

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED that the Board of Adjustments of Freeport met on Thursday, July 25th , 2024 at 6:00 p.m. at the Freeport Police Department 430 Brazosport Blvd. Council Chambers for considering the following agenda items:

Board of Adjustments:

Barry Simmons

James Gossit Jr.- absent

Sammye Moore

Nicole Mireles -Chairman

Kenneth Hayes- Vice Chair

Shondra Marshall (Alt)-absent

Margaret Bachman(Alt)

Staff:

Shelby Araujo – Building Official

Yvette Ruiz, P/Z Coordinator

Patti Veazey- Code

Lance Petty-City Manager

David Olson- City Attorney

George Matamoros – Council Liaison

Visitors:

Ron Bachman

Gary Guerrieri

Erlinda Flores

Karen Tate

Mobin Akhtar

Con & Diane McCleester

Karla Clark

Mark & Carol Parker

Gus Alvarez

Mingo Marquez

This meeting was live streamed via YouTube Live and may be accessed on the City of Freeport Facebook page:

<https://www.facebook.com/freeporttexas> or by visiting
<https://www.youtube.com/@cityoffreeporttx8375/streams>.

**THE MEETING IS BEING HELD FOR THE FOLLOWING
PURPOSES:**

CALL TO ORDER @ 6:00 pm

The Chairperson called the meeting to order, declared a quorum was present, and declared notices legally posted pursuant to Open Meetings Act.

INVOCATION AND PLEDGE OF ALLEGIANCE:
Sammy Moore

CITIZENS' COMMENTS: None

Members of the public are allowed to address the Board of Adjustments at this time and must include name and address. 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.

BOARD OF ADJUSTMENTS BUSINESS

REGULAR SESSION:

Consider and take possible action to approve the meeting minutes for June 27, 2024.

On a motion by Margaret Bachman to accept minutes as read, second by Sammye Moore with all voting "Aye" motion passes with a 5-0 vote.

OPEN PUBLIC HEARING @ 6:02 pm

Discussion and determination of 411 Sailfish Lane (Bridge Harbor) legal description Bridge Harbor Replat (A0051 DIV 8(B C I C) (Freeport) Lot Reserve Pt A-Boat Basin (200X) Acres 11.189 ID # 193507

DISCUSSION: Shelby, so this is in regard to 411 Sailfish for Bridge Harbor Yacht Club. I did present you guys with a site map of the docks, in which we are discussing. the owner listed on Brazoria County is BHYC Marina, LLC. docks B, C, E, and H have been deemed dangerous by me on July 14th of 2024. the boat docks that were deemed dangerous had posted notice of dangerous building, and management was informed to have the gates locked for no public entry. This is, dock B and C after the storm damage that you can see on the PowerPoint. This property has been in front of the Board of Adjustments already, and the owner was given 60 days to come up with a plan of action. Docks B/C and H have been deemed dangerous already by myself. Like I said, dock E has significant structural damage and roof has partially collapsed. The dock walkway was damaged and worn loose and is not safe for use and occupancy, that's why it was locked. Dock D appeared structurally sound at time of the walk through. The building suffered roof damage. The dock walkway was sound and condition at the time I did the walk through and it was anchored, and roof repair is needed. Building F, which has the apartment units' parts of the roof has blown off. Repairs are needed to dock F. Dock H.

Mobin I know that the public, especially the neighbors, are sick and tired of looking at the derelict condition of a bad condition of Bridge Harbor Yacht Club. And, I personally would like to apologize to them because I haven't been able to repair this property entire last year. My, elder brother was sick with cancer, and he passed away last month, so I have not been around at all.

Last year, when city reached out to me, I did an assessment of the property and determined that it acquired a large sum of money to repair this property properly. I did not have those resources, so, I made the logical choice of selling the property to somebody who has the means to repair this. The property went under contract in January of this year. That buyer fizzled out in a couple of months. and then we tried to auction off the property to somebody who has the means to repair this property, bring it to its former glory. I understand that this has been a landmark in this in a county. It's known for its glory days, about 60 days ago, the property did go under contract to local Brazoria buyers. and, it was supposed to close on the 19th of this month, right before Beryl hit. We had a lot of damage, as noticed by the city. So, the buyers have paused. They have not backed out. They have just paused until the insurance adjuster can come out and they're contractor can come out, look at the damage, and they want me to adjust the price of the contract according to whatever repairs are needed. I am willing to make whatever concession is needed or required to do to make the sale happen. I want some people who have money, affluent people who can come in, turn this property around and make it safe and attractive to the local people and, you know, increase the value of the neighborhood. I understand that because of the condition of the property, the neighborhood values are going down. And I apologize to public for that. If I had money to do this, I would have done it. But I think the best course of action was to sell it to somebody who could fix it. so, I urge the board to give me somewhere between 30 days to solidify the deal with the customers. And they are willing to do a cash closing quickly. as soon as these determinations are made by the independent contractors because of the recency of this storm, even the insurance adjuster hasn't come out yet. They are telling me they will come out in a week or so. So same thing with vendors. They the contractors are going all around fixing people's homes and roofs and commercial buildings. They want to come on their schedule and just give a number. I don't need them to repair this because the new buyers are going to repair this, and their plan is to remove all of these, roofing structures. according to our initial conversations, they want to remove all these docks and put in floating docks, and they want to bring the clubhouse to back. to normal. Back in order. They also intend on re bulk heading the entire Marina, including the shipyard. And those plans. if they have not been shared with the city manager, I would urge them, the customers or the buyers to share them with City Manager Mr. Lance in the near future. As soon as you know, we have a better direction of where this contract is going. They are, scheduled to visit the property this coming Wednesday. and, we also have a backup buyer. Once again, I don't have the means to fix this. Marina. All I can do is make it safe for the public by permanently locking all the docks that have been deemed dangerous. I will stop public access to any area that the city feels that I require to. block it off, or, for public safety. Any action the city requires me to do. I will comply with it until this case is

settled. once again, if I had millions of dollars at my mercy I would have spent on it. I don't. Logical choice is to sell it. And that's what I'm working on. I've been working on it. I have contracts to approved, signed, executed contracts. Those people still have money in the escrow. with the title company. I can provide information to city if needed, but I am doing everything on my part to make this happen. It's the four days of bad luck that Beryl came in and destroyed all these roofs. Otherwise, I would have closed on the 19th. as a matter of fact, Yeah, this year has not been kind on me. Last, My only sibling, the brother. And, he was 17 years older to me. God bless his soul. and, Lord, have mercy on his soul. And, I'm going through this battle. My insurance does not cover Beryl. The coastal area is known for named storms. So they my insurance specifically says no named storms. So, they're not covering it. I'm fighting with them as well. If they would pay me, I would have removed all these roofs and structures. Now, I 100% agree with the city's findings on the dock's status, or the structures, except for dock E where I believe that the dock itself is fine, but the roofing section makes it unstable. And if I need to, we can remove that roofing structure. But like I said, I'm having a hard time. People come in and give us an estimate at this point in time that the hurricane has been so soon. We have just been hit with battle, and I'm just wrapping my mind around this whole situation. And finally, in my final comment, once again, I will apologize to the public. And, you know, they were expecting new owners to come in three years ago And, you know, just dump 4 or \$5 million in this project and make it happen. A lot of people don't even realize that it takes about \$1.2 million just to do the bulkhead around this 24.1 acre, you know, track of waterfront. and then, replacing these docks, that's another couple million dollars. So, this is a lot of money that needs to go in. I was naive when I bought it. I thought that I could do it in a million or so. I have put in my personnel around one \$1.5 million of my own money. And to the point where I'm almost out of money, I'm struggling with the bank and I'm struggling with, with personal life, you know, just to keep this thing afloat until it sells. It's in my best interest in the city's best interest to allow this deal to happen and, and have somebody come take it, you know, take care of this. I I'm not allowed to reveal any information, but most of these, some of these buyers are local. They have been around since the since the Marina was put up in 1984. I am very confident that these people have the capability and the means to repair it and fix it and bring it to its previous glory. That's it.

Karla clark for 411 Sailfish I live in Bridge Harbor Condos number 104. In 2020 the Samtx company Mr. Akhtar purchased this property. Since that time, he has done no repairs to the property whatsoever at all. No bulkheading, very little mowing. The people that work there do not even have a lawn mower They have one employee that has a push mower that mows 11 acres. He will not pay for that to be done so the conditions are unsafe. The community was once thriving, but with false promises and claims that we will have it taken care of. It's never happened. In 2023, he

presented a document to the city that the property was sold. Well, that was another smoke and mirror commitment. That never happened. On April 25th, it came before the Board of Adjustments and again on April 30th. And you gave him 60 days to make a plan of action. Of course, he wasn't here. Nobody from that company was here at all. For those meetings, which are getting 60 days to make a plan of action, that didn't happen on your next meeting. It was not even on the agenda. And that was the end of the 60 days, and it just was left off. Then Beryl came. And so now we're finally getting to this. This has been a constant problem in this area. That was once, as he said, a thriving community. There are debris everywhere. He has 3 or 4 men working. They don't even have shovels or anything. They brought a truck down today. They had no vehicle to put anything in to haul things out of there. They are working, but they've not done anything because they don't have any equipment. The city and the Board of Adjustments has failed, the citizens on Bridge Harbor, the subdivision and the condos, and it's time for action to salvage what is left of once a thriving community. This property needs to be shut down. It can be taken by eminent domain. The city can take it and take care of it, and then they can sell it for salvage value. But this owner, by his own actions since 2020, has not maintained any type of effort to maintain the property. Thank you,

Nicole read two emails from Kelly Bounds and Steve and Wendy Krueger

Mark Parker, 76 Dolphin Lane, Bridge Harbor. A couple of things that you guys might need to know the other day out in front of my house, big oil slick, some kind of a slick. I wasn't sure what it was, but it was a lot more than normal. And so, I call the Coast Guard first. Talk to those guys, call in, answer you guys. Next. Talk to those guys. And, I think that maybe some of those boats that are sunk, we got some stuff coming out of them, and there was a big houseboat that was brought in there, moored up. And then when we end the storm, it ended over, oh, my neighbor's house and everybody else's houses. And I'm not sure, you know, I've driven over there. I know several of the guys and a lot of us, we've been concerned about it. And, I just talked to Moby, and he told me that it was it was all bio diesel, which means some of that stuff is not biodiesel. But I guess the main thing on my talk is I got a duck that's out there floating around, and he comes over. We feed him all the time, and I'm worried about him. So, with that in mind, I think environmentally we've got some issues with Tecq. I know that I also contacted the Glo and asked them to come and take a kind of a look at it. I don't know if I'm always got guys over there or if they're sampling the water or whatever it is, but I think that's just a preparation of what's already been there for a long time. So that's kind of another little added piece of information trying to protect my duck. Thank you

CLOSE PUBLIC HEARING @6:24 pm

TAKE ACTION ON BRIDGE HARBOR

On a motion by Nicole Mireles to go ahead and, give them 30 days for them to work with Shelby and the city, and then in 30 days they come back and look at it and see where we're at, or if anything's been done , second by Margaret Bachman with all voting "Aye" motion passes with a 5-0 vote.

OPEN PUBLIC HEARING @ 6:41 pm

Discussion and determination of repair on the roof at 215 E Park legal description Freeport Blk 31 lot 4-5 ID# 209224.

DISCUSSION Shelby 215 East Park. This structure has been in front of the Board of Adjustments for several times, with more time given to obtain a permit for the repair on the roof. As of July 25th, 2024, there has been no permit obtained. There's been no action or any activity or anything there. So as in terms of that, the only stuff I have seen is after the barrel damage, I have not seen any type of repairs or anything going on at that property. And as in terms of the owner, she did come in and try to apply for a permit. But, apparently, they were still going out for bids. the metal roofing has rolled back and, on the front, and the back of the structure from the storm damage. there are portions of the roof, in the rear of the building, and they are on the ground. there is potential hazard for that metal roofing to blow into the neighboring structures and possibly into the easement of the alleyway, and possibly cause damaging structures to the other tenants back there. Also, the building isn't secure at this time, so any securing has been blown off from the storm and, is open to attract the vagrants in the vicinity. staff recommendation is to proceed with civil penalties. And you can see the current pictures that were taken today.

CLOSE PUBLIC HEARING @ 6:44 pm

TAKE ACTION ON 215 E PARK

On a motion by Kenneth Hayes to proceed with civil penalties, second by Barry Simmons with all voting "Aye" motion passes with a 5-0 vote.

OPEN PUBLIC HEARING @ 6:45 pm

Request to repair or demolition of the unsafe structure located at 922 W 12th legal description South View Gardens (Freeport) Blk 8 Lot 20 ID# 251569.

DISCUSSION Shelby the first notice was sent on December 12th of 2023 to repair the structure. There have been several other notices sent for repairs as of July 25th, 2024. There have been no repairs made to the structure. an administrative search warrant was issued on July 2nd, and the structure was declared a dangerous structure by me. The city has maintained the property, cut the grass and removed debris for the last two years with placing liens on the property. There has been, contact with the owner through code enforcement, and the owner stated that she does not have the funds to repair the structure. there was a large tree that fell on the back of the structure, which caused massive roof damage. There is mold all throughout the structure from the roof not being repaired. The structure is currently unsafe for occupancy in its current use. the staff recommendation is for demolition due to the amount of damage.

Erlinda Flores, I've been trying to ask for help for so many years. I want to do what I need to do for my house, but, I can't. I don't get the money to do it. My kids were raised there. I don't want to get rid of my house. I need help. I felt it was difficult to stay there, but myself. Do your kids live here locally? No. they do not. Where do you reside now? Right now, I'm living with one of my friends. And It's just not right when I have my home. But I can't. There is nothing we can do to help. I have spoken with Mr. Bob for all of this to what's been going on. But I'm not ignoring nobody. I'm trying my best to find help here and there. And I'm just hoping that people that don't really need the help, they get it in full. I don't know, Like, how can I get that help, how long has it been in this shape? How long have you been out of the house? I just can't remember the day. I fell and Broke my . And I don't remember that stuff. Sometimes for like a year. Two years, into what, mama? That you haven't been able to live in it. That it's been like this. Well, I go, and I do a little bit

of clearing in there. Whatever I can't, when I fixed up the windows on the outside and the neighbors, the kids neighbors. But I don't have any proof and I know it's them. They keep on breaking my windows in my house. I've already fixed it twice, So I do want to reiterate here, when we actually did go to the property and everything, she still does have a lot of potential items in the home. So as in terms of recommendation, would possibly think 90 days for her the home that she can retrieve and, and possibly come up with a plan of action for demolition within 90 days. That's your recommendation? Yes, sir. Okay.

that's all we can do. That's the longest period that we can give this young lady to, not only come up with a plan. I mean, if there is a plan,

CLOSE PUBLIC HEARING @ 6:50 pm

TAKE ACTION ON 922 W. 12TH

On a motion by Kenneth Hayes to give you three months (90 days) to remove all your personal items and everything of importance. then demolish, second by Sammye Moore with all voting "Aye" motion passes with 5-0 vote

OPEN PUBLIC HEARING @ 6:51 pm

Request to repair or demolition of the unsafe structure located at 1719 W 9th legal description Freeport Blk 187 Lot 20-21-22 property ID# 210762

DISCUSSION

Shelby so the owner listed on Brazoria County Appraisal District is Larry Pinkney. I declared this a dangerous structure on July the 2nd of 2024. There have been 17 police calls on this property. There is a vagrant staying in the structure without any utilities. No water electricity. The code department has addressed the property. There have been at least 20 calls from the people in the neighborhood with complaints on this property. The city has cut and cleaned up the property several times, with liens being placed on the property. These are the conditions of the exterior of the property. Pool is full of green water overgrown grass and vegetation, trash and debris, and a dismantled RV. The fence around this property is dilapidated and is a safety hazard to the neighborhood. This house is a nuisance to the neighborhood, and the fence that has fallen gives a view of the overgrown yard, the trash, debris and swimming pool full of the water, which is a mosquito harbor ridge. The staff recommendation is for demolition, and the current pictures that you see in front of you are from today. And as you can see, the RV is now maybe about 10% of what the previous picture showed.

CLOSE PUBLIC HEARING @ 6:53 pm

TAKE ACTION ON 1719 W. 9TH

On a motion by Kenneth Hayes to demolish in 30 days and fill in pool, second by Margaret Bachman with all voting "Aye" motion passes with a 5-0 vote.

ADJOURNMENT @ 6:55 pm

On a motion to adjourn by Sammye Moore, second by Margaret Bachman

----- *Yvette Ruiz* -----

Yvette Ruiz P/Z Coordinator
City of Freeport

Nicole Mireles
B/A Chairman
City of Freeport