

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, February 5, 2018 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 Troy T. Brimage
Councilman Larry L. McDonald
Councilwoman Nicole Mireles
Councilman Roy E. Yates

Staff:

Bob Welch, Finance Director / Interim City Manager
Wallace Shaw, City Attorney
Ursula Reyes, City Secretary
Nat Hickey, Property Manager
Billy Shoemaker, Building Official
Kim Townsend, Parks Supervisor
Loni Kershaw, Human Resources
Jennifer Hawkins, Economic Development Corporation
David Hoelewyn, Street Department
Raymond Garivey, Police Chief

Visitors:

Loren S. Hayes	Jay Garner
Melanie Oldham	James Pirrung
Desiree Pearson	Edmeryl Williams
Angela Williams	Rudy Reyna
Sabrina Brimage	Christina Travis
Sam Reyna	Lila Diehl
Doug Domingues	Ruben Renabato
Jerry Meeks	Brenda Laird
Jay Mejia	Moby Burrige
Evelyn Burrige	Bob Casale
Manning Rollerson	Mingo Marquez
Mingo Marquez Jr.	James Barnett
Sandra Barnett	Ron Moore
Jerry Meeks	Gardner Campbell

Call to order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Troy T. Brimage led the Pledge of Allegiance.

Attending citizens and their business.

Jay Mejia stated he was interested in purchasing property on Division Street. He owns the property on the West Side of Division Street behind the old police department. He stated there is a 50 foot piece of property next to the Right of Way that he is interested in purchasing. Mr. Mejia has had the property surveyed and talked to Mr. Hickey and he stated that Mr. Hickey has gotten the appraisal. Mr. Shaw advised Mr. Mejia that the owner of the property on the other side has the same right as Mr. Mejia. Mr. Mejia stated there is a Right of Way that splits Mr. Mejia's property and the other owner's property. Mayor Brimage's understanding is the city owns a strip in there and then the city has a Right of Way in there so the city owns the property that Mr. Mejia wants to purchase. It then goes to the Right of Way or separates a piece the city owns, then the right of way, and then McMahan spot which is the other owner of the property. Mr. Shaw asked if all Mr. Mejia wanted was a piece on the other side of the Right of Way. Councilwoman Mireles asked Mr. Mejia if he wanted to purchase the Right of Way or if he wanted just the 50 foot he was interested in. Mr. Mejia said that he needed to have a 7 foot easement on each side of the Right of Way and by doing that it gives Mr. Mejia 50 feet on the West Side of the Right of Way. Mayor Brimage asked Jerry Meeks if the 7 feet was sufficient for the man holes they have in there. Mr. Meeks said probably that it was BWA's water line. Mayor Brimage advised Mr. Mejia that we would get it on the agenda to discuss. Mr. Mejia's plan is to build a house there. He stated he has worked here in Freeport for 30 years and currently lives in Dickinson.

Brenda Laird, a teacher for 30 years and is currently on the Museum Board. She thanked everyone for the work they were doing. She stated that she didn't realize how hard it was to make decisions and to take ownership of the decisions. She finds it exhilarating to have her opinion matter and she finds it horrifying for the events that have happened just recently. She stated that the Museum Board is taking a trip to The Children's Museum in Houston to try and find enriching things to add to the Museum. Her history with the Museum is that when she started doing research on her book she wrote she went to the library in the back of the Museum and spent 2 days a week for a whole year. She was so deeply enriched. She stated that she got to see how people were interacting with the Museum. Her book was published and they asked her to be on the Board. Mayor Brimage assured Ms. Laird that the Museum is important to Council and to the City and especially to downtown and we will continue to support that. He thanked Ms. Laird for all her work as well.

Doug Domingues spoke about Infrastructure and Commended the Mayor and City Council on behalf of The Concern Citizens of Freeport for the Improvements, Communication and Cooperation that they now see between City Officials and the residents. He sees positive progress. He stated that Freeport is facing many difficult challenges in the years ahead. Streets and Drainage Systems are in need of repair and replacement and City Parks and Recreation are in need of upgrades. The difficult issue of the Port's desired acquisition of the east end weighs heavily on many people's minds. He stated that the Mater Plans being currently developed will provide recommendation for long term plans and when executed will allow Freeport and to overcome the most critical of this challenges. He stated that at the Town Hall meeting that was held at Riverplace that the audience was given a questionnaire and it indicated that the infrastructure improvements were the highest priority. He said it wasn't a surprise to the Concerned Citizens of Freeport since they have been listening to the residents voicing that same opinion to the City Council for the past 2 years. He stated that the Kendig Keast collaborative representative said it best when she stated that an Investment in the City's Infrastructure is an Investment in the City's future. He stated that he had questions going forward and to listen to what the Citizens are saying. He also stated that long term planning should also be done for other priorities in the City. He advised that the Concern Citizens of Freeport will stand firm in their position that the Improvements to the City Streets, Sewer and Drainage issues are the highest priority of their impact to the resident's daily lives. He stated that when they see Improvements to the Streets, Drainage, and Sewer they will support expenditures on other priorities. They support the City's current effort to Improve Freeport and stand ready to assist in any way that they can.

Consideration of approving the minutes for January 22, 2018 and January 29, 2018 Council Meeting.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved the minutes for January 22, 2018 and January 29, 2018 Council Meeting.

Consideration of approving selling the City's interest of lots 21 thru 24, Block 31, Velasco Town site property ID 259857, also known as 607 South Avenue B.

Mayor Brimage struck item number 5 from the agenda because the information from the Purchaser was incorrect.

Consideration of approving selling the City's interest of lot 18, Block 5, South View Gardens Subdivision, 914 West 11th Street, Freeport Town site, Tax ID 7750-0103-000.

On a motion by Councilman Yates, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved selling the City's interest of lot 18, Block 5, South View Gardens Subdivision, 914 West 11th Street, Freeport Town site, Tax ID 7750-0103-000.

Consideration of approving selling the City's interest of Lots 9, 10, 12, Block 36, also known as 618, 620, 624 South Gulf Blvd. Velasco Town site, Tax ID 8110-0394-000.

Motion Denied

Consideration of approving selling a portion of Wharton Street Right of Way between North Avenue O and North Avenue P, lot 24A, Block 790 and 13A, Block 809.

Motion Denied

Consideration of Authorizing the Mayor to sign and The City Secretary to attest an easement agreeing and granting a 1 foot wide easement the FM 1495 Right of Way to BASF Corporation replacement of a conduit generally located from The Port of Freeport entrance to the BASF Port Property.

On a motion by Councilman Yates, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved authorizing the Mayor to sign and The City Secretary to attest an easement agreeing and granting a 1 foot wide easement the FM 1495 Right of Way to BASF Corporation replacement of a conduit generally located from The Port of Freeport entrance to the BASF Port Property.

Consideration of closing and sale of Ash Street Right of Way South of 9th Street and conveying the City's interest to the adjoining property owners.

Eric Hays is the owner of the 27 acres that abuts up to the Ash Street entrance. He stated that it came before council 4 times last year. He hired council and had a temporary restraining order to keep the City from selling their interest in the easement. He dropped the case once the current city council took office because council's idea was not in agreement with it. Mr. Hay's asked why this has been brought up again. He feels with the Master Plan that the land can be utilized one day. Mayor Brimage told Mr. Hay's that he told Mr. Marquez that he would put it back on the agenda. Mayor Brimage would split it 20/20/20 with all three owners. Mayor Brimage asked Mr. Hay's what his plan was to do with this property. Mr. Hay's said he didn't have plans with the 27 acres put it would hurt the property to close the easement. Mr. Hay's asked Mr. Brimage if he would be able to keep the 20 foot so it could be a road. Mr. McDonald stated you would have to have that width for a Fire Truck to go through. Mayor Brimage stated that his thoughts were to do a Variance or approve something for the 20 foot Right of Way to be a road but he is not sure if there is a law that you couldn't have a Variance. Mr. Shaw asked if the other property owners agreed. Mayor Brimage said he knew Mr. Marquez agreed because Mayor Brimage had already talked to Mr. Marquez. Mr. Marquez stated that all parties agreed. Mr. Shaw stated that the other property owners needed to put it in writing and also suggested for this item to be tabled. Mayor Brimage asked Councilwoman Mireles how she felt. Her response was No. Councilman McDonald asked Mr. Meeks if there was a sewer line behind these houses. Mr. Meeks said yes There is a main sewer line behind these houses. Mr. Welch stated to table it again. Councilman Yates suggested that all the City Supervisors like Mr. Meeks to look into it and then make a decision. He feels like he doesn't have enough information to make a decision. Councilman

McDonald stated that the lift station on the West End of town has flooded over before and flooded people's homes and we had to purchase those homes. He stated that he is afraid that this is going to be the same problem. He said behind those houses there is a sewer line and if we can't access it there would be a problem. Mayor Brimage asked Mr. Meeks how wide the easement was on the back of these houses. Mr. Meeks said he wasn't sure but that certain areas of the property had been replaced. Mayor Brimage stated that depending on the width of the Right of Way behind these houses all the way to Cherry Street we could access the sewer line from Cherry Street all the way down. Councilman McDonald asked if we could access from the Magnolia Side. Mr. Meeks stated from the parking lot from the apartments then after that they would have to jump the curb. Mayor Brimage stated that Mr. Hay's follows an injunction and not sure what it says. The law says we would sale it to the adjacent property owners not abutting owners which Mr. Hay's is but Mayor Brimage stated he wanted to be fair with all property owners. Mayor Brimage was asked what he wanted to do he stated he wanted to split it 3 ways. Councilwoman Mireles stated if they split it would there be an issue if we needed to get into that area. Mayor Brimage stated they could access for Cherry Street. Mr. Hoelwyn said he was told about a year ago while he was cutting a ditch behind these houses for drainage issues that he was told that Mr. Hay's owned the property and that the two properties lines abutted together. Mayor Brimage asked Mr. Hay's if our sewer lines were on his property. Mr. Hay's stated that the main sewer lines are basically stuck right at the end of one property and ends on the other. Mayor Brimage tabled this item. He stated that we are going to get clarification if there is a Right of Way he would like to split it up 3 ways with the other owners. If there is not a Right of Way we would take a different avenue. Mr. Brimage advised we would get a professional surveyors opinion.

Tabled the closing and sale of Ash Street Right of Way South of 9th Street and conveying the City's interest to the adjoining property owners.

Work Session:

A. Mayor Troy T. Brimage announcements and comments.

Mayor Brimage reported that He and Mr. Hoelwyn were able to go to downtown Freeport and they have found a concrete area that connects to the city sidewalk and will be adding an additional 30 parking spots. Councilman McDonald asked Mr. Hoelwyn if they tried to rake off the back where the shell drive was. Mayor Brimage advised that it looked really nice and cleaned up. Councilwoman Mireles asked if this would be a done deal and would not come up again. Mayor Brimage said if downtown continues to grow then maybe but that this should be ok for now. Mayor Brimage asked Mr. Hoelwyn about 1300 West 5th Street & Pecan where the water was holding in the street. Mr. Hoelwyn stated he could lay asphalt and add a crown in the middle.

B. Councilman McDonald Ward A announcements and comments.

Councilman McDonald did not have anything to say.

C. Councilman Bass Ward B announcements and comments.

Councilman Bass was absent.

D. Councilwoman Mireles Ward C announcements and comments.

Councilwoman Mireles apologized to Mr. Hoelwyn about not meeting up with him but that they would meet soon so she could show him some of her concerns around the City.

E. Councilman Yates Ward D announcements and comments.

Councilman Yates talked about the Town Hall meeting with Kending Keast. He stated that he was pretty disappointed in it. He said that we did not need someone to tell us what to do. We need them to tell us where to improve in, where to build a sports complex & where to build homes. He stated that the next time we have a meeting with them he didn't want to see charts and graphs that he wanted to see a plan.

Mayor Brimage stated that it is a process and that they are gathering information and at the end would put it all together. Mayor Brimage stated that we need to do something immediately to set us apart from these other cities. Mayor Brimage said the Master plan is the last resort and the time is now for The City of Freeport.

F. Updates on current infrastructure.

East 6th Street - sewer line replacement
South Avenue I - sewer line installation
1500 Block of West Broad & 4th Street - lowering water lines
Commerce Street Water and Sewer Project – Engineering Phase
Lift station and force main – South Avenue A
SSO Plan camera inspection – Not started
Alley Paving – 15 Alleys – not complete
SSO Plan – Sewer Main replacement – West 2nd Street to West 8th Street – Complete
Drainage work on Victoria Street – Complete
1900 Block North Avenue G – Repair Street
Alley entrance – 1502 West 8th Street – Not Complete
414 South Avenue G – Sidewalk – Complete
Pothole repair with QPR – Complete
City Parking Area between 2nd Street & Broad Street – Not complete

Manning Rollerson asked if someone could take care of a man hole issue that he has in his backyard. He stated that they went out and put a piece of wood over it to cover it but was wondering if the City could fix it.

Mr. Welch went over the Infrastructure Budget Summary.

Mayor Brimage opened Executive Session at 7:02 PM and closed the Work Session at 7:02 PM

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:

1. Discussion and possible action regarding claims asserted by Jeff Pynes in connections with the termination of his employment with the city and any counterclaims or other response the City may have to such claims.

No Action Taken

2. Discussion and possible action regarding closing and sale of Ash Street Right of Way South of 9th Street and convey the City's interest to adjoining property owners.

Striked

3. Discussion and possible action regarding Freeport Historical Museum's 501 (C)(3).

No Action Taken

Section 551.074, Government Code

Deliberations concerning the appointment, employment, evolution, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee, to wit:

1. Discuss and Review applications received for appointment as The City Manager.

No Action Taken

Mayor Brimage closed the Executive Session at 7:45 PM.

Adjourn

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting "Aye", Mayor Brimage adjourned the meeting at 7:46 PM.

Mayor, Troy T. Brimage
City of Freeport, Texas

City Secretary, Ursula Reyes
City of Freeport, Texas

