

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council and the Planning Commission of the City of Freeport, met on Monday, April 5th, 2010 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Blvd., for the purpose of considering the following agenda items:

City Council:                      Larry L. McDonald - Absent  
  Clan A. Cameron  
  James W. Phillips – Absent  
  Ron Wise  
  Norma M. Garcia

Staff:                                      Jeff Pynes, City Manager  
  Wallace Shaw, City Attorney  
  Delia Munoz, City Attorney  
  Nat Hickey, Property Manager  
  Larry Fansher, Parks Department

Planning Commission:              Diane Williams  
  Joyce Adkins  
  Reuben Cuellar  
  Eric Hayes  
  Edward T. Garcia  
  Alonzo Martinez – Absent

Visitors:                              Pixie Floyd                      Jim Pirrung  
  Edna Allan                      Nicole Mireles  
  Sam Reyna                      John Stanford  
  Minnette Ashley              Jim Huffines  
  Sandra W. Wicke              Larry Shaefer  
  Judy Shaefer                      Kelly Adkins  
  Manning Rollerson              Annette Sanford  
  Rosa McDonald                George Beaman  
  Phyllis Saathoff                Nathaniel Lukefahr

Call to order.

Mayor Pro Tem, Norma Garcia called the meeting to order at 6:00 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Pro Tem, Norma Garcia led the Pledge of Allegiance.

Consideration of approving the March 15th, 2010 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting “aye”, Council unanimously approved April 5th, 2010 Council Minutes.

Attending citizens and their business.

John Stanford of 308 W. 8<sup>th</sup> Street, said the Executive Session item on the agenda did not fall within the law. He visited the District Attorney on this issue, and asked the City Attorney to review and have Council table the item.

Manning Rollerson said he continued to get threats by Freeport Police Officers. He would file a case in the Federal Courts if needed against the Police Department. The Department would be better off, if the officers were gone. He also suggested have more programs for the kids at the Recreation Department.

Proclamation: Proclaiming Child Abuse Prevention Month.

Mayor Pro Tem, Norma Garcia read the proclamation, proclaimed “Child Abuse Prevention Month”.

**Public Hearing:** A Joint Public hearing to consider (A) the following proposed amendments to the Comprehensive Zoning Ordinance of said City, codified as Chapter 155 of the Code of Ordinances thereof:

(1) amend the definition of Recreational Vehicle Park contained in Section 155.002 to add parks permitted by a Specific Use Permit in any other zoning district except the R-1, R-2, R-3, W-1, and W-1R zones;

(2) to amend Section 155.060 (E) (1) to allow, by Specific Use Permit, a recreational vehicle park to be operated in any other zoning district except the R-1, R-2, R-3, W-1, and W-1R zones district; and

(3) to add a new Division (H) to Section 155.060 requiring compliance with the provisions of Section 120.20 through 120.26 of said Code in the operation of such parks; and (B) the granting of a Specific Use Permit to Johnny Shipman, d/b/a Shipman RV Park, to operate a Recreational Vehicle Park on Lot 23, BCIC Division 6, F. J. Calvit Survey, Abstract 51, Brazoria County, Texas containing 5.112 acres of land, currently located in M-1 zoning district and known locally as 1607 East Highway 332, Freeport, Texas.

There being a quorum with the Planning Commission and City Council, Mayor Pro Tem Norma Garcia opened the joint public hearing at 6:09 p.m. Mayor Pro Tem, Norma Garcia asked for comments or suggestions from audience and staff.

Jim Pirrung of 101 Dolphin Lane asked if there were any provisions that Recreation Vehicle Parks would not become a Trailer Parks. Diane Williams said the Recreation Vehicle Parks had restrictions and guidelines.

Diane William, Chairperson of the Planning Commission approved the recommendation to amend the definition of Recreational Vehicle Park contained in Section 155.002 to add parks permitted by a Specific Use Permit in any other zoning district except the R-1, R-2, R-3, W-1, and W-1R zones and to grant a Specific Use Permit to Johnny Shipman, d/b/a Shipman RV Park, to operate a Recreational Vehicle Park on Lot 23, BCIC Division 6, F. J. Calvit Survey, Abstract 51, Brazoria County, Texas containing 5.112 acres of land, currently located in M-1 zoning district and known locally as 1607 East Highway 332, Freeport, Texas.

There being no further comments or questions, Mayor Pro Tem closed the joint public hearing at 6:17 p.m.

Consideration of approving Ordinance No. 2010-2244 amending section 120.20 of the Code of Ordinances of said City to allow recreational vehicle parks by Specific Use Permit in any zoning district except R-1, R-2, R-3, W-1, and W-1R zoning districts, amending the definition of recreational vehicle park contained in section 155.002 of said code or ordinances to include parks permitted by a specific use permit, amending division (E) (1) of Section 155.060 of said code of ordinances to provide for the issuance of specific use permits for the location of recreational vehicle parks in any zoning district except R-1, R-2, R-3 W-1 and W-1R zoning districts, and amending section 155.060 of said code of ordinances to add a new division (H) providing that all recreational vehicle parks for which a specific use permit has been granted shall be operated in compliance with all of the terms and conditions of section 120.20 through 120.026 of the code.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 'aye', Council unanimously approved Ordinance No. 2010-2244 amending section 120.20 of the Code of Ordinances of said City to allow recreational vehicle parks by Specific Use Permit in any zoning district except R-1, R-2, R-3, W-1, and W-1R zoning districts, amending the definition of recreational vehicle park contained in section 155.002 of said code or ordinances to include parks permitted by a specific use permit, amending division (E) (1) of Section 155.060 of said code of ordinances to provide for the issuance of specific use permits for the location of recreational vehicle parks in any zoning district except R-1, R-2, R-3 W-1 and W-1R zoning districts, and amending section 155.060 of said code of ordinances to add a new division (H) providing that all recreational vehicle parks for which a specific use permit has been granted shall be operated in compliance with all of the terms and conditions of section 120.20 through 120.026 of the code.

Consideration of approving Ordinance No. 2010-2245 amending the comprehensive zoning ordinance of said city to permit the specific use of Lot 23, Brazos coast Investment Company Subdivision, Division 6, F. J. Calvit Survey, Abstract 51, Brazoria County, Texas, within the corporate limits of said city, known locally as

1607 East Hwy. 332, Freeport, Texas, as a RV Park to be operated by Johnny Shipman.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 'aye", Council unanimously approved Ordinance No. 2010-2245 amending the comprehensive zoning ordinance of said city to permit the specific use of Lot 23, Brazos coast Investment Company Subdivision, Division 6, F. J. Calvit Survey, Abstract 51, Brazoria County, Texas, within the corporate limits of said city, known locally as 1607 East Hwy. 332, Freeport, Texas, as a RV Park to be operated by Johnny Shipman.

Consideration of approving Resolution No. 2010-2224, authorizing the Mayor and City Secretary of said City, to execute and attest to acknowledge and deliver to Habitat for Humanity of Southern Brazoria County Inc; a special warranty deed conveying to said Corporation, Block 183, Lot 8, Freeport Townsite.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 'aye", Council unanimously approved Resolution No. 2010-2224, authorizing the Mayor and City Secretary of said City, to execute and attest to acknowledge and deliver to Habitat for Humanity of Southern Brazoria County Inc; a special warranty deed conveying to said Corporation, Block 183, Lot 8, Freeport Townsite.

Consideration of approving a date for a Joint Public Hearing with the Planning Commission to consider a proposed amendment to the Comprehensive Zoning Ordinance and Map of said city, codified as Chapter 155 of the Code of Ordinances of said city, changing the zoning classification of Lots 1 through 12, Block 6, Velasco Townsite, from its present classification of R-3 to a new classification of C-2.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 'aye", Council unanimously approved setting May 3rd, 2010 for a Joint Public Hearing with the Planning Commission to consider a proposed amendment to the Comprehensive Zoning Ordinance and Map of said city, codified as Chapter 155 of the Code of Ordinances of said city, changing the zoning classification of Lots 1 through 12, Block 6, Velasco Townsite, from its present classification of R-3 to a new classification of C-2.

Consideration of approving request from the Brazoria County Community Development Department to waive all permitting, building, and inspection fees for Residential Reconstruction for Mary Galvan at 819 W. 6<sup>th</sup> Street.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 'aye", Council unanimously approved a request from the Brazoria County Community Development Department to waive all permitting, building, and inspection fees for Residential Reconstruction for Mary Galvan at 819 W. 6th Street.

Consideration of approving to sell the City's interest on Block 181, Lot 7, known as 1731 Lynn Lane, Freeport Townsite, Tx Id. 4201-1816-000.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved selling the City's interest on Block 181, Lot 7, known as 1731 Lynn Lane, Freeport, Townsite, Tx. Id 4201-1816-000.

Consideration of approving to sell the City's interest on Block 47, Lot 5 & 6 Velasco Townsite, known as 510 - 512 S. Ave. G., Tx. Id 8110-0450-000.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved selling the City's interest on Block 47, Lot 5 & 6, Velasco Townsite, known as 510-512 S. Ave. G. Tx. ID 8110-0450-000.

Consideration of approving to sell the City's interest on Block 6, Lot 26, Southview Gardens, known as 818 W. 11<sup>th</sup> Street, Tx. Id # 7750-0115-000.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved selling the City's interest on Block 6, Lot 26, Southview Gardens, known as 818 W. 11<sup>th</sup> Street, Tx. Id # 7750-0115-000.

Consideration of approving and signing the replat of Block 110, Lot 7 & 8, Freeport Townsite, known as Salomon Espinoza Subdivision, Tx. Id 4200-1113-000 and 4200-1114-000.

On a motion by Councilman Wise, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved signing the replat of Block 110, Lot 7 & 8, Freeport Townsite, known as Salomon Espinoza Subdivision, Tx. Id 4200-1113-000 and 4200-1114-000.

Consideration of approving and signing the replat of Block 502, Lot 15 thru 18, Velasco Townsite, to be known as 5 – Broad Subdivision, Tax Id. 8110-0970-000.

On a motion by Councilman Wise, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved signing the replat of Block 502, Lot 15 thru 18, Velasco Townsite, to be known as 5-Broad Subdivision, Tax Id. 8110-0970-000.

Consideration of approving a request from the Freeport League to waive the Carnival and vendor permit fees for Riverfest on April 23rd thru 24th, 2010 held at the Freeport Municipal Park.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting “aye”, Council unanimously approved the request from the Freeport League to waive the Carnival and vendor permit fees for Riverfest on April 23rd thru 24th, 2010 held at the Freeport Municipal Park.

Consideration of the approval of a request from Main Street to close the following streets; North ends of West Park and East Park, 2nd Street from Velasco Blvd. to Memorial Park and the North bound lane of Velasco Blvd. From 2nd Street to Ave. B from 7:00 a.m. to 10:00 a.m. for the Flapjack Run on Saturday, April 24th, 2010.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting “aye”, Council unanimously approved the request from the Main Street to close the following streets; North ends of West Park and East Park, 2nd Street from Velasco Blvd. to Memorial Park and the North bound lane of Velasco Blvd. From 2nd Street to Ave. B from 7:00 a.m. to 10:00 a.m. for the Flapjack Run on Saturday, April 24th, 2010.

Mayor Pro Tem Norma Garcia opened the Work Session at 5:28 p.m.

Work Session:

Discussion regarding the Planning Commission proposed truck route.

This item was tabled.

Discussion regarding the Building Official, Kola Olayiwola recommendation to amend Section 151.20 of the Code of Ordinances of said City to include provisions/regulations for electrical Permit by homeowners.

Mr. Kola discussed proposed changes to the City Electrical Ordinance. The crux of the discussion is to have council establish criteria by which Electrical Permits by homeowners will be defined. Staff suggestion is to use Homestead Exception as the acceptable measure, just as used by the State for the Plumbing trade.

He recommended creating a new Section – C in section 151.20 “Electrical Permit Required” that will contain the verbiage below:

“C” Electrical permit by homeowners shall only be granted to such individuals on a home that they own and reside in as their primary residence. Primary residence will be defined as a home for which a homestead exemption has been granted by the taxing entities. Also that all structures not qualifying as primary residence shall be considered as commercial and /or rental property in which permit for electrical work shall be granted to only qualified electricians duly licensed to perform such work by the State of Texas.

However, Council suggested that no action be taken on this issue at this time.

However, Council suggested that no action be taken on this issue at this time.

Mayor Pro Tem Norma Garcia closed the work session and enter the Executive Session at 7:01 p.m.

Executive Session:

A. Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, 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:

- Administrative Investigation  
(no action taken)

Mayor Pro Tem Norma Garcia reconvened the meeting at 7:48 p.m.

Adjourn

On a motion by Cameron, seconded by Councilman Wise, with all present voting “aye”, the meeting was adjourned at 7:48 p.m.

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Delia Munoz  
City Secretary

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Larry L. McDonald  
Mayor