

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, April 16, 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 Brooks Bass  
Councilman Larry 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  
Chris Motley, Fire Chief  
Kim Townsend, Parks / Rec. Director  
Danny Gillchrist, Police Department  
David Hoelewyn, Streets Director  
Billy Shoemaker, Building Official  
Leann Strahan, Museum Director  
Yvette Ruiz, Building Department Secretary

Visitors:

Tommy Pearson	Desiree Pearson
Sabrina Brimage	Sandra Loeza
Brendan Brimage	Kenny Hayes
Willie Garcia	Jermey Garcia
Ruben Renabato	Ruth Renabato
Lila Diehl	Eric Hayes
Clint Vandergriff	Melanie Oldham
Christina Travis	Jay Mejia
Lamar Jordan	Elliot Cundieff
Casey Cundieff	Moby Burridge
Evelyn Burridge	Jerry Meeks
Cindy Cain	Lessa Girouard
Stuart Herbst	Larry Fansher
Sam Reyna	Angie Williams
Edmeryl Williams	

Call to order.

Mayor Troy T. Brimage called the meeting to order at 6:18 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.

Kenny Hayes stated that he went to the park that Councilman McDonald asked Kim Townsend to check out and he said that it was immaculate.

Consideration of approving the minutes for March 20, 2018 and April 2, 2018.

On a motion by Councilman McDonald, seconded by Councilwoman Mireles, with all present voting "Aye", Council unanimously approved the March 20, 2018 and April 2, 2018 Council Minutes.

Consideration of adopting a Proclamation declaring April 2018 as Fair Housing month in the City of Freeport.

On a motion by Councilwoman Mireles, seconded by Councilman Bass, with all present voting "Aye", Council unanimously approved adopting a Proclamation declaring April 2018 as Fair Housing month in the City of Freeport.

Consideration of awarding the contract for paving (1) Fourth Street, beginning at the East side of Dixie Drive to apron at Brazosport Blvd. (2) Eight Street, intersection with Riverview and additional street as needed (3) Yaupon Street and its intersection with 11<sup>th</sup> Street, and additional street (4) Yaupon Street and its intersection with 10<sup>th</sup> Street, contained in the bid package, to the successful bidder, and authorizing the Mayor to sign and the City Secretary to attest such contract.

Mayor Brimage stated that Sorrell Construction won the bid for \$525,000.00 dollars for this concrete paving work.

Councilman Bass asked for corrections to be made on wording on bid.

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved awarding the contract for paving (1) Fourth Street,

beginning at the East side of Dixie Drive to apron at Brazosport Blvd. (2) Eight Street, intersection with Riverview and additional street as needed (3) Yaupon Street and its intersection with 11<sup>th</sup> Street, and additional street (4) Yaupon Street and its intersection with 10<sup>th</sup> Street, contained in the bid package, to the successful bidder, Sorrell Construction for \$525,000.00 dollars, and authorizing the Mayor to sign and the City Secretary to attest such contract.

Consideration of authorizing payment of membership dues for Brazoria County Shoreline Restoration Task Force in the amount of \$7,500.00

Chief Motley stated that this has been a membership that the City has been a part of since Mr. Bottoms administration and when we annexed the beach waterfront. Mr. Motley asked to continue to fund this project because in two years they are looking for federal funding in improving our beaches. He stated that it's not only for recreational use but is also a barrier island to our levee system during storms.

Councilman Bass asked if we would have to approve a budget amendment and Mr. Welch said yes we would have to have a budget amendment.

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved authorizing payment of membership dues for Brazoria County Shoreline Restoration Task Force in the amount of \$7,500.00

Mayor Brimage opened the joint Public Hearing with Planning Commission at 6:30 PM

Consideration of approving and if necessary calling a joint Public Hearing with Planning Commission to consider replatting a portion of the Freeport Townsite to be called Brazos Shores Section 1 plat.

Casey Cundieff presented a drawing of 800 Block of 2<sup>nd</sup> Street divided that Block into 9 different lots all 50 foot lots except the one on the West Side that one is a 60 foot lot. They run all the way from 2<sup>nd</sup> Street to the River.

Mr. Shaw stated they we have to call a Public Hearing and that it has to be published in the paper 15 days prior to the Public Hearing

Casey Cundieff stated that they want to replat the 800 Block of 2<sup>nd</sup> Street and build on these nine lots for residential use.

Councilwoman Mireles asked Mr. Cundieff if he was going to be selling the lots or building houses. Mr. Cundieff said that he was going to build at least one house and sale the rest of the lots that it all depended on how it went.

On a motion by Councilman McDonald, seconded by Councilwoman Mireles, with all present voting "Aye", Council unanimously approved calling a joint Public Hearing with Planning Commission on May 7, 2018, at 6:00 p.m. to consider replatting a portion of the Freeport Townsite, including the 800 Block of 2<sup>nd</sup> Street, to be called Brazos Shores Section 1 plat.

Casey Cundieff announced for everyone to go out and eat at Sweet T's to support the Brazosport High School class of 2020.

Closed the Public Hearing at 6:37 PM.

Consideration of moving forward on amending the zoning ordinance to provide an exception for building under certain circumstances on 25' foot lots.

Mayor Brimage stated that we have over four hundred 25' foot lots that have been sitting for years and undevelopable. Mayor Brimage said that he wants them to be desirable homes and to attract people to the City of Freeport. He said we would have to have our Code Department to put together a plan to submit to the Planning Commission for approval and then to City Council for final approval. Mayor Brimage said that a company has already bought 14 lots and that this would inspire other developers once the product goes up and they will see a lot of quality product.

On a motion by Councilman Bass, seconded by Councilwoman Mireles, with all present voting "Aye", Council unanimously approved moving forward on amending the zoning ordinance to provide an exception for building under certain circumstances on 25' foot lots.

Consideration of calling a Public Hearing to discuss the possibility of charging to park on City owned beaches, to offset cost of cleanup.

Mayor Brimage would like to have a Public Hearing to get the citizen's input to maintain the beach. He stated that there would be no man made place to buy a ticket or no kiosk. There would be an app on your phone and that would be your proof of purchase. Mayor Brimage said that this would offset some cost of cleanup. Mayor Brimage set the Public Hearing date for May 7, 2018, at 6:00 p.m.

On a motion by Councilman McDonald, seconded by Councilwoman Mireles, with all present voting "Aye", Council unanimously approved calling a Public Hearing to discuss the possibility of charging to park on City owned beaches, to offset cost of cleanup.

Eric Hayes asked Mayor Brimage how this would affect the Texas Open Beach Act he said in 1991 that all beaches that were free were to remain free. Mayor Brimage said he has spoken to Olson and Olson and they don't see a problem with it but there is a process and we would still need to go through Texas Parks and Wildlife.

Consideration of adopting Resolution No. 2018-2539 authorizing the Mayor to sign and the City Secretary to attest a deed without warranty confirming prior conveyance of the ½ of the closed Wharton Street ROW opposite lot 12 Block 806 Velasco Townsite for \$10.00 dollars and other good and valuable consideration to Cynthia Gayle Edwards.

Mayor Brimage said that back in 1983 two brothers bought this property and one of the brothers sold this property to Cynthia Gayle Edwards she had a title but however City of Freeport never

filed a deed for this ROW to be included into this property. The other half of the property did get deeded to the brother but this half just didn't get deeded.

Billy Shoemaker said that in 1983 the Wharton Street ROW was sold to two brothers Donnie and Henry Merrill. One of the brothers has passed away and the other brother is unreachable due to illness. County records still show that the City of Freeport still owns this property. Mr. Shoemaker stated that the cleanest way to do this is to resale Ms. Edwards the property for \$10.00 dollars.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved adopting Resolution No. 2018-2539 authorizing the Mayor to sign and the City Secretary to attest a deed without warranty to Cynthia Gayle Edwards confirming prior conveyance of the ½ of the closed Wharton Street ROW opposite lot 12 Block 806 Velasco Townsite for \$10.00 dollars and other good and valuable consideration.

Consideration of authorizing Mayor to sign Water and / or Sewer Service Agreement with Palmetto Lakes LP.

Mayor Brimage said that this is the RV Park out on Hwy 36 we are already supplying water to them. They are adding an additional 190 spots to the back and they are willing to connect to the water that is already there. We will be adding to the contract saying the City will not be responsible for any upgrades to our current system out there if the other 190 maxed out our facility. The RV Park would be responsible if we continue to sale them water to their 190 spots to upgrade them themselves.

Councilman Bass said that we would have to send the contract back for them to sign the updated contract and if they were aware of the changes. Mayor Brimage said yes.

Councilman Yates asked about the sewer services. Mayor Brimage said it's the same. Councilman Yates asked if they would be responsible for all this and Jerry Meeks said yes, it will be their lift station and everything. The City is not responsible for the up keep at this station.

On a motion by Councilman McDonald, seconded by Councilwoman Mireles, with all present voting "Aye", Council unanimously approved authorizing Mayor to sign Water and / or Sewer Service Agreement with Palmetto Lakes LP.

Discuss and consider the sale of City's interest in Lot 8, Block 809, also known as 1810 North Avenue O, Velasco Townsite, Tax ID 8110-4175-000.

On a motion by Councilman Yates, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved the sale of City's interest in Lot 8, Block 809, also known as 1810 North Avenue O, Velasco Townsite, Tax ID 8110-4175-000.

Discuss and consider authorizing Museum Manager to contract with the company offering the lowest and best price, not exceeding \$50,000.00, to repair museum roof.

Leann Strahan stated that the last time we discussed this we had Tom Allen from All Sides Inspection come out and look at the roof. Theriot also came out but we are still waiting on the quote. Ms. Strahan said it continues to deteriorate and with the rain that we are getting it just gets worse. Her recommendation was to go with one of the higher bids so that way they wouldn't be back in this situation in five years.

Councilman McDonald said you get the weight of two or three roofs and eventually you will have to remove all of them. Councilman McDonald suggested we get someone to look at how many roofs are on there now.

On a motion by Councilman Yates, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved authorizing Museum Manager to contract with the company offering the lowest and best price, not exceeding \$50,000.00, to repair museum roof.

Mayor Brimage said we would go with Holden Roofing to remove the roof and then place the membrane roof on.

Councilman Bass asked how we will know what the budget adjustment will be. Mayor Brimage said it could be from 25 to 35 thousand.

Leann Strahan thanked everyone for coming out and supporting the Farmer's Market.

Discuss City buildings and/or structures in need of repair, i.e., Freeport Community House, Mystery Boat, Service Center and Antonellis.

Mayor Brimage said that we have to do something to clean up the City and move forward on our building structures.

Freeport Community House - get prices to tear it down.

Councilwoman Mireles asked if we could rebuild the Freeport Community House and not build houses on that property.

Antonellis – is being rented out since 2013 for \$150.00 dollars a month and the City is paying for the water and sewer.

Mystery Boat – outriggers need to come down and the material is rotten from the inside out.

Councilwoman Mireles asked if we could find another Mystery Boat to replace the one we have.

Old City Hall – get prices to tear it down.

Willie Garcia asked why he wasn't on the agenda. Mr. Welch stated we were waiting on the appraisal to come back. Mayor Brimage told Mr. Garcia that he did win the bid for \$42,000.00 and he would be on the next agenda.

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

No action taken.

Work Session:

Mayor Troy T. Brimage announcements and comments.

Mayor Brimage stated that they got with Baker Lawson and got a letter on the 1300 Block of West 5<sup>th</sup> Street. David Hoelewyn said that it was best to do the whole block. Councilman Bass asked if this was something that could or would not be included in the Interlocal Agreement and Mr. Hoelewyn said it something that we are responsible for now. Councilman Bass suggested that we get together and see how much what the cost is. David Hoelewyn presented a cost report that would cost about \$24,000.00 for an Engineer to do it or \$6,700.00 for Street Department to do it.

Mayor Brimage stated we have three alleys left to repair and we are done. Mayor Brimage suggested that we should black top the alleys now that we have a solid surface.

Councilman McDonald Ward A.

Councilman McDonald thanked Kim Townsend for going out to Lincoln Park and addressing the park the next day.

Councilman Bass Ward B.

Councilman Bass said that he had issues with the alleys but Mayor Brimage addressed those already. He also said that there are still some issues with parking in the front yard. Councilman Bass said that last time he brought up issues about a noise complaint and he thanked Chief Garivey for issuing a citation this time. He said we are and will be enforcing the noise ordinance.

Councilwoman Mireles Ward C.

Councilwoman Mireles asked David Hoelewyn about 1912 North Avenue G if he ever went to look at the drainage. Mr. Hoelewyn stated yes he did and that they would have to put new culverts in.

Councilwoman Mireles asked what was the deal with City wide trash she said it was everywhere. Mayor Brimage asked Billy Shoemaker when they started to pick that up. Billy said they started today. Councilwoman Mireles stated that her neighbors were asking if we had an Ordinance where you couldn't go dumpster diving and spreading it all over the place. If it's on the curb it's free for all is that the way it works. Mr. Shoemaker said that City Employees pick up tires and oil because Waste Connections doesn't but that they pick up everything else.

### Councilman Yates Ward D.

Councilman Yates asked Melanie Oldham if she ever figured out how to get rid of the soft plastic. Melanie Oldham said there is a program we can apply to get some grant money.

### Updates on current infrastructure.

Sewer line installation on South Avenue I - complete  
Lower water line 1500 Block West Broad and 4<sup>th</sup>  
Commerce Street water and sewer project- Engineering phase  
Lift station and force main South Avenue A  
SSO plan camera inspection - hasn't started  
Alley paving - not complete  
SSO plan sewer main replacement West 2<sup>nd</sup> to West 8<sup>th</sup> - complete  
Repair street 1900 Block North Avenue G  
Victoria Street Drainage work - complete  
1600 Block 5<sup>th</sup> Street – curb, gutter and sidewalk  
1600 Block 6<sup>th</sup> Street – curb, gutter and sidewalk

### Update on Hwy 288 and Brazosport Blvd.

Mayor Brimage stated that he had a conference call with Senator Huffman and her staff and TX DOT. The roads from the North city limits of Freeport to Angleton were asphalt and they usually last about five years. They did not want to come and resurface our concrete roads because they last about fifteen to twenty years. The failure was they used river gravel in the mix with that concrete it was something that some Engineer had come up with and has failed and that's where the deterioration has come from in the concrete. They have gotten with some Engineers from Texas A & M and they have come up with some white materials that they are saying will work. TTI will perform a test on it which they just completed it and in two weeks they will provided us with the results to see if this material worked or did not work. If the Engineers come back and say it failed they will have the funds to fix the concrete and redo it.

Kim Townsend asked if it carry's the same life span the ten to fifteen years of the concrete. Mayor Brimage stated that the test is to get them through the life span of the road from when they poured it has nothing to do with a permanent fix.

### Update on reports / concerns from Department heads.

Larry Fansher wanted an update on the security lighting at the park. Kim Townsend said that the lighting at Arrington Park center point was tying in because the line had been cut four, five or six years ago or longer. Mr. Fansher said that there was lights and electricity back in 2015. Ms. Townsend said yes but somewhere in the ground the line had been cut and that's what we are working on.

Mayor Brimage opened Executive Session at 7:35 PM and closed the Work 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:

1. Expansion of Port Freeport into and its purchase of property in the East End of the City of Freeport.

No Action Taken

Adjourn

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting "Aye", Mayor Brimage adjourned the meeting at 7:57 PM.

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Mayor, Troy T. Brimage  
City of Freeport, Texas

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City Secretary, Ursula Reyes  
City of Freeport, Texas