

State of Texas

County of Brazoria

City of Freeport, Texas

BE IT REMEMBERED, that the City Council of the City of Freeport met on Monday, August 2nd, 2010 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: Larry L. McDonald
Michelle Kent
James W. Phillips – absent
Nicole Mireles
Norma M. Garcia

Staff: Jeff Pynes, City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Tyrone Morrow, Chief of Police
Gary Pohl, Marshall
Kola Olayiwola, Building Inspector
Carmen Calvillo, Code Inspector
Steve Massoletti, Code Inspector
Billy Shoemaker, EMS Coordinator
Chris Motley, Fire Marshal

Visitors: Jim Pirrung Dorothy Pirrung
Fred Bolton Lila Diehl
Ron Wise Joyce Adkins
Sam Reyna Rosa McDonald
Jerry Meeks John Stanford
Eric Hayes Glenda Fansher
Brad Tutunjia

Call to order.

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

Invocation.

Wallace Shaw, City Attorney offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of approving the July 19th, & July 28th, 2010 Council Minutes.

On a motion by Councilwoman Garcia, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved the July 19th & July 28th Council Minutes.

Attending citizens and their business.

John Stanford of 703 W. 8th Street, requested City Council to investigate the wasteful spending of City tax funds. He specifically addressed the purchase of two chairs by Police Chief Morrow and City Manager Jeff Pynes.

Consideration of approving Ordinance No. 2010-2254 amending the comprehensive zoning ordinance of said City to change the zoning classification of Lots 65, 65A 65A1, 65A1A, 65B, 65C, 518B, Brazos Coast Investment Company Subdivision, Division 14, F. J. Fields Survey, Abstract 62 and A Calvit League, Abstract 49, Brazoria County, Texas, known locally as 1935, 1949 & 2003 Victoria Street from its present zoning classification of R-3 Multi-Family Residential to a new zoning classification of C-2 General Commercial.

On a motion by Councilwoman Mireles, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved Ordinance No. 2010-2254 amending the comprehensive zoning ordinance of said City to change the zoning classification of Lots 65, 65A 65A1, 65A1A, 65B, 65C, 518B, Brazos Coast Investment Company Subdivision, Division 14, F. J. Fields Survey, Abstract 62 and A Calvit League, Abstract 49, Brazoria County, Texas, known locally as 1935, 1949 & 2003 Victoria Street from its present zoning classification of R-3 Multi-Family Residential to a new zoning classification of C-2 General Commercial.

Consideration of approving Resolution No. 2010-2239 adopting a fee schedule for Emergency Medical Services rendered by the Freeport Fire and EMS Department.

On a motion by Councilwoman Mireles, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved Billy Shoemaker’s recommendation to adopt a fee schedule for Emergency Medical Services rendered by the Freeport Fire and EMS Department.

Public Hearing: City Council to sit as the Board of Adjustment and Appeals under the Standard Unsafe Building Abatement Code, to consider whether or not the building(s) or structure(s) located at 119 South Gulf Boulevard are unsafe.

Mayor Larry McDonald opened the Public Hearing at 6:07 p.m. Kola Olayiwola, Building Official presented Council with a PowerPoint presentation of the condition of the structure of the Gulf Motel on 119 S. Gulf Boulevard. He explained the Unsafe Building Abatement procedure. Records show that in 2004 owner was properly notified by certified mail, City Council allowed owner 30 days in 2004 to commence repairs, no significant progress has been made towards the repairs or demolition of the structure. Now in 2009, owner has been properly notified by certified mail, asbestos survey revealed that facility contains asbestos. Staff has exhausted all amicable means in bringing about the repair or demolition of the structure. No significant progress has been made by owner. On December 1st, 2009, an inspection of the property was made by the Building Official and the following deficiencies were found at the time:

- Open structure; open/broken windows or doors.
- Unstable structure: rotten, broken, and/or termites infested structural members such as beams, roof rafter, ceiling and joist, sills top plates and studs. Roof failure; roof leaking, sagging, missing all or part of the roof.
- Structural failure: collapse or threat of collapse concerning walls, beams, headers, floor and ceiling joist.
- Foundation failure; breaking, cracking, moving, or settling of slab, pier, beam, or footing that has caused damage to the structure.

As of June 2010 the deficiencies are still present.

Mayor McDonald stated that before demolition occurs that an asbestos abatement be done. Mr. Olayiwola agreed.

Joyce Adkins stated that she lived closed by and the building was an eyesore for twenty some years.

Councilwoman Mireles reminded the Building Official to get a turn key bid from the contractor’s performing the work.

There being no further comments or questions, Mayor McDonald closed the Public Hearing at 6:22 p.m.

Consideration of authorizing the Mayor to sign a Written Decision finding that the building(s) or structures(s) located at 119 South Gulf Boulevard fail to meet the standards set forth in the Standard Code for the Elimination or Repair of Unsafe Buildings adopted by Section 150.025 of the Code of Ordinances of the City, as modified by Section 150.026 of said Code, and are, therefore unsafe.

On a motion by Councilwoman Kent, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved Mayor to sign a Written Decision finding that the building(s) or structures(s) located at 119 South Gulf Boulevard fail to meet the standards set forth in the Standard Code for the Elimination or Repair of Unsafe Buildings adopted by Section 150.025 of the Code of Ordinances of the City, as modified by Section 150.026 of said Code, and are, therefore unsafe.

Consideration of approving a Residential Tax Abatement application for Agustin & Marisole Serrano, new construction at 116 Brazos Landing Court.

On a motion by Councilwoman Garcia, seconded by Councilwoman Mireles, with all present “voting “, Council unanimously approved a Residential Tax Abatement application for Agustin & Marisole Serrano, new construction at 116 Brazos Landing Court.

Consideration of selling the City’s interest on Block 52, Lot 10 thru 12, Velasco Townsite, known as 420 S. Ave. G., Tx. Id 8110-0509-000.

On a motion by Councilwoman Garcia, seconded by Councilwoman Kent, with all present “voting “, Council unanimously approved selling the City’s interest on Block 52, Lot 10 thru 12, Velasco Townsite, known as 420 S. Ave. G., Tx. Id 8110-0509-000.

Consideration of approving Resolution No. 2010-2240 suspending Centerpoint’s proposed effective date; determining that the meeting complied with the Texas Open Meetings act; making such other findings and provisions related to the subject; and declaring an effective date.

On a motion by Councilwoman Garcia, seconded by Councilwoman Mireles, with all present “voting “, Council unanimously approved Resolution No. 2010-2240 suspending Centerpoint’s proposed effective date; determining that the meeting complied with the Texas Open Meetings act; making such other findings and provisions related to the subject; and declaring an effective date.

Consideration of setting a date for a Joint Public Hearing to consider the granting a Specific Use Permit to Capital Telecom to place a 120’ communication antenna in the Freeport Business park area, located at 1744 West 4th Street and for Abundant Life Church to be located at 606 North Gulf Boulevard.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved setting a date for September 7, 2010 for a Joint Public Hearing to consider the granting of a Specific Use Permit to Capital Telecom to place a 120’ communication antenna in the Freeport Business Park area, located at 1744 West 4th Street and for another Specific User Permit for Abundant Life Church to be located at 606 North Gulf Boulevard.

Mayor McDonald opened the Work Session at 6:27 p.m.

Work Session

Discussion regarding new Professional Standards for Board and/or Commission Members.

Mr. Pynes suggested implement new Professional Standards for Board and/or Commission Members in an attempt to reduce conflicts and outburst between the members. Council was in agreement.

Consideration of implementing new Professional Standards for Board and/or Commission Members.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved the new Professional Standards for Board and/or Commission Members.

Mayor McDonald opened the Executive Session at 6:30 p.m.

Executive Session:

Section: 551.071, Government

Consultation with City Attorney concerning pending or contemplated legation, settlement offers or other matter 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:

- Industrial District Contracts
(no action taken)

Mayor McDonald closed the Executive Session at 6:56 p.m. and opened the formal agenda to adjourn.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting “aye”, Council adjourned at 6:56 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor