

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport met on Monday, September 18, 2017 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council: Mayor Troy T. Brimage  
Councilman Larry L. McDonald  
Councilman Brooks Bass  
Councilwoman Nicole Mireles  
Councilman Roy E. Yates

Planning Commission: Chairperson Eddie Virgil  
Sandra Loeza  
Lesa Girouard  
Johnathan Sublet  
Cindy Cain

Staff: Jeff Pynes, City Manager/Interim Chief of Police  
Gilbert Arispe, Assistant City Manager  
Julian Pat Taylor, Deputy City Attorney  
Delia Munoz, City Secretary  
Nat Hickey, Property Manager  
Bob Welch, Finance Director  
Chris Motley, Fire Chief  
Kim Townsend, Park Supervisor  
Jennifer Hawkins, Economic Development Director  
Raymond Garivey, Police Captain  
LeAnn Strahan, Administrative Assistant  
Loni Kershaw, Human Resources  
Yvette Ruiz, Building Code Secretary

Visitors: Casey Cundieff Rita Cundieff  
Ruben Renobato Ruth Renobato  
Jason Travis Ed Garcia  
Keith Stumbaugh Sabrina Brimage  
Kenny Kouches Chris Duncan  
Trey Girouard Flora Castillo  
Amber Newman Margaret McMahan  
Roman Ponce Carol Horton  
Dinorah M. Chavez Juan Garcia

Debbie Garcia  
Jim Barnett  
Melanie Oldham  
Kenny Hayes  
Ned Baron

Jerry Meeks  
Sandra Barnett  
Lila Lloyd  
Larry Fansher

Call to order.

Mayor Troy T. Brimage called the meeting to order at 6:00 p.m.

Invocation.

Councilman Bass offered the invocation.

Pledge of Allegiance.

Mayor Troy T. Brimage led the Pledge of Allegiance.

Attending citizens and their business.

Manning Rollerson's concern is his no trespass signs are being removed from his yard. He disagrees with the selection of the new chief and advised Council that he has a Federal Case pending with the City of Freeport.

Consideration of approving the September 5, 2017 Council Minutes.

On a motion by Councilwoman Mireles, seconded by Councilman Bass, with all present voting "Aye", Council unanimously approved the minutes of September 5, 2017 with the correction on page 652. To read as: "The Brazosport College, FLNG, Freeport Museum are in need of more parking". "Another building downtown is being sold and will also need more parking".

Acknowledgement/Presentation by Mayor Troy T. Brimage to the Brazoria County Salvation Army for their efforts and support during Hurricane Harvey.

Mayor Troy T. Brimage commended Lt. Gomez from the Salvation Army for assisting and taking the responsibility of the hurricane flood victims that came to River Place. He provided his staff, set up computers, cots and served food to the victims of Hurricane Harvey. He presented Lt. Gomez's staff with medals for an awesome job.

Mayor Troy T. Brimage opened the Joint Public Hearing at 6:13 p.m. with the Planning Commission.

**Joint Public Hearing:** The City Council and the Planning Commission of said city will conduct a joint public hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance of said city, codified as Chapter 155 of the Code of Ordinances of said City, adding a new zoning district, to be known as PUD-2, and changing the zoning

Classification for the following described real property from the present zoning classifications of such property to a new zoning classification of PUD-2:

BEGINNING at the boundary of the established W-4 Zoning District and the shoreline of the Brazos River at the eastern end of Brazos Boulevard, then along the south ROW line of Brazos Boulevard to the intersection of the east ROW of Oak Street; then proceeding south to the point of the south ROW of First Street; then proceeding west along the south ROW line of First Street to the northeast corner of Block 97, Freeport Townsite; then proceeding south to the north ROW line of Second Street; then proceeding west along the north ROW line of Second Street to the eastern boundary of the established PUD of the Brazos Landing Subdivision, then proceeding along the boundary of the established PUD to the southern ROW line of the City owned levee easement; then proceeding along the ROW line of the City owned levee easement to the east ROW line of Brazosport Boulevard; then proceeding north to the intersection of the south ROW line of Avenue A; then proceeding east along the south ROW line of Avenue A to its intersection with the east ROW line of McNeal Street; then proceeding south to the northern boundary of the established W-1R Zoning District; then proceeding west along the northern boundary of the established W-1R Zoning District; then proceeding south along the western boundary of the established W-1R Zoning District to the water line of the Brazos River.

Chris Duncan Attorney for the Economic Development Corporation stated that the Economic Development Corporation purchased waterfront property from Western Seafood. They have several inquiries from developers wanting to do their projects along the south side of the Old Brazos River. This public hearing is to consider a change of zoning designation of land located on or adjacent to the Old Brazos River. The property is currently zoned in several different zones such as industrial, commercial, and residential. The proposal is to designate land along the Old Brazos River as "Planned Unit Development-2 (PUD-2) that will provide mix uses. PUD-2 will eliminate all light to heavy industrial uses in the affected area, such as barges, sandblasting, and painting.

Mayor Troy T. Brimage explained that if you received a notification letter of the rezoning it's because you live within 200 feet of the proposed rezoning area. It does not mean your property will be changed to a new zone.

Ned Baron asked if his property will be rezoned. Chris Duncan answered him no, that his property is grandfathered.

Ed Garcia's concern is that the City, Economic Development Corporation and Port Freeport have a pending contract of a Master Plan. He feels that we should wait for the City's Master Plan before approving a PUD-2 zoning on the Brazos River.

Elliott Cundieff owns two city blocks and zoning has not been an issue.

Councilwoman Mireles asked if businesses could apply for a Specific Use Permit. Chris Duncan said no; that it would not be a unified plan.

Mayor Troy T. Brimage's concern is that if waterfront property sells, it could be to a shipyard, a sandblasting company or barge company and could be set up along the Brazos River near the Marina. He feels that it is not what the community wants along the river. The PUD-2 zone would allow expanded improvements. He asked Chris Duncan if the zoning could be split up or if it had to be contiguous. If the boundaries are to be changed, another public hearing will have to be called and notices sent out.

Trey Girouard of 121 Brazos Landing stated that the City owns that property and hundreds of people use the de facto park on the south side of the Brazos River for walking, jogging, riding bikes, and fishing. He commented that it is wrong to sell that shore line area, and asked Council to leave it alone and requested that the City dedicate it as a park. If the park should one day be for sale, then the citizens of Freeport can call for an election to vote under the Texas Local Government Code.

Chris Duncan stated that all development in the Planned Unit Development-2 (PUD-2) District shall promote public access and use of the Brazos River as a common area and enable public use of a pedestrian right of way along the levee.

Councilman Bass agrees that the community should have access to the River and has no knowledge or intentions of the city selling. The PUD-2 zoning would strengthen the City.

Lesa Girouard of 121 Brazos Landing is not for designating that section of park land from the Freeport Community House to the Municipal Park as PUD-2. She is for designating that section as park land. The area is presently used as a park space, green space, shore line recreation uses. She sees a steady line of people using the park for fishing, walking, jogging, parents and their children using the park. The remainder of the southern portion of the Brazos River is more suitable for PUD-2.

Rita Cundieff of 113 Brazos Landing would like to see plans from the City before making a decision. She commented that there are less places for children to play.

On behalf of the Planning Commission Johnathan Sublet, spokesperson stated that the Planning Commission recommendation is to dedicate the part of the shoreline from the Freeport Community House around the Municipal Park as a "park" and to continue forward the rest of PUD-2 as proposed originally.

There being no more comments from audience or staff, Mayor Troy T. Brimage closed the Joint Public Hearing at 7:16 p.m.

Consideration of approving Ordinance No. 2017-2139 amending Chapter 155 of the Comprehensive Zoning Ordinance of the City, now codified as Chapter 155 of the Code of Ordinances of the City, to add new sections, to be codified as Section 155.045-01, and which shall be applicable only to the land located within the Old Brazos River corridor, as described in that section; providing regulations and requirements for the development of such land; amending said comprehensive zoning ordinances to change the current classification of all land located within the boundary of such new district, as designated in

Exhibit “A” from its present zoning classification to such new zoning classification of PUD-2; ratifying and confirming all actions previously taken by the Planning Commission of said City or the City Council, or both.

No action taken.

Consideration of approving Ordinance No. 2017-2138 adopting a budget for said City for the Fiscal Year 2017-2018.

No action taken.

Mayor Troy T. Brimage announced budget workshop on September 25th, 26th, 27th, 2017 at 7:00 p.m. at the Freeport Council Chambers.

Consideration of approving Ordinance No. 2017-2140 accepting the certified appraisal roll from the Brazoria County Appraisal District for the 2018 tax year; establishing a tax rate for each \$100.00 valuation of taxable property within said city for such tax year; levying all taxes for said City for such tax year; allocating such taxes for certain municipal purposes therein enumerated; ordering that such taxes be assessed and collected; containing a severance clause; and providing an effective date for this ordinance.

No action taken.

Work Session:

Mayor Troy T. Brimage announcements and comments.

Mayor Troy T. Brimage commends Councilman McDonald for locating 39 parking spaces downtown. Businesses downtown are growing and are requesting more parking. FLNG has a one year lease and is requesting it be prolonged. The shelter at River Place is closed and Mayor Troy T. Brimage thanked Capt. Garivey and officers for assisting.

Councilman McDonald Ward A announcements and comments.

Councilman McDonald did visit the shelter at River Place and concurred with Mayor Troy T. Brimage that the Salvation Army had a good turnout for assisting the flood victims.

Councilman Bass Ward B announcements and comments.

Councilman Bass requested at the next subsequent meeting that infrastructure update be provided to the citizens.

Councilwoman Mireles Ward C announcements and comments.

Councilwoman Mireles appreciates and thanks Mayor Troy T. Brimage for more time on the budget and feeling very proud of her City for being proactive and preparing for the storm.

She read an article from the newspaper where other cities need to follow Freeport preliminary plans for a storm.

Councilman Yates Ward D announcements and comments.

Councilman Yates announced that the City never had intentions of taking park land. He announced that the City is spending more than it takes in and building a tax base up is important and that the developer Mr. Wong should start building houses.

Adjourn

On a motion by Councilman McDonald, seconded by Councilwoman Mireles, with all present voting "Aye", Mayor Troy T. Brimage closed the meeting at 7:24 p.m.

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Mayor Troy T. Brimage  
City of Freeport, Texas

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City Secretary Delia Munoz  
City of Freeport, Texas