

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport met on Monday, November 7th, 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
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Dan Pennington, Police Chief
Nat Hickey, Property Manager
Jennifer Hawkins, Economic Development Corp.
Bob Welch, Finance Director
Oscar Arevalo, Building Official
Billy Wayne Shoemaker, Deputy Fire/EMS Chief
Chris Motley, Deputy Fire/EMS Chief
Lonie Kershaw, Human Resources
Steve Upton, Code Enforcement

Visitors:

Eric Hayes	Sam Reyna
Jerry Meeks	Melanie Oldham
Diana Kile	Phyllis Saathoff
Jeff Strader	Abraham Balbas
Troy Brimage	Sabrina Brimage
Manning Rollerson	Douglas Domingues
Moby Burrige	Evelyn Buridge
Harold Doty	Vivian Alford
Keith Morgan	Susan Morgan
Lila Lloyd	Margaret McMahan
Keith Stumbaugh	Mingo Marguez
Larry Fansher	Eric Hayes
Sandra Barnett	James Barnett
Lila Diehl	Ken Green
Roy Yates	Jason Travis

Call to order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Christopher David Motley led the Pledge of Allegiance.

Attending citizens and their business.

Public Appearances:

Members of the public are allowed to address the City Council at this time. Note, specific factual information or a recitation of existing policy may be furnished in response to an inquiry made, but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open Meetings Act unless said notice appears herein. The public is reminded that there is a four minute time limit as approved by City Council on June 21, 2010.

Keith Stumbaugh of 518 W. 4th Street expressed sadness and ashamed of city government. He stated that on July 11, 2016, the Mayor was given authorization to negotiation a new contract for the City Manager and feels that it is illegal and needs to be voided. The new contract was not put on the agenda for city council for approval. The audio recording after executive session was not recorded and feels the City Secretary is incumbent.

At this time, Mayor Norma advised him that his time had expired. He continued his speech and again reminded that his time had expired. Again he was reminded and he was escorted out the Council Chambers.

Roy Yates spoke on behalf of Harbor Lane and thanked the city for paving the street.

Margaret McMahan of 1330 W. 8th express concern on item 18; Ash Street right of way on West 9th Street, Windsor Terrace Subdivision, between Block 3, Lot 18, (zoned R-2) and Lot 1 Block 4, (zoned R-3). Mr. Eric Hayes adjacent owner was not legally notified that the property was being considered for closing, abandoning and/or sale.

Manning Rollerson of 126 West 6th Street complained that he had not received his open records request.

Abraham Balbas of 326 E. Broad advised Council that Port Freeport offered him money for his property, but feels that it is appraised for more.

Phyliss Saathoff Chief Executive Officer for Port Freeport updated Council on the improvements on Terminal and East 5th Street. The paper work is in place, pipeline being identified, and should be completed by the end of November.

Consideration of approving October 3, 2016 Council Minutes.

On a motion by Councilman McDonald, seconded by Councilwoman Mireles, with all present voting "Aye", Council unanimously approved the October 3, 2016 Council Minutes.

Announcement: New Fire Chief Christopher David Motley, Oath of Office ceremony will take place at 7:30 p.m. at the Freeport Fire Department, after city council meeting.

Mayor Norma Moreno Garcia invited the public to the Oath of Office ceremony of Christopher David Motley as new Fire Chief.

Consideration of approving Ordinance No. 2016-2122 amending Section 71.50 of the Code of Ordinances of said City, which designates four-way stop intersections, to add thereto, as an additional four-way stop intersection, at which vehicular traffic on designated streets shall stop in the manner required by the Transportation Code, the intersection of North Ave. D and Old River Street; amending Section 71.51 of the Code of Ordinances to remove such intersection as Two-Way Intersection; providing for the erection, by or at the direction of the City Manager of said city.

No Action Taken.

Consideration of approving Ordinance No. 2016-2124 amending the Code of Ordinances of said City to adopt the 2015 Editions of the International Building Code, International Residential Code, International Mechanical Code, International Existing Building Code, International Property Maintenance Code, International Plumbing Code, International Fuel Gas Code, International Energy Conservation Code, the International Swimming Pool and SPA Code, the 2014 Edition of the International Electric Code, also known as the National Electric Code, the 2015 Edition of the International Fire Code, and the 2015 Edition of the NFPA 101 Life Safety Code, together with the appendices thereto and any amendments to any of such codes; adopting local amendment thereto.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Oscar Arevalo, Building Official recommendation to amend the Code of Ordinances of said City to adopt the 2015 Editions of the International Building Code, International Residential Code, International Mechanical Code, International Existing Building Code, International Property Maintenance Code, International Plumbing Code, International Fuel Gas Code, International Energy Conservation Code, the International Swimming Pool and SPA Code, the 2014 Edition of the International Electric Code, also known as the National Electric Code, the 2015 Edition of the International Fire Code, and the 2015 Edition of the NFPA 101 Life Safety Code, together with the appendices thereto and any amendments to any of such codes; adopting local amendment thereto.

Consideration of approving Ordinance No. 2016-2126 electing for the City to make current service and prior service contributions to the City's account in the benefit accumulation fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved Ordinance No. 2016-2126 electing for the City to make current service and prior service contributions to the City's account in the benefit accumulation fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation.

Consideration of approving Ordinance No. 2016-2127 amending portions of sections 94.01, 94.02, 94.03 and 94.06 of the Code of Ordinance of said City to conform the same to the applicable provisions of the junk vehicle law now contained in subchapter E of Chapter 683 of the Texas Transportation Code.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Ordinance No. 2016-2127 amending portions of sections 94.01, 94.02, 94.03 and 94.06 of the Code of Ordinance of said City to conform the same to the applicable provisions of the junk vehicle law now contained in subchapter E of Chapter 683 of the Texas Transportation Code.

Consideration of approving a replat of Anderson Subdivision 6.05 acres - 5 Lots 6.05 Acres out of a 40.3468 acre tract in the William McDermott League, Abstract 341, Brazoria County, Texas, said 40.3468 acres being described in a deed recorded in File 1997-045513 of the official records of Brazoria County, Texas.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved a replat of Anderson Subdivision 6.05 acres - 5 Lots 6.05 Acres out of a 40.3468 acre tract in the William McDermott League, Abstract 341, Brazoria County, Texas, said 40.3468 acres being described in a deed recorded in File 1997-045513 of the official records of Brazoria County, Texas.

Consideration of approving a replat of Willowbreeze Farm a Subdivision out of a 73.33 acre tract being the same tract conveyed to Llama Llama LLC, a Texas Limited Liability Company as recorded in Clerk's File No. 20016-033631 of the official records of Brazoria County, Texas William McDermott Survey Abstract 341, Brazoria County, Texas September 2016.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved a replat of Willowbreeze Farm a Subdivision out of a 73.33 acre tract being the same tract conveyed to Llama Llama LLC, a Texas Limited liability Company as recorded in Clerk's File No. 20016-033631 of the official records of Brazoria

County, Texas William McDermott Survey Abstract 341, Brazoria County, Texas September 2016.

Consideration of approving a replat of a 0.882 Acre Tract comprised of Lots 7 & 8, Block 1 recorded in County Clerk's File No. 16-005521 and Lots 9, 10, 11, 12, Block 1 recorded in County Clerk's File No. 15-002062 all of the Velasco Townsite and a called 0.295 Acre Tract recorded in County Clerk's File No. 16-005521 all of the Brazoria County Official Records and a portion of a closed Road (S. Front St.) all being in the Eli Mitchell Survey Abstract 99 , City of Freeport, Brazoria County, Texas September 16, 2016.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved a replat of a 0.882 Acre Tract comprised of Lots 7 & 8, Block 1 recorded in County Clerk's File No. 16-005521 and Lots 9, 10, 11, 12, Block 1 recorded in County Clerk's File No. 15-002062 all of the Velasco Townsite and a called 0.295 Acre Tract recorded in County Clerk's File No. 16-005521 all of the Brazoria County Official Records and a portion of a closed Road (S. Front St.) all being in the Eli Mitchell Survey Abstract 99 , City of Freeport, Brazoria County, Texas September 16, 2016.

Consideration of approving Resolution No. 2016-2508 accepting a grant from the Houston-Galveston Area Council (HGAC) for the purchase of 13 new in-car video recording cameras and microphone transmitters to be installed in the police department's marked patrol fleet.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution No. 2016-2508 accepting a grant from the Houston- Galveston Area Council (HGAC) for the purchase of 13 new in-car video recording cameras and microphone transmitters to be installed in the police department's marked patrol fleet.

Consideration of approving and releasing the City's interest in trust property on Block 5, Lot 7, Freeport Townsite, known as 527 East 5th Street, Tax Id. No. 4200-0082-000.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting 3 to 2 to release the City's interest in trust property on Block 5, Lot 7, Freeport Townsite, Known as 527 East 5th Street, Tax Id. No. 4200-0082-000. Mayor Norma Garcia and Councilman Bolton opposed the sale.

Phyllis Saathoff asked Council to reject this item.

Consideration of approving and releasing the City's interest in trust property on Block 5, Lot 9, Freeport Townsite, known as 537 East 5th Street, Tax Id. No. 4200-0084-000.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting 4 to 1 to release the City's interest in trust property on Block 5, Lot 9, Freeport Townsite, known as 537 East 5th Street, Tax Id. No. 4200-0084-000. Mayor Norma Garcia opposed the sale.

Consideration of approving and releasing the City's interest in trust property on Block 5, Lot 10, Freeport Townsite, known as 536 East 6th Street, Tax Id. No. 4200-0085-000.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting 2 to 3, Council declined releasing the City's interest in trust property on Block 5, Lot 10, Freeport Townsite, known as 536 East 6th Street, Tax Id. No. 4200-0085-000. Mayor Norma Garcia, Councilman Bolton and Councilwoman Barbree opposed the sale.

Consideration of authorizing the City Attorney to prepare an ordinance for closing, abandoning and/or the sale of Ash Street right of way on West 9th Street, Windsor Terrace Subdivision, between Block 3, Lot 18, (Zoned R-2) and Lot 1, Block 4 (Zoned R-3).

City Council reconvened at 7:23 p.m. and took no action on this item.

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

No action taken

Work Session:

Discussion by the City Manager on the selection process and appointment of the new Fire Chief.

Mr. Pynes discussed the review process of three internal candidates, conducted by a diverse panel of participants and included an oral interview, writing and played the part in difficult situations.

Update on city wide lighting to LED with CenterPoint.

Mr. Pynes updated Council on the City wide lighting. He has an existing and proposed map on 100 LED lighting. Approximately fifty lights installed by February and fifty more afterwards. Also considering more lights on Hwy. 288, welcomes inputs from staff and council.

Closed the Formal Session at 7:03 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:

- Regarding closing, abandoning and/or the sale of Ash Street Right-of-Way on West 9th Street, Windsor Terrace Subdivision, between Block 3, Lot 18 (Zoned R-2) and Block 4, Lot 1, (Zoned R-3).

No action taken

Section 551.072, Government Code

Deliberations concerning the purchase, exchange, lease or value of real property when deliberation in an open meeting might have a detrimental effect on the position of the City Council in negotiations with a third person, to wit;

- Regarding contractual negotiations for a new Recycling and Bulky Trash Deployment Center.

No action taken

Closed the Executive Session and Reconvened the Formal Session at 7:23 p.m. to motion on item 18.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Mayor Norma M. Garcia adjourned the meeting at 7:23 p.m.

Mayor Norma Moreno Garcia
City of Freeport, Texas

Delia Munoz, City Secretary
City of Freeport, Texas