

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council and the Planning Commission met on Monday, October 7, 2013 for a Joint Public Meeting at 6:00 p.m., at the Freeport Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council: Mayor Norma M. Garcia  
Councilwoman Michelle Kent  
Councilman Fred Bolton  
Councilwoman Sandra Loeza  
Councilwoman Sandra Barbree

Planning Commission: Edward T. Garcia  
Reuben Cuellar  
Jesse Aguilar – Absent  
Tobey Davenport  
Eddie Virgil

Staff: Jeff Pynes, City Manager  
Gilbert Arispe, Asst. City Manager  
Delia Munoz, City Secretary  
Wallace Shaw, City Attorney  
Nat Hickey, Property Director  
Bob Welch, Finance Director  
Brian Davis, Fire Chief  
Larry Fansher, Parks Director

Visitors: Manning Rollerson  
Eric Hayes  
Dale Lindsey  
Jimmy Bermingham  
Debra Martinez  
Lila Lloyd  
Jerry Meeks  
Lila Diehl  
Shannon Daughtry  
Margie Kveton  
Mark Garner

Call to order.

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

Invocation.

City Attorney Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma Garcia led the Pledge of Allegiance.

Consideration of approving the September 23rd & October 1st, 2013 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the September 23rd & October 1st, 2013 Council Minutes.

Attending citizens and their business.

Manning Rollerson addressed Councilwoman Barbree that the management of Azalea Courts Apartments is discriminating against African Americans.

Consideration of approving Ordinance No. 2013-2046 amending the budget for the fiscal year 2012-2013.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Ordinance No. 2013-2046 amending the budget for the fiscal year 2012-2013.

Consideration of approving Resolution No. 2013-2425 authorizing the Fire Chief to donate a 1970 Kaiser Jeep Corporation 5 Ton Cargo truck, of said City to the Rivers End Volunteer Fire Department, Brazoria County.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Resolution 2013-2425 authorizing the Fire Chief to donate a 1970 Kaiser Jeep Corporation 5 Ton Cargo truck, of said City to the Rivers End Volunteer Fire Department, Brazoria County.

**Public Hearing:** A Public Hearing regarding Chapter 370.002 of the Local Government Code and Division (A) of Section 130.99 of the Code of Ordinance of said City to review the Juvenile Curfew Ordinance of said City.

Mayor Garcia opened the Public Hearing at 6:13 p.m. regarding Chapter 370.002 of the Local Code and Division (A) of Section 130.99 of the Code of Ordinance of said City to review the Juvenile Curfew Ordinance of the said City, to be reviewed every three years.

Lt. Danny Gillchrist stated that the ordinance had been reviewed and recommended no changes to the current Juvenile Curfew ordinance.

There being no more questions from staff or audience concerning the Juvenile Curfew Ordinance, Mayor Garcia closed the Public Hearing at 6:15 p.m.

Consideration of approving Ordinance No. 2013-2049 readopting Chapter 130 of the Code of Ordinances of said City, providing a Juvenile Curfew for minor(s).

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent , with all present voting “aye”, Council unanimously approved Ordinance No. 2013-2049 readopting, Chapter 130 of the Code of Ordinances of said City, providing a Juvenile Curfew for minor(s).

**Joint Public Hearing:** The City Council and the Planning Commission of said City will conduct a Joint Public Hearing to consider a propose amendment to the Comprehensive Zoning Ordinance and Map of said City, codified as Chapter 155 of the Code of Ordinances of said City, granting to Loren Eric Hayes a specific use permit to operate an RV Park within said City on Lots 92 and 93, Brazos Coast Investment Company Subdivision, Division 14, A. Calvit Survey, Abstract 49 and J.F. Fields Survey, Abstract 62, Brazoria County, Texas, located on North Brazosport Boulevard, northeast of its intersection with Zapata Street.

There being a quorum with the Planning Commission, Mayor Garcia opened the Joint Public Hearing at 6:16 p.m. to consider granting to Loren Eric Hayes a specific use permit to operate an RV Park within said City on Lots 92 and 93 Brazos Coast Investment Company Subdivision, Division 14. A. Calvit Survey, Abstract 49 and J.F. Fields Survey, Abstract 62, Brazoria County, Texas, located on North Brazosport Boulevard, northeast of its intersection with Zapata Street.

Edward T. Garcia spokesman for the Planning Commission opened the meeting at 6:16 p.m. Mr. Garcia asked Council and audience if anybody had any statement for or against the proposed specific use permit to operate a RV Park.

Dale Lindsey has property in the area and his concern is beautification, type of roads and materials, the area is low and drainage is a problem, water flows to the back of Zapata Street and into a ditch.

Margie Kveton has Area Mini Storage and her concern is over beautification of the area, safety, vandalism and transits coming to the park.

Manning Rollerson stated that the propose RV Park will not encourage any burglars into the Area Mini Storage. He suggested that Council give Mr. Hayes an opportunity and approve the Specific Use Permit.

Mayor Garcia asked if he had plans to raise the property elevation. Mr. Hayes said yes.

Councilman Bolton asked if he had plans for a recreational facility on the property. Mr. Hayes said he planned on a community center.

Lila Diehl spoke in favor of the RV Park. She stated that a lot of the people applying to live at the RV Park will be employed by the Dow Chemical and will have background criminal history clearance. The expansion of chemical plants and employments coming in; they expect the area to have a shortage of houses and apartments.

Councilwoman Loeza asked if the propose RV Park would be seen coming in to Freeport on Hwy. 288. Mr. Hayes said that you would have to really look for it, and that it would have a fence.

City Manager Jeff Pynes asked if he presented his plans to the Velasco Drainage District. Mr. Hayes said no.

There being no more comments or questions, Mayor Norma Garcia closed the Joint Public Meeting and the Planning Commission adjourned at 6:37 p.m.

Consideration of approving Ordinance No. 2013-2050 amending the Comprehensive Zoning ordinance of said city permit the specific use of Lots 92 & 93, Brazos coast Investment Company Subdivision 14, A Calvit Survey, Abstract 49 and J. F. Fields Survey, Abstract 62, Brazoria County, Texas within the corporate limits of said City, as an RV Park to be operated by the owner thereof, Loren Eric Hayes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Ordinance No. 2013-2050 amending the Comprehensive Zoning ordinance of said city permit the specific use of Lots 92 & 93, Brazos coast Investment Company Subdivision 14, A Calvit Survey, Abstract 49 and J. F. Fields Survey, Abstract 62, Brazoria County, Texas within the corporate limits of said City, as an RV Park to be operated by the owner thereof, Loren Eric Hayes, contingent upon a fence erected, the drainage concerns be approved by the Velasco Drainage District and approval of the details of the construction of the road.

Consideration of approving Ordinance No. 2013-2051 amending Section 112.04 of the Code of Ordinance to require written consent by the surface owner or owner(s) of any property in the City, which is the site for exploration or drilling for oil, gas and other minerals.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Ordinance No. 2013-2051 amending Section 112.04 of the Code of Ordinance to require written consent by the surface owner or owner(s) of any property in the City, which is the site for exploration or drilling for oil, gas and other minerals.

Consideration of approving Ordinance No. 2013-2052 amending sections of 52.15 & 52.16 of the Code of Ordinances to increase the rates for certain water & sewer rates services on or after October 5<sup>th</sup>, 2013.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Ordinance No. 2013-2052 amending sections of 52.15 & 52.16 of the Code of Ordinances to increase the rates for certain water & sewer rates services on or after October 5<sup>th</sup>, 2013.

Consideration of approving a Commercial Tax Abatement application for Associated Builders and Contractors, Inc., a new building to be located behind the current facility at 1400 N. Velasco, Freeport, Texas, Tx. Id. 8110-0519-.000.

No Action Taken

Work Session:

Schneider Electric – Introduction to Performance Contracting

Debra Martinez Senior Energy Solutions Specialist presented Council with a PowerPoint presentation of Performance Contracting identifying energy saving:

- Waste water treatment plants
- Water meter replacement
- EMS – building controls
- Commissioning of existing equipment
- Lighting retrofit for facilities
- Mechanical system replacements
- Other water retrofits
- Possible beautify city lighting

Ms. Martinez will report back to discuss the results of the Preliminary Audit on energy conservation at no cost to the City.

Mayor Garcia closed the Work Session at 7:05 p.m. and Open the Executive Session at 7:10 p.m.

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:

- Associated Builders and Contractors tax abatement
- Marina Litigations

Mayor Garcia closed the Executive Session and Reconvened the Formal Session to motion on Item No. 14 on the agenda.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council adjourned at 7:50 p.m.

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**Mayor Norma M. Garcia**  
**City of Freeport, Texas**

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**City Secretary - Delia Munoz**  
**City of Freeport, Texas**