

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport met on Monday, May 15, 2017 at 6:00 p.m. at River Place, 733 Mystery Harbor Lane, 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
Nat Hickey, Property Manager
Dan Pennington, Police Chief
Chris Motley, Fire Chief
Bob Welch, Finance Director
Jennifer Hawkins, Economic Development
David Hoelewyn, Street Department
Lonie Kershaw, Human Resources
Ursula Reyes, Accounts Payable
DeVaughn Price, Code Department
Steve Upton, Code and Health Inspector
Billywayne Shoemaker, Acting Building Official

Visitors:

Family, Friends, Co-Workers and Citizens of the City.

Call to order.

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

Executive Session:

Section 551.071, Government Code:

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matter in which his duty to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- Discuss and review Section 3.02 Qualifications of the Charter Review with Mayor, City Council and City Attorney.

Mayor Norma Moreno Garcia closed the Executive Session at 6:06 p.m. and opened the Formal Session.

Invocation.

Pastor Brenda George of New Birth Church offered the invocation.

Pledge of Allegiance.

Mayor Norma Moreno Garcia led the Pledge of Allegiance.

Attending citizens and their business.

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.

Melanie Oldham complained about her Open Records Request.

Manny Rollerson asked who was paying for the meet & greet reception.

Bobby Jo Casale asked Mayor Norma Garcia if she had received a list of issues that were given to the City Secretary for review.

Ruben Renobato spoke about the Charter Review and seeking advice through the Texas Attorney General office.

Consideration of approving April 24, 2017 Council Minutes.

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved the April 24, 2017.

Discussion by citizen James Barnett regarding election candidate eligibility.

Attorney Doyle Neighbours representing former Mayor James Barnett handed out to Mayor Norma M. Garcia personal legal law suit documents to be reviewed in regarding the election candidate eligibility on Troy T. Brimage.

Discussion by Attorney Justin Gilbert regarding election candidate eligibility.

Attorney Justin Gilbert, representing Troy T. Brimage, spoke regarding the City Home Rule Charter Section 3.02 and Section 3.03. He discussed the conflict between Texas Election Code Section 141.003, Age and Residence Requirement for Home-Rule Cities, and Freeport's current Home Rule Charter Section 3.02 Qualifications. Acting under section 3.03, Council to be Judge of Election and Qualifications, the City Council should find that Section 141.003, Texas Election Code, which sets as the maximum residence requirement for Home Rule Cities of 12 months prevails over our Home Rule charter 3.02 Qualifications which sets a residence requirement of 24 months and therefore, Troy T. Brimage was qualified to be a candidate for Mayor.

Discuss and consider taking a record vote regarding candidate election eligibility for Talbert Troy Brimage.

A record vote taken regarding candidate election eligibility for Talbert Troy Brimage.

“Aye” Councilman Bolton, Councilwoman Barbree and Mayor Norma Moreno Garcia.

“Nay” Councilwoman Mireles and Councilman McDonald.

Consideration of approving Ordinance No. 2017-2137 canvassing the returns and declaring the results of the 2017 General Annual Election for the City of Freeport.

On a motion by Councilman McDonald, seconded by Councilman Bolton, with all present voting “Aye”, Council unanimously approved Ordinance No. 2017-2137 canvassing the returns and declaring the results of the 2017 General Annual Election for the City of Freeport.

Administer Oath of Office to duly elected: Mayor Troy T. Brimage, Councilman Roy Yates Ward D and Councilman Brooks Bass Ward B.

Norma Moreno Garcia administered the Oath of Office to duly elected Mayor Troy T. Brimage, Councilman Roy Yates Ward D and Councilman Brooks Bass Ward B. The newly elected official(s) took their seats.

Election of the Mayor Pro Tem.

On a motion by Councilman Bass, seconded by Councilman Yates, with all present voting “Aye”, Council unanimously approved selecting Councilman McDonald as Mayor Pro Tem.

Appreciation plaque to Mayor Norma M. Garcia, Councilwoman Barbree and Councilman Bolton for dedicated service to the City of Freeport.

Mayor Troy T. Brimage presented a plaque to outgoing Mayor Norma Moreno Garcia, Councilwoman Barbree and Councilman Bolton for their dedicated service to the City of Freeport.

Consideration of approving Ordinance No. 2017-2136, amending the Comprehensive Zoning Ordinance of the City, now codified as Chapter 155 of the Code of Ordinance of the City to add definitions for open space and greenbelt; ratifying and confirming all actions previously taken by the Planning Commission of said City or the City Council or both.

This item reagendaed.

Adjourn

On a motion by Councilman McDonald, seconded by Councilman Bass, with all present voting “Aye”, Mayor Troy T. Brimage adjourned the meeting at 6:54 p.m. and invited all to a reception to meet and greet the new council members.

Mayor Troy T. Brimage
City of Freeport, Texas

City Secretary Delia Munoz
City of Freeport, Texas