necessary discussed in the order they appear on the agenda. The Council 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).

In compliance with the Americans with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meeting. Please contact the City Secretary office at 979-233-3526.

I, Delia Munoz City Secretary for the City of Freeport, Texas 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 hours a day public access, 200 West 2nd Street, Freeport Texas, July 29, 2016 at or before 5:00 p.m.

Delia Munoz - City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday July 18, 2016 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
Councilman Fred Bolton
Councilwoman Nicole Mireles
Councilwoman Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Assistant City Manager
Delia Munoz, City Secretary
Wallace Shaw, City Attorney
Dan Pennington, Police Chief

Visitors: Phyllis Saathoff Ravi Singhanian
Jason Hull Al Durel
Shane Pirtle Rudy Santos
Diana Kile Rheda Valrey
David Terry Jerry Meeks
Sam Reyna Jim Barnett
Larry Fansher Vivian Alford
Manning Rollerson Scott Click
Bill Morris Melanie Oldham
Gina Adams Landis Adams
Moby Burrige Evelyn Burrige
Troy Brimage Sabrina Brimage
Bill Merritt Mike Dobson
Kenny Verner Kelly Tobias
Felicia Harris Carmen Read
Jarvis Davis Johnathan Sublet
Desiree Pearson Annett Sanford
Marcus Lincoln Santos Aluiso
Donna Hayes

Call to order.

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

Invocation.

Johnathan Sublet, Servant Pastor from the Cross Over Community Church offered the invocation.

Pledge of Allegiance.

Mayor Norma Moreno Garcia led the Pledge of Allegiance.

Attending citizens and their business.

Manning Rollerson's concern is the speed of trucks on 2nd Street. He was almost run over and jumped in the ditch. He is in agreement that policemen are pulling over citizens running the stop sign on Yellowstone and Ave. O.

Ruben Renobato of 1507 W. 2nd Street conducted a door to door demographic and information survey of the families and property owners. He spoke to 150 families and they have concerns of losing their homes, wants to provide for the needs of their family, and wants to be treated fairly. He asked that when the two entities discuss the East End to consider their wellbeing.

Vivian Alford lives on East End is concerned if they're going to take her house away.

Douglas Domingues stated that on July 11, 2016 Council meeting, a motion was made concerning the City Managers to negotiate a contract not to exceed 3 years, the City Attorney should have acknowledged a violation of the City Charter , Section 4.01 City Manager.

Rita Valrey spoke in behalf of her mother, born in 1927 said her mom is 90 years old and lives on East 6th Street. Her concern is the pot holes on East 6th Street. The Port offered to buy her mother's property or swap properties, along with 19 other residents as well. The streets need to be repaired.

Kelly Tobias's main concern is the negativity of the City. Some time ago her husband signed a petition and found out later that he was lied to. She is in favor of the Sports Complex and asked Council and the citizens to stay positive.

Troy Brimage concurred with Kelly Tobias. He asked that we stop bashing each other and stop running the City down and to stop negative remarks being said. Kidfest was celebrated with hundreds of kids, held at downtown Memorial Park and was a great event.

Melanie Oldham of 922 West 5th Street asked why we had to have a contract for the City Manager. She conducted a survey on surrounding cities on the employment of City Managers most are hired at will with no agreement. She asked for Mr. Shaw to look into this.

Carmen Read is the Director of the Memorial Day Care and nonprofit organization for twenty five years. She thanked the City for being supporters of services. She thanked Council for opening the Freeport Museum for educational activities. The children spoke highly of Kidfest which was free, a joyful event for children that cannot afford to pay. She is grateful and announced that Council is doing a great job.

Consideration of approving July 11, 2016 Council Minutes.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved the July 11, 2016 Council Minutes.

Mayor Garcia closed the Open Session at 6:29 p.m. to open the Executive Session.

Mayor Garcia reopened the Open Session to hear comments from Port Freeport.

Consideration of approving Ordinance No. 2016-2119 declaring the use of the Public Streets authorized in Item (19) of Division (C) of Section 76.02 of the Code of Ordinances of said City to transport cargo, as defined in Section 76.01 of said Code, on Yaupon Street, between East Fourth Street and East Second Street, and on East Second Street, between Navigation Boulevard (F.M. 1495) and Terminal Street, constitutes a public nuisance which should be abated, amending Item (19) of Division (C) of Section 76.02 of said Code to exclude the use of East Second Street and any other street or highway within the City to transport cargo between Navigation Boulevard and Terminal Street, amending Division (C) of Section 76.02 of said Code to add a new item (30) to provide a route for transportation cargo East of Navigation Boulevard (F.M. 1495) within the City.

No action taken

Mayor Garcia reopened the Open Session to hear comments from Port Freeport.

Phyllis Saathoff Executive Director of Port Freeport and Jason Hull talked about the joint efforts between Port Freeport and the City of Freeport on rerouting truck traffic. Ms. Saathoff and Port Commissions are committed and proposing a Letter of Intent to the City. Proposing splitting the cost of repairs to 2nd Street and Sycamore, making improvements to 5th Street, Terminal and 2nd Street, needing a signed agreement from the City authorizing the improvements. The use of 5th Street and Terminal until construction starts, use 2nd and Sycamore for inbound trucks and Port main gate for outbound loads, use 5th Street and Terminal as temporary truck route, until remaining properties can be acquired and a new gate built.

Manning Rollerson maintains that he is not selling to the Port and has been threaten by Eminent Domain for his property.

Phyllis Saathoff stated that they are making offers to residents and that there are not being coerced.

Reuben Renobato asked why the tax payers would pay half of the cost of the repairs if the Port was responsible for destroying the roads.

David Terry of VIT, Inc. has a business on East 2nd and Terminal Street for over 65 years. Shutting down the road would terminate their business. He recognizes the problem and safety of families, any consideration given is appreciated.

Scott Glick has the same concern that Mr. Terry stated. The closing of 2nd Street would have a negative impact on their businesses.

Mr. Tim Vernor of Vernor Material Equipment feels that since they are the number one customer with the Port, feels that it is their trucks they are complaining about. It would be a hardship for them and very costly, hoping for a resolution and maintain an entrance for trucks.

Felicia Harris representing Freeport Launch and Old River Marine recommends that the City work with the Port for alternatives on the truck routes.

Consideration of approving the sale of City's interest on Block 718, Lots 21-22 (undivided 50% interest) Velasco Townsite, known as 1727-1729 North Ave. P, Tax Id No. 8110- 3120-000.

This item was reagendaed.

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

Mayor Norma Garcia closed the Executive Session and reconvenes the Open Session at 7:34 p.m. to motion.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present "Aye", Council unanimously approved the City Manager to renegotiate a Letter of Intent with provision with Port Freeport.

Work Session: Mayor Norma M. Garcia opened the Work Session at 7:10 p.m.

Brazosport Water Authority representative expires in August 2016.

Mr. Pynes advises Council that Mr. Ron Wise's term will expire in August.

2nd Community Input for Fiscal Year 2016-2017.

No comments received.

Mayor Garcia closed the Work Session at 7:12 p.m. and opened the Executive Session.

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:

- Port Freeport

Section 551.074, Government Code:

Deliberations concerning the duties, employment, evaluation, employment contract of a public officer or employee:

- City Manager

Mayor Norma Garcia closed the Executive Session and reconvenes the Open Session at 7:34 p.m. to motion.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "Aye", Mayor Norma M. Garcia adjourned the meeting at 7:35 p.m.

Mayor Norma Moreno Garcia
City of Freeport, Texas

City Secretary Delia Munoz
City of Freeport, Texas

PROPERTY MANAGEMENT

MEMO

July 7, 2016

J Pynes

Please place the following item on the City Council agenda for consideration:

Discuss / consider the sale of City interest in lots 21-22, (undivided 50% interest), Block 718, known as 1727-29 North Avenue P, Velasco Townsite.

This property has been in trust to the City of Freeport since July 13, 2002, sheriff deed 2002035781.

Attached are the following documents regarding this property:

- (a) Trust property bid sheet
- (b) Bid analysis
- (c) CAD sheet showing property location
- (d) Pictometry photo

N C Hickey
Property

attach

/s

Approved for 7-18-16, 2016 agenda

Ce

8-1-16

J Pynes

TRUST PROPERTY SALE SUMMARY

Agenda item # 7

**Trust Property known as lots 21-22 (undivided 50% interest, block 718, Velasco
Townsite known as 1727-29 North Avenue P**

Tax ID	8110-3120-000
Lot(s) size	25 x 125 ft each
Auctioned at Sheriff Sale	June 13, 2002
Land value	\$230.00
Offer	\$300.00
Offer by:	Chris Gilbert (West Columbia Tx)
If approved, amount to City	\$28.14

Action by Council:

Apprvled Rejected Re-agenda No action

Motion _____, Second _____ Vote: Yea _____ No _____

Trust sale summary

BID ANALYSIS

Cause Number:	19020*T02	Account Number:	8110-3120-000
Offer Amount:	\$100.00	Value \$:	\$230.00
Person Offering:	CHRIS GILBERT	Adjudged Value\$:	\$100.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	1991-2001	\$8.08
BCED	1991-2001	\$0.00
Brazosport ISD	1991-2001	\$29.84
BRHND	1991-2001	\$1.73
Brazosport College	1991-2001	\$1.83
Velasco Drainage	1991-2001	\$1.84
City of Freeport	1991-2001	\$16.96
Total		\$60.28

Costs

Court Costs	\$0.00	Sheriff Fees	
Publication Fees		Research Fees	
Ad Litem		Recording fee's	
Liens		Certified Mail	
Cost of Deed		Deed file date	
Total			\$0.00

Post Judgement Information

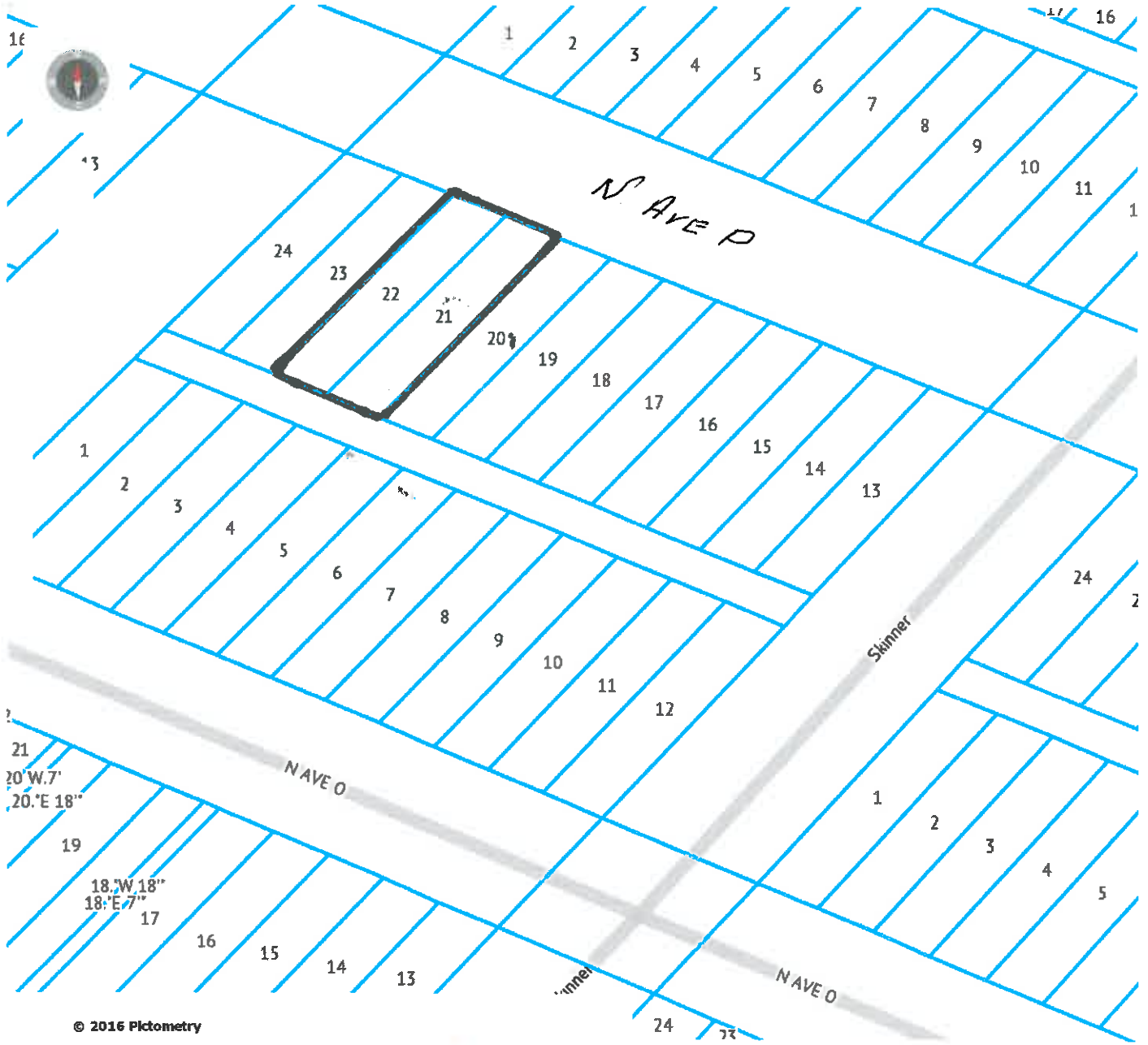
Taxing Entity	Tax Year's	
BC	2002	\$0.60
BCED	2002	\$0.00
Brazosport ISD	2002	\$2.00
BRHND	2002	\$0.09
Brazosport College	2002	\$0.13
Velasco Drainage	2002	\$0.09
City of Freeport	2002	\$1.10
Post Judgment Total		\$4.01

Proposed Distribution

Offer Amount	Costs
\$100.00	\$0.00
Net to Distribute \$	\$100.00

BC	13.40%	\$13.40
BCED	0.00%	\$0.00
Brazosport ISD	49.50%	\$49.50
BRHND	2.87%	\$2.87
Brazosport College	3.04%	\$3.04
Velasco Drainage	3.05%	\$3.05
City of Freeport	28.14%	\$28.14

CONNECTEXPLORER™



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map: Auto

02/02/2015 Select Date

image 1 of 13

CONNECTEXPLORER



map: Mosaic 01/17/2015 - 02/26/2015 Select Date

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

INTERLOCAL AGREEMENT

This agreement is made at Angleton, Brazoria County, Texas between BRAZORIA COUNTY, TEXAS acting through its Commissioners' Court (hereinafter "COUNTY"), and the CITY OF FREEPORT, acting through its Mayor (hereinafter "CITY").

NOW THEREFORE, THE COUNTY AND THE CITY agrees as follows:

1.0 The term of this agreement shall be from October 1, 2016, to September 30, 2017. The AGREEMENT may be renewed annually by the written approval of COUNTY and CITY.

1.1 Pursuant to the Interlocal Cooperation Act, Texas Government Code, Chapter 791 and the Texas Transportation Code, Section 251.012, the COUNTY agrees to provide personnel and equipment at its own expense to assist in the construction, improvement, maintenance and/or repair of a street or alley located within the corporate limits of the CITY OF FREEPORT, subject to the approval of the County Engineer as set forth in Section 1.3, including sub grade preparation, base preparation, asphalt paving, culverts and ditch work, herbicide spraying, painting and striping roads, installation of permanent traffic signs, and other routine road maintenance operations. Any work performed on the City's streets and alleys which are not an integral part of, or a connecting link

to, other roads and highways is allowed if such work is determined to be a benefit to the County by Commissioners' Court. The CITY will provide materials, including fuel used by the equipment for these projects. All such materials shall be paid for by the CITY, and may be purchased through the County's suppliers. The CITY shall reimburse the cost of any work performed or obtained by the COUNTY, which is determined to be beyond the scope of this agreement, to the County.

1.2 The county work authorized by this AGREEMENT may be done:

- (1) By the COUNTY through use of county equipment;
- (2) By an independent contractor with whom the COUNTY has contracted for the provision of certain services and materials, conditioned on the CITY providing a purchase order to such independent contractor for the full amount of such services or materials.

1.3 During the term of this AGREEMENT when COUNTY work is requested, the Mayor of the City shall submit a request in writing to the County Engineer. The County Engineer and the Mayor of the City shall agree in writing as to the location and type of assistance to be provided pursuant to this AGREEMENT. It is expressly understood between the parties that the COUNTY shall have no authority or obligation to provide any service or work on any city street or alley not so agreed to in writing. The County Engineer is authorized to sign an acceptance statement for

each project at the appropriate time and authorize the work subject to be completed as the Road and Bridge Department schedules permit.

1.4 The parties intend that the COUNTY in performing such services shall act as an independent contractor and shall have control of the work and the manner in which it is performed. The COUNTY shall not be considered an agent, employee, or borrowed servant of the CITY.

1.5 For and in consideration of the above agreement by the County, the CITY agrees to provide all warning and safety signs and other safety protections as required when such work is being performed by the COUNTY.

1.6 The parties further agree that such work and materials are provided by the COUNTY without warranty of any kind to the CITY or any third party, and that the COUNTY has no obligation to provide any supplemental warranty work after a project's completion. The CITY agrees to provide any engineering or design work required for work done pursuant to this agreement.

II.

2.0 To the extent authorized by law, the CITY hereby agrees to hold harmless the COUNTY, its officers, agents and employees from any and all loss, damage, cost demands or causes of action of any nature or kind for loss or damage to property, or for injury or death to persons, arising in any manner from the performance of the above-referenced work.

2.1 Payment for services or materials under this agreement shall be payable from current revenues available to the paying party.

III.

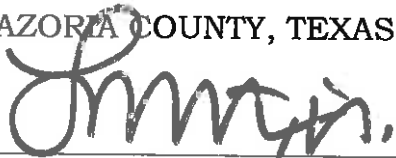
3.0 Either party may terminate this agreement upon thirty- (30) day's written notice to the other party.

3.1 Nothing herein shall be construed to make either party a purchaser or consumer of goods or services from the other.

3.2 Nothing herein shall be construed to create any rights in third parties.

SIGNED AND ENTERED this the _____ day of _____, 2016.

BRAZORIA COUNTY, TEXAS



By: L.M. "Matt" Sebesta Jr.
Brazoria County Judge

By: Mayor

ATTEST:

CITY SECRETARY

City of Freeport
Building Department
Phone: 979-233-3526

For Office Use Only

Case Number: _____
Date Filed: _____
P & Z Date: _____
Council Date: _____

Application for
[REDACTED] Permit

1. Address or general location of site: 1517 E. Hwy 332 Freeport.
2. Subdivision _____ Block _____ Lots _____ Acres _____
3. Current Zoning Classification: Commercial
4. Proposed use of the site (please be specific): for 24 hr security for Rod Benders Part
5. Reason for requesting a specific use permit: For security mobile trailer

I hereby certify that I am the owner or duly authorized agent of the owner, for the purposes of this application. The application fee of \$150.00 to cover the cost of this specific use permit application has been paid to the City of Freeport on 7/13/16, 2016. I also certify that I have been informed and understand the regulations regarding specific use permits as specified in the Zoning Ordinance of the City of Freeport. I understand it is necessary for me or my authorized agent to be present at both the Planning and Zoning Commission and the City Council public hearings.

Owner's Signature: YOLANDA Moore

Owner's Name: Yolanda Moore

Address: 1517 E. Hwy 332

City, State, Zip: Freeport, TX Phone: 27541

979.665.5365 - MR. + MRS Moore

In lieu of representing this request myself as owner of the subject property, I hereby authorize the person designated below to act in the capacity as my agent for the application, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person with the City (and vice versa) in processing and responding to requirements, information or issues relative to this request.

Yolanda Moore
Signature of Owner

YOLANDA MOORE
Name Printed or Typed

Signature of Agent

Name Printed or Typed

Address of Agent: _____

Agent's Phone Number: _____

120.03 RECREATIONAL VEHICLES OUTSIDE LICENSED PARK.

(A) It shall be unlawful for any person to locate or maintain any recreational vehicle on any private premises or any public premises (other than a public street as provided above in § 120.02 of this chapter) within the corporate limits of the city outside of a licensed recreational vehicle park.

(B) It shall be an exception to the application of the provisions of Division (A) of this section if the recreational vehicle in question is:

(1) Not connected to the water or sanitary sewer system serving the premises on which it is located and is not being occupied as a dwelling whether or not it is so connected; or

(2) Is located in a licensed mobile home park which was in existence on the effective date of this chapter if at least 50% of the mobile home spaces located in such mobile home park are occupied by mobile homes; or,

(3) Is temporarily placed on premises located in a zoning district other than a residential zoning district; and the City Council, upon written application therefor filed with the City Council, giving the name and address of the applicant, a description of the premises upon which the recreational vehicle is to be located and the purpose for which such recreational vehicle is to be used, has granted permission for such recreational vehicle to be so placed for a specified time, taking in to consideration the necessity for such recreational vehicle to be so placed, the appropriateness of the location, the availability of water and sewer service to which such recreational vehicle shall be connected while so located, the fee which should be charged the applicant and other factors deemed relevant by the City Council. Provided, however, such permit shall not be issued by the City Secretary until the fee designated by the City Council has been paid by the applicant.

(Ord. 1760, passed 4-4-93; Am. Ord. 1813, passed 5-19-97) Penalty, see § 10.99

§ 152.01 DEFINITIONS

MOBILE OFFICE BUILDING. A structure designed to be transported by attaching thereto wheels or skids or by placing such structure on a trailer, and to be used, without being placed on a permanent foundation, for a business purpose on a temporary basis. This term includes a manufactured home, as defined herein, if such structure has been so modified that, in the opinion of the Building Official, it is no longer usable for dwelling purposes. This term does not include a travel trailer, as defined herein, with or without such modification.

§ 152.03 LOCATION OF MANUFACTURED HOMES AND MOBILE OFFICE BUILDINGS

(E) A mobile office building may be temporarily located within the city if authorized by the City Council upon written application therefor giving the name and address of the applicant and a description of the property upon which such mobile office building is to be located. The City Council may refuse to grant the permit unless the applicant shall first show to the satisfaction of the City Council the factors demonstrating the necessity for the mobile office building, the length of time for which it is needed, the appropriateness of the proposed location, the availability of water and sewer service at such location and other factors deemed to be relevant by the City Council.

§ 155.020 APPLICATION OF DISTRICT REGULATIONS.

(H) Outside sales are prohibited on any parking facility within the city. Provided, however, it shall be an affirmative defense in any prosecution for a violation of this division if such sale is conducted (1) by the parking facility owner, (2) pursuant to a temporary use permit which has been issued under § 155.060, (3) by a non-profit association or organization which has been exempted from income taxation by the Internal Revenue Service under Section 501(c) of the Internal Revenue Code, or (4) by an individual or group of individuals not having been so exempted from income taxation but such sale is being conducted for a purpose which the City Manager, on request, has found to be charitable. The decision of the City Manager in this regard shall be by evidenced by written memorandum and may be appealed to the City Council. A decision by the City Manager or, if appealed, the decision of the City Council, recorded in the minutes of a duly call meeting thereof, that the purpose of such sale is charitable shall be final and nonappealable.

§ 155.060 BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND COMPLIANCE, TEMPORARY USE PERMITS AND SPECIFIC USE PERMITS.

(D) *Temporary use permits.*

- (1) A temporary use permit is an exception to the Zoning Ordinance and allowable where the facts and conditions prescribed in the chapter as those upon which a temporary use permit may be granted are determined by the Board of Adjustment to exist.

(See list of uses for which temporary use permit may be issued)



GARDO'S PROPERTIES

614 W 1ST ST, Freeport, TX 77541

830-481-6355

GARDOCAMPBELL@GMAIL.COM

Site Development Vision

"THE BRAZOS BREEZE BEACH HOMES"

The development proposal area is comprised of the 600 block of 1st St. in Freeport, located directly behind the river levee.

Construct 3 new homes approximately 1700 sq. ft. valued at ~\$300k each and construct one new barn dominium style home valued at \$330k – Total value of these 4 new construction projects \$1,230,000.

- ❖ Plan to remove 3 existing structures, relocate nearby and remodel each which will also increase the tax base for the City but is not included in this development plan.
- ❖ Once existing structures are removed, plan to proceed with the construction of the 3 new homes and barn dominium.
- ❖ Propose to close West Brazos St. in the 600 block to become a privately owned and gated community with custom designed metal gates including security system access. Fencing of the area will be 6' metal construction in compliance with City Code.
- ❖ All new professional landscaping – foliage and tress including a variety of palms, bamboos and red oaks.

Progress on the Vision

- ❖ Purchased 4 of the 6 lots on the 600 block is complete
- ❖ Negotiations currently in progress on one other property

Proposal/End Product

Note that this development proposal assumes that the City of Freeport and the EDC approves the development proposal

- ❖ The 600 block of 1st Street will be transformed into an attractive and sustainable private community.
- ❖ Purchase levee front property from Freeport EDC for construction of 6 boat houses with docks.
- ❖ Develop and register an HOA with City approval to eliminate any future compliance issues and to model the cities vision for area development.
- ❖ Total property at end of construction will be the first completely private and gated community in Freeport.

Projected Revenue Impact to the City is estimated at \$1.9 Million. ~\$1.9 MILLION



P659