

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council met on May 28th, 2014 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 Norma M. Garcia
Councilman Larry L. McDonald
Councilman Fred Bolton
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Assistant City Manager
Delia Munoz, City Secretary
Wallace Shaw, City Attorney
Pat Taylor, Asst. City Attorney
Nat Hickey, Property Manager
Bob Welch, Finance Director
Brian Davis, Fire Chief
Dan Pennington, Police Chief

Visitors: Lance Reaves, Reporter Jerry Meeks
Loren Hayes Eric Hayes
Roy Yates Nicole Mireles
Sam Reyna

Call to order.

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

Invocation.

Mr. Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma M. Garcia led the Pledge of Allegiance.

Consideration of approving the May 19, 2014 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved the May 19, 2014 Council Minutes.

Attending citizens and their business.

There were none.

Consideration of approving an Earnest Money Contract and a Development Agreement to finalize the Skymark Development Company, Inc., proposal as awarded on Nov. 18, 2013 to facilitate development initiation on the 13 acre tract located on 1500 West 2nd Street.

Mr. Pynes spoke on behalf of the 13.1 acre tract, located on 1500 West 2nd Street. Council approved the bid proposal to Skymark Development Company to develop housing on November 18, 2013. Mr. Pynes reviewed the Development Agreement stated that the current Brazoria County Appraisal District value on the property is \$157,000.00. The new proposed completed development value is \$8,000,000. Projected new revenue to the City is \$87,000.00. An independent appraiser appraised the land value at \$227,000.

The agreement will state that if the developer fails to commence construction within a term of not more than 12 month, the City has the right to take the property back. The developer would have to comply with all the right-of-ways restrictions, greenbelts and all that currently exists on the property, pay the entire infrastructure related to the development. The developer agrees only Single Family Homes on any of the property located within (700 feet) of 2nd Street. He reviewed the details of a Single Family Residential and Multi-Family regulations.

Councilman McDonald asked who had offered the price of \$100,000. Mr. Pynes said the Developer.

Edward Garcia, Chairman of the Planning Commission expressed concerned that Council is overlooking the appraised value of the property. The bid can be rejected. He is not against the project. Another concern is that the same developer that purchased the Urban Renewal Tract has not started construction.

Councilman Bolton stated he is not against the project but would not sell anything less than \$227,000. He requested several changes to the proposed agreement:

- Page 1, 3rd paragraph, the word “either” removed.
- Page 2, 5th paragraph talks about the 100’ restrictive buffer reference, wants it stated. He wants the word “condominium” removed and that only Single Family Residential homes on any of the property located within 600 feet from 2nd street.
- Request “condominium “removed and leave townhomes.
- Councilman Bolton requests the agreement to state that at this time or at any distance future that Apartment Complexes not be allowed.
- Page 3 Single Family Residential change from a minimum of 1, 600 to 1,800 sq. ft of living improved space.
- Page 3 add having 50 % brick veneer on the Single Family Residential homes and Multi-Family Residential homes.
- Councilman Bolton stated that a discussion on lot sizes or restriction had not been discussed and was not familiar with lot sizes on the Single Family and the Multi-family homes.

- Pg. 4, No. 14 was explained by Mr. Shaw.

Councilman Bolton asked if Council had any say on the Builder that the Developer would employ. Mr. Pynes stated that they have to be licensed to be able to pull permits.

Councilman McDonald asked Mr. Shaw if he had reviewed the contract and asked for his opinion. Councilman McDonald said he was a big tax payer; all of us are tax payers and he felt the City was taken a beating on the developer's offer of \$100,000.

Roy Yates of 314 Mystery Harbor Lane is in favor of selling the property to Skymark Development, the City in the past has made bad deals and the property is worth what the developer is willing to pay.

Mr. Pynes will make another offer of \$157,000 to Skymark Development with the suggested changes.

This item was reagendaed.

Consideration of approving Skymark Development Company, Inc. - 380 Agreement on the Urban Renewal tract of 327 acres.

No action taken

Mayor Garcia opened the Executive Session at 6:29 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:

- Skymark Development Company, Inc.- 380 Agreement on the Urban Renewal tract of 327 acres.

No motion taken

Mayor Garcia reconvened the Formal Session at 6:59 p.m.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Mayor Norma Garcia adjourned the meeting at 6:59 p.m.

Mayor Norma M. Garcia
City of Freeport, Texas

City Secretary – Delia Munoz
City of Freeport, Texas

