

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council met on Monday, October 5, 2015 at 6:03 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 Moreno Garcia
Councilman Larry L. McDonald
Councilman Fred Bolton - absent
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

Staff:

Gilbert Arispe, Assistant City Attorney
Delia Munoz, City Secretary
Wallace Shaw, City Attorney
Nat Hickey, Property Director
Bob Welch, Finance Director
Dan Pennington, Police Chief

Visitors:

Lila Loyd Annette Sanford
Cindy Suggs Darlene Weir

Call to order.

Mayor Norma Moreno Garcia called the meeting to order at 6:03 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma Moreno Garcia led the Pledge of Allegiance.

Attending citizens and their business.

There were none.

Consideration of approving September 28, 2015 Council Minutes.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting 3 to 1, Council approved the September 28, 2015 Council Minutes. Councilman McDonald opposed.

Consideration of approving Ordinance No. 2015-2081 amending Chapter 71 of the Code of Ordinances of said City to delete from Section 71.71, the intersection of Avenue A and Velasco Boulevard as an intersection where traffic is regulated by green, yellow and red colored lights as defined in section 544.007 of the Transportation Code and adding such intersection to section 71.50 of said Code of Ordinances as a four-way stop intersection providing for the erection of appropriate signs and signals by or at the direction of the City Manager of said city.

Annette Sanford and Councilman McDonald stated that erecting stop signs do not work effectively, encouraged the city to add a red flashing light at the curb.

On a motion by Councilwoman Loeza, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved Ordinance No. 2015-2081 amending Chapter 71 of the Code of Ordinances of said City to delete from Section 71.71, the intersection of Avenue A and Velasco Boulevard as an intersection where traffic is regulated by green, yellow and red colored lights as defined in section 544.007 of the Transportation Code and adding such intersection to section 71.50 of said Code of Ordinances as a four-way stop intersection providing for the erection of appropriate signs and signals by or at the direction of the City Manager of said city and adding a red flashing light.

Consideration of approving Ordinance No. 2015-2083 amending Chapter 71 of the Code of Ordinance of said City to delete from Section 71.71 of said Code the Intersection of Second Street and Cherry Street as an intersection where traffic is regulated by green, yellow and red colored lights as defined in Section 544.007 of the Transportation Code and adding such intersection to section 71.50 of said Code of Ordinance as a four-way stop intersection; providing for the erection of appropriate signs and signals by or at the direction of the City Manager of said city.

On a motion by Councilwoman Loeza, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved Ordinance No. 2015-2083 amending Chapter 71 of the Code of Ordinance of said City to delete from Section 71.71 of said Code the Intersection of Second Street and Cherry Street as an intersection where traffic is regulated by green, yellow and red colored lights as defined in Section 544.007 of the Transportation Code and adding such intersection to section 71.50 of said Code of Ordinance as a four-way stop intersection; providing for the erection of appropriate signs and signals by or at the direction of the City Manager of said city and adding a red flashing light.

Consideration of approving Ordinance No. 2015-2097 amending Ordinance No. 2014-2062 designating improvements to land located within the corporate limits of said City as a reinvestment zone, to be known as the BASF Corporation Reinvestment Zone, to add thereto a strip of land adjacent to such land inadvertently omitted from the description attached to such ordinance.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Ordinance No. 2015-2097 amending Ordinance No. 2014-2062 designating improvements to land located within the corporate limits of said City as a reinvestment zone, to be known as the BASF Corporation Reinvestment Zone, to add thereto a strip of land adjacent to such land inadvertently omitted from the description attached to such ordinance.

Consideration of approving Resolution No. 2015-2480 of the City of Freeport, Texas containing a preamble; making findings of fact; accepting the offer of the Jordan Family Trust and authorizing the Mayor and City Secretary to execute and attest, respectively, and the Mayor to acknowledge and deliver a deed exchange with the Jordan Family Trust Whereby Block 35, Lots 9, 10, 11, 12 and 15, Block 71, Lot 2, Block 507, Lot 6, Block 661, Lots 1-24, Block 676, Lots 14 and 15, Block 720, Lot 5, 11 and 12, Block 752 Lots 13, 16, 19, 22, 24 and 24A, Block 755 Lot 11, Block 764, Lots 18 and 19, Block 789 Lot 3, Block 790, Lots 14, 15, 19, 21, Block 809 Lots 13 and 24, Block 810 Lots 2-5, 7, 9, 10, 11 and 12 of the Velasco Townsite of said City, now owned by said Trust, are exchanged for Block 729, Lots 11,15-17 and 19, Block 730, Lot 9, Block 731, Lots 1,2,7 18, 21, 23 and 24, Block 742 Lots 17 and 19 Block 743, Lots 7 and 14 Block 760, Lots 4-6, 8-15, 17, 19 and 23, Block 773, Lot 3, 9, 12, 12a and 16, Block 716, Lot 24 of the Velasco Townsite of said City now owned by said City; containing a severance clause; providing that this Resolution shall take effect and be in force from and after its passage and adoption; and providing that the original of this Resolution shall be maintained by the City Secretary in the permanent records of said and a certified copy hereof recorded with said deeds of exchange in the official records of Brazoria County, Texas.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Resolution No. 2015-2480 of the City of Freeport, Texas containing a preamble; making findings of fact; accepting the offer of the Jordan Family Trust and authorizing the Mayor and City Secretary to execute and attest, respectively, and the Mayor to acknowledge and deliver a deed exchange with the Jordan Family Trust Whereby Block 35, Lots 9, 10, 11, 12 and 15, Block 71, Lot 2, Block 507, Lot 6, Block 661, Lots 1-24, Block 676, Lots 14 and 15, Block 720, Lot 5, 11 and 12, Block 752 Lots 13, 16, 19, 22, 24 and 24A, Block 755 Lot 11, Block 764, Lots 18 and 19, Block 789 Lot 3, Block 790, Lots 14, 15, 19, 21, Block 809 Lots 13 and 24, Block 810 Lots 2-5, 7, 9, 10, 11 and 12 of the Velasco Townsite of said City, now owned by said Trust, are exchanged for Block 729, Lots 11,15-17 and 19, Block 730, Lot 9, Block 731, Lots 1,2,7 18, 21, 23 and 24, Block 742 Lots 17 and 19 Block 743, Lots 7 and 14 Block 760, Lots 4-6, 8-15, 17, 19 and 23, Block 773, Lot 3, 9, 12, 12a and 16, Block 716, Lot 24 of the Velasco Townsite of said City now owned by said City; containing a severance clause; providing that this Resolution shall take effect and be in force from and after its passage and adoption; and providing that the original of this Resolution shall be maintained by the City Secretary in the permanent records of said and a certified copy hereof recorded with said deeds of exchange in the official records of Brazoria County, Texas.

Consideration of approving Resolution No. 2015-2481 appointing Roddy Mohler to the Board of Adjustment of said City.

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved Resolution No. 2015-2481 appointing Roddy Mohler to the Board of Adjustment of said City.

Consideration of approving Resolution No. 2015-2482 nominating candidate(s) for a position on the Board of Directors of the Brazoria County Appraisal District.

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously nominated Bob Welch to the Board of Directors of the Brazoria County Appraisal District.

Consideration of approving Resolution No. 2015-2483 readopting a tax abatement and investment zone policy and adopting the guidelines and criteria.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Resolution No. 2015-2483 readopting a tax abatement and reinvestment zone policy and adopting the guidelines and criteria.

Consideration of designating a representative and an alternate to the Houston –Galveston Area Council, 2016 General Assembly.

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Councilwoman Sandra Barbree and Councilwoman Loeza as an alternate to the Houston-Galveston Area Council 2016 General Assembly.

Consideration of approving and releasing the City's interest in trust property; Block 36, Lot 9,10,12, Velasco Townsite, Tax Id. 8110-0394-000.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously declined releasing the City's interest in trust property; Block 36, Lot 9, 10, 12, Velasco Townsite, Tax Id. 8110-0394-000.

Consideration of setting a Joint Public Hearing with the Planning & Traffic Commission to consider a request from the Martin Luther King Committee to rename Cherry Street to Martin Luther King Boulevard.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved October 19, 2015, setting a Joint Public Hearing with the Planning & Traffic Commission to consider a request from the Martin Luther King Committee to rename Cherry Street to Martin Luther King Boulevard.

Consideration of setting a Joint Public Hearing with the Planning & Traffic Commission to consider amending the zoning ordinance to add regulations for a non-regulated nightclub.

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved November 2, 2015 setting a Joint Public Hearing with the Planning & Traffic Commission to consider amending the zoning ordinance to add regulations for a non-regulated nightclub.

Consideration of approving a 380 agreement for RB Construction, LLC; 114 Paintbrush, Lake Jackson, Texas for housing development.

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved a 380 agreement for RB Construction, LLC; 114 Paintbrush, Lake Jackson, Texas for housing development.

Mayor Norma M. Garcia closed the formal session and opened the Executive Session at 6:23 p.m.

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

Mayor Norma M. Garcia closed the Executive Session at 7:04 and reconvened the Formal Session.

- Praxair – On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved to rescind the Industrial District Agreement with Praxair authorized by City Council on July 20, 2015.
- Planning Commission – On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting 3 to 1, Council approved removing Tobey Davenport and appointing Cindy Cain to the Planning Commission of said City. Councilman McDonald opposed.
- Charter Review - On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting 3 to 1, Council approved removing Eric Hayes and appointing Angela Fisher to the Charter Review of said City. Councilman McDonald opposed.
- Theriot and Lomeli Properties - On a motion by Councilwoman Loeza, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved for Nat Hickey, Property Manager to negotiate a price for the properties.
- Waste Management – No action taken
- Port Freeport- No action taken

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:

- Praxair
- Planning Commission
- Charter Review
- Theriot and Lomeli Properties
- Waste Management
- Port Freeport

Mayor Norma M. Garcia closed the Executive Session at 7:04 and reconvened the Formal Session for a motion.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Mayor Norma M. Garcia adjourned at 7:06 p.m.

Mayor Norma Moreno Garcia
City of Freeport, Texas

Delia Munoz, City Secretary
City of Freeport, Texas