

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday, February 6, 2017 at 6:05 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 McDonald – absent  
Councilman Fred Bolton  
Councilwoman Nicole Mireles  
Councilwoman Sandra Barbree

Staff:

Jeff Pynes, City Manager  
Gilbert Arispe, Assistant City Manager  
Delia Munoz, City Secretary  
Nat Hickey, Property Manager  
Dan Pennington, Police Chief  
Bob Welch, Finance Director  
Jennifer Hawkins, EDC Director  
Oscar Arevalo, Building Inspector

Visitors:

Melanie Oldham	Douglas Domingues
Jim Pirrung	Veronica Gomez
Moby Burrige	Evelyn Burrige
Victor Castaneda	Martin Castaneda
Juanita Cardozo	Margarite Dixon
Liza Mitchell	Deina Foytik
Jose Montoya	Dale Foytik
Ava Waddell	Cristina Tijerina
Jessie Parker	Reginald Williams
Edmeryl Williams	Roy Yates
Jim Barnett	Sandra Barnett
Edward T. Garcia	Angie L. Williams
Manning Rollerson	Derrick Edwards
Claudia Gomez	Johnathon Gomez
Vivian Alford	Nancy Gray
Duane Marks	Melina Buchanan
Luis Hernandez	Sam Reyna
Ruben Renobato	Shenay White
M. J. White	Melvin White
Eric Hayes	Lila Diehl

D’Vane Buchanan  
Donna Jean Williams  
Margaret McMahan  
Carlos Mercado  
Bo Smith  
Troy Brimage  
Pam Tilley  
Sandra Edwards

Victoria Rodriguez  
Maria Owens  
Lucia Perez  
David White  
Clare Dunn  
Keith Stumbaugh  
Katie Hector  
Clifton White, Sr.

Call to order.

Mayor called the meeting to order at 6:05 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Johnathan Gomez and Nathan Olachia 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 (4) minute time limit as approved by City Council on June 21, 2010.

Ruben Renobato talked about placing an items on the agenda for public discussion, see Texas Attorney General opinion DM 228 Dan Morales 1993. He urges all council members to exercise their right on placing items on the agenda. A right that was given to you by the voters that elected you.

Consideration of approving November 21, 2016 Council Minutes.

On a motion with Councilwoman Mireles, seconded by Bolton, with all present voting “Aye” Council unanimously approved the November 21, 2016 Council Minutes with the corrections on the minutes that it was Margaret McMahan speaking, not Ruben Renobato.

Proclamation: Proclaiming the month of March as “Bleeding Disorders Awareness Month in Freeport , Texas.

Mayor Norma M. Garcia read out the proclamation and it was accepted by Brazoria Sheriff Charles Wagner. He thanked the City Council.

Consideration of approving Ordinance No. 2016-2125 enacting and adopting a supplement (S-20) to the Code of Ordinance of the City of Freeport.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting “Aye”, Council unanimously approved Ordinance No. 2016-2125 enacting and adopting a supplement (S-20) to the Code of Ordinance of the City of Freeport.

Consideration of approving Ordinance No. 2017-2129 calling the Annual General Election for the City of Freeport for the first Saturday in May, being May 6, 2017 at which the voters of said City residing in Wards B and D shall be permitted to vote for or against the candidates for positions B and D on the City Council of the City of Freeport and at which the voters of said City shall elect at large a mayor for said City.

On a motion by Councilwoman Barbree, seconded by Councilwoman Mireles, with all voting “Aye”, Council unanimously approved Ordinance No. 2017-2129 calling the Annual General Election for the City of Freeport for the first Saturday in May, being May 6, 2017 at which the voters of said City residing in Wards B and D shall be permitted to vote for or against the candidates for positions B and D on the City Council of the City of Freeport and at which the voters of said City shall elect at large a mayor for said City, with corrections on the 3<sup>rd</sup> page.

Consideration of approving Resolution No. 2017-2509 suspension of CenterPoint Energy’s proposed effective date related to its statement of intent to increase rates filed on or about November 16, 2016.

On a motion by Councilwoman Barbree, seconded by Councilwoman Mireles, with all present voting “Aye”, Council unanimously approved Resolution No. 2017-2509 suspension of CenterPoint Energy’s proposed effective date related to its statement of intent to increase rates filed on or about November 16, 2016.

Consideration of approving Resolution No. 2017-2510 authorizes the City to apply for a NIBRS Compliant RMS Project Grant to the Office of the Governor, Criminal Justice Division and agreeing to certain conditions in connection with such Grant No. 3232001.

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbree, with all present voting “Aye”, Council unanimously approved Resolution 2017-2510 authorizing the City to apply for a NIBRS Compliant RMS Project Grant to the Office of the Governor, Criminal Justice Division and agreeing to certain conditions in connection with such Grant No. 3232001

Consideration of approving Resolution No. 2017-2511 authorizing the City Manager to apply to the office of the Governor, Criminal Justice Division for Fiscal Year 2017-2018, Radio Console Upgrade and Interoperability Grant and agreeing to certain conditions in connection with such Grant No. (3240301).

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbree, with all present voting “Aye”, Council unanimously approved Resolution No. 2017-2511 authorizing the City Manager to apply to the office of the Governor, Criminal Justice Division for Fiscal Year 2017-2018, Radio Console Upgrade and Interoperability Grant and agreeing to certain conditions in connection with such Grant No. (3240301).

Consideration of approving Resolution No. 2017-2512 authorizing the City Manager to apply to the Office of the Governor, Criminal Justice Division, for Fiscal Year 2017-2018 Asset Protection Initiative Grant and agreeing to the certain conditions in connections with such Grant No. 3251701.

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbree, with all present voting “Aye”, Council unanimously approved Resolution No. 2017-2512 authorizing the City Manager to apply to the Office of the Governor, Criminal Justice Division, for Fiscal Year 2017-2018 Asset Protection Initiative Grant and agreeing to the certain conditions in connections with such Grant No. 3251701.

Consideration of approving and accepting an application for commercial tax abatement on Lots 1, 2, 3 and 4, Block 164, Dow First Addition of the City of Freeport, Texas, setting a date for a hearing on such application and approving the form for a tax abatement agreement between the City and the owner(s) of such lots.

On a motion by Councilwoman Barbree, seconded by Councilwoman Mireles, with all present voting “Aye”, Council unanimously approved an application for commercial tax abatement on Lots 1, 2, 3 and 4, Block 164, Dow First Addition of the City of Freeport, Texas, setting a date for March 20, 2017 for a hearing on such application and approving the form for a tax abatement agreement between the City and the owner(s) of such lots.

Consideration of approving the sale of the City’s interest in Block 715, Lot 24, Velasco Townsite, Tax Id. No. 8110-3076-00, known as 1223 N. Ave. M.

On a motion by Councilwoman Mireles, seconded by Councilman Bolton, with all present voting “Aye”, Council unanimously denied the sale of the City’s interest in Block 715, Lot 24, Velasco Townsite, Tax Id. No. 8110-3076-00, known as 1223 N. Ave. M.

Consideration of approving the sale of the City’s interest on Block 71, Lot 12, Velasco Townsite, Tax Id. No. 8110-0177-000, known as 224 South Ave. I.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting “Aye”, Council unanimously approved selling the City’s interest on Block 71, Lot 12, Velasco Townsite, Tax Id. No. 8110-0177-000, known as 224 South Ave. I.

Consideration of approving the sale of the City's interest on Block 36, Lot 9, 10 & 12, Velasco Townsite, Tax Id. No. 8110-0394-000, known as 618-624 South Ave. F.

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously denied the sale of the City's interest on Block 36, Lot 9, 10 & 12, Velasco Townsite, Tax Id. No. 8110-0394-000, known as 618-624 South Ave. F.

Consideration of the approval of a 0.1433 acre easement granted by Freeport LNG to the City of Freeport to permit the installation of a waterline from the City's water main in the State Highway 332 right-of-way to a Freeport LNG facility located South of that highway and authorization of the Mayor to execute and the City Secretary to attest such easement on behalf of the City and cause it to be recorded in the Official Records of Brazoria County, Texas.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved a 0.1433 acre easement granted by Freeport LNG to the City of Freeport to permit the installation of a waterline from the City's water main in the State Highway 332 right-of-way to a Freeport LNG facility located South of that highway and authorization of the Mayor to execute and the City Secretary to attest such easement on behalf of the City and cause it to be recorded in the Official Records of Brazoria County, Texas.

Consideration of the approval of a 1.895 acre easement granted by Freeport LNG to the City of Freeport to permit the installation of a waterline from the City's water main in the State Highway 332 right-of-way to a Freeport LNG facility located South of that highway and authorization of the Mayor to execute and the City Secretary to attest such easement on behalf of the City and cause it to be recorded in the Official Records of Brazoria County, Texas, upon receipt of the signed original of such easement.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved a 1.895 acre easement granted by Freeport LNG to the City of Freeport to permit the installation of a waterline from the City's water main in the State Highway 332 right-of-way to a Freeport LNG facility located South of that highway and authorization of the Mayor to execute and the City Secretary to attest such easement on behalf of the City and cause it to be recorded in the Official Records of Brazoria County, Texas, upon receipt of the signed original of such easement.

Consideration of the approval of a 4.02 acre easement granted by Freeport LNG to the City of Freeport to permit the installation of a waterline from the City's water main in the State Highway 332 right-of-way to a Freeport LNG facility located South of that highway and authorization of the Mayor to execute and the City Secretary to attest such easement on behalf of the City and cause it to be recorded in the Official Records of Brazoria County, Texas, upon receipt of the signed original of such easement and a photocopy of a signed and acknowledged warranty deed conveying such 4.02 acres to Freeport LNG.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting “Aye”, Council unanimously approved a 4.02 acre easement granted by Freeport LNG to the City of Freeport to permit the installation of a waterline from the City’s water main in the State Highway 332 right-of-way to a Freeport LNG facility located South of that highway and authorization of the Mayor to execute and the City Secretary to attest such easement on behalf of the City and cause it to be recorded in the Official Records of Brazoria County, Texas, upon receipt of the signed original of such easement and a photocopy of a signed and acknowledged warranty deed conveying such 4.02 acres to Freeport LNG.

Consideration of approving a proposal by Sign AD to remove 880 square feet of signage on Hwy. 288 (old existing wooden billboard) one mile South of Hwy. 332, in exchange for City approval to convert a single face of their existing sign located at 1924 Brazosport Boulevard to a digital/LED face.

On a motion by Councilwoman Barbree, seconded by Councilwoman Mireles, with all present voting “Aye” Council unanimously approved Sign AD to remove 880 square feet of signage on Hwy. 288 (old existing wooden billboard) one mile South of Hwy. 332, in exchange for City approval to convert a single face of their existing sign located at 1924 Brazosport Boulevard to a digital/LED face. Sign AD has offered to provide 40 free hours per year of advertising time on the billboard located in Freeport, plus an additional 40 hours on their digital billboards located in either Galveston, LaPorte or Brookshire.

Discus and consider approving LJA Engineering, Inc. proposal and Service Agreement on Soccer Fields/Football Recreational Complex Rehabilitation, located at Cherry at West 7<sup>th</sup> Street.

Jose Montoya, President of the Freeport Soccer Club since 1990 spoke in favor of the rehabilitation of the complex. He has taken up the responsibility of doing some of the maintenance on the soccer fields for the children.

Liza Mitchell who is Director for TOPS; kids that have disabilities spoke in favor of the propose complex. Freeport does not have the sidewalks or restrooms to accommodate the disable, they go to Angleton.

Deina Foytik, President of the Brazosport Youth Soccer Association asked for support. Many others spoke in favor of the proposal of the Freeport Soccer Complex, rehabilitation, located at Cherry at West 7<sup>th</sup> Street.

David White, Melvin White, Shenay White acting President for the Little League Football spoke about the advantages of having the complex rehabilitated. Many of our children go play at other cities because our grounds are deteriorated to the point of being unfit. They have to go outside of Freeport and pay to use their fields. Participation in sports can help build self-esteem and confidence, motivates children to excel academically and build social skills. Children who participate in sports get praise and encouragement from coaches and parents, building self-confidence. Adults and children use the track for walking.

Edward Garcia of 1924 is not against sports, asked if we could involve the Brazosport School District for help. The city would rather have sewer lines fixed and commodes that flush and sidewalks that we can walk on and streets.

Ruben Renobato of 1507 W. 2nd, asked for the cost of the proposed Freeport Soccer Complex. He doesn't object to the proposed complex, but doesn't see it as a priority and to remember when heavy rain comes, sewer backup into house.

Manning Rollerson asked spoke in favor the complex and asked that we give the opportunity's to children and keep them off the streets.

Melanie Oldham of 922 W. 5th., supports sports but like to see money put in street repairs and sewer systems, asked if there was any bid process. LJA was hired to look into why there was flooding on Velasco and she doesn't know what they recommended. She asked that the City slow down and determine what quality of life is for the children.

Margaret McMahan of 1330 W. 8th, spoke in behalf of the Concern Citizens of Freeport stated that Freeport has an outstanding youth basketball group and supports fitness. In the best interest of the City, she requested the City get at least 3 bids on this project, since is over the \$50,000 limit. She remembers that BISD had an agreement until 2047 for maintaining the grounds. She suggested asking for assistance and/or partnering with B.I.S.D.

City Manager Jeff Pynes stated that the engineering cost is \$147,400.00 for the complex rehabilitation.

Councilwoman Mireles is not against the complex but her concern is why the existing fields are not maintained and why are we allowing our kids to play in such deplorable conditions. She would like to see more bids on this project.

Councilwoman Barbree stated that we need to invest in our children today.

Councilman Bolton stated that families don't want to bring their children here; our facilities are pathetic, second hand and its time we do something for the kids. We need quality of life in our community.

Mr. Jackson stated that he is Exporter Proud and we need to approach the chemical plants around us.

On a motion by Councilwoman Barbree, seconded by Councilwoman Mireles, with all present voting "Aye", Council unanimously approved to reagenda.

Consideration of approving a final plat of Blue Dolphin Site Subdivision, a subdivision of 80.289 acres, being the residual of a called 105.52 acre tract recorded in Volume 1058, page 783 of the Brazoria County Deed Records and a portion of Lot 1 in the Brazos Coast Investment Company Subdivision Number 10 recorded in Volume 2, Page 145 of the

Brazoria County Deed Records in the F. J. Calvit League, Abstract 51, Brazoria County, December 2016.

On a motion by Councilwoman Barbree, seconded by Councilwoman Mireles, with all present voting “Aye”, Council unanimously approved a final plat of Blue Dolphin Site Subdivision, a subdivision of 80.289 acres, being the residual of a called 105.52 acre tract recorded in Volume 1058, page 783 of the Brazoria County Deed Records and a portion of Lot 1 in the Brazos Coast Investment Company Subdivision Number 10 recorded in Volume 2, Page 145 of the Brazoria County Deed Records in the F. J. Calvit League, Abstract 51, Brazoria County, December 2016.

Consideration of approving a re-plat of Freeport Christian Center, Lots 2-8 of Velasco Heights Annex, A. Calvit League, Abstract No. 49, Brazoria County.

On a motion by Councilwoman Barbree, seconded by Councilwoman Mireles, with all present voting “Aye”, Council unanimously approved a replat of Freeport Christian Center, Lots 2-8 of Velasco Heights Annex, A. Calvit League, Abstract No. 49, Brazoria County.

Consideration of approving Kendig Keast Collaborative (KKC) Exhibit A Scope of Service and Exhibit B Support Services of Client for Freeport Master Plan.

Economic Development Director Jennifer Hawkins and Board Member Roy Yates discussed a proposed master plan for the City. It will replace the city’s previous plan which was more of a beautification plan and did not address drainage and infrastructure. The City, Port Freeport and the Freeport Economic Development will share the cost of \$210,000 for a 20 year Comprehensive Master Plan.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting “Aye”, Council unanimously approved Kendig Keast Collaborative (KKC) Exhibit A Scope of Service and Exhibit B Support Services of Client for Freeport Master Plan.

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 9<sup>th</sup> Street, Windsor Terrace Subdivision, between Block 3, Lot 18, (Zoned R-2) and Lot 1, Block 4 (Zoned R-3).

On a motion by Mayor Norma Garcia, seconded by Councilwoman Barbree, with all present voting 2 to 2, (tie vote) to authorize the City Attorney to prepare an ordinance for closing abandoning and/or the sale of Ash Street right of way on West 9<sup>th</sup> Street, Windsor Terrace Subdivision, between Block 3, Lot 18, (Zoned R-2) and Lot 1, Block 4 (Zoned R-3). Councilman Bolton and Councilwoman Mireles opposed.

Consideration of advertising and setting a bid date for March 6, 2017 for stabilization of asphalt in Second Street , beginning at the apron on Brazosport Boulevard (SH 288) to the East side of Brazos Boulevard, right- of-way under the Navigation Boulevard (FM1495) bridge, an area of approximately 450,000 to 500,000 square feet, using SA-44/LS-44 ecological stabilizer, with all joints in underlying concrete pavement to be stabilized with Geo-grid underlayment to

bridge movement between the concrete, slabs and flexible road stabilizer, according to the below mentioned plans and specifications.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting “Aye”, Council unanimously approved advertising and setting a bid date for March 6, 2017 for stabilization of asphalt in Second Street, beginning at the apron on Brazosport Boulevard (SH 288) to the East side of Brazos Boulevard, right- of-way under the Navigation Boulevard (FM1495) bridge, an area of approximately 450,000 to 500,000 square feet, using SA-44/LS-44 ecological stabilizer, with all joints in underlying concrete pavement to be stabilized with Geo-grid underlayment to bridge movement between the concrete, slabs and flexible road stabilizer, according to the below mentioned plans and specifications.

Consideration of advertising and setting a bid date for March 6, 2017 for installation of asphalt Type D in Second Street, beginning at the apron on Brazosport Boulevard (SH 288) to the East side of Brazos Boulevard, right of way under the Navigation Boulevard (FM 1495) bridge, an area of approximately 450,000 to 500,000 square feet, and restriping to original markings, according to the below mentioned plans specifications.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting “Aye”, Council unanimously approved advertising and setting a bid date for March 6, 2017 for installation of asphalt Type D in Second Street, beginning at the apron on Brazosport Boulevard (SH 288) to the East side of Brazos Boulevard, right of way under the Navigation Boulevard (FM 1495) bridge, an area of approximately 450,000 to 500,000 square feet, and restriping to original markings, according to the below mentioned plans specifications.

Consideration of approving a request from Vijay Patel for parking six park models RV’s in Freeport RV Park until September 2024.

Paras Chokshi owner of the Freeport RV Park did not think he needed a permit to park the trailers because the trailers are registered as RV.’s. Building Official Oscar Arevalo stated the RV’s do not comply with the ordinance and they will have to have a variance or amend the ordinance. This type of RV’s require a TxDot permit to move on the highway.

Mayor Norma Garcia asked Mr. Shaw if this was a sufficient request or to amend the ordinance.

Mr. Shaw stated the ordinance could be amended to fit the definition of the parked RV’s.

Councilwoman stated that she wanted to fair and transport.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting 3 to 1, to approve a request from Vijay Patel for parking six park models RV’s in Freeport RV Park until September 2020, until a various or the ordinance can be amended. Councilwoman Mireles opposed.

Consideration of approving Gardner Campbell proposal to develop 600 Block of West Brazos and to close, abandon the 600 Block of West Brazos.

Gardo Campbell had letters from the other two land owners that they approve to close, abandon the 600 Block of West Brazos; will built 3 new home, and renovate another. He also stated that he had a signed agreement to purchase the entire water front from EDC as he builds.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Gardner Campbell proposal to develop the 600 Block of West Brazos and to close, abandon the 600 Block of West Brazos.

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

Mayor reconvened the Formal Session for a motion.

On a motion by Councilwoman Mireles, seconded by Councilman Bolton, with all voting "Aye", Council approved for the City Manager to get an engineer cost for water services to Commerce Street and outside the Extra Territorial Jurisdiction (ETA) area.

Work Session:

Discuss with Gardner Campbell his proposal to develop 600 Block of West Brazos and to close, abandon the 600 Block of West Brazos.

Mr. Gardner Campbell discussed the development proposal of the 600 blk. of 1st. in Freeport, located directly behind the river levee and close West Brazos Street in the 600 block to become a privately owned and gated community.

Mayor closed the Formal Session and opened the Executive Session at 8:41 p.m.

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:

- 2017 Housing Initiatives
- Municipal Water Service to Commerce Street and outside the Extra Territorial Jurisdiction (ETJ) area.  
*Motion made in open session*

The Mayor closed Executive Session and reconvened the Formal Session at 8:53 p.m. for a motion on item no. #30.

Adjourn

Mayor Norma M. Garcia adjourned the meeting at 8:54 p.m.

---

Mayor Norma Moreno Garcia  
City of Freeport, Texas

---

Delia Munoz, City Secretary  
City of Freeport, Texas