

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, May 5th, 2008, 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:

Larry L. McDonald
Clan A. Cameron
Jim Saccomanno
John Smith, III
Norma M. Garcia

Staff:

Gary Beverly, City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Larry Fansher, Public Works Director
Doug Caffey, Building Inspector
Jeff Pynes, Chief of Police
John Stanford, Fire Chief
Mary Stotler, Main Street Director
Bob Welch, Financial Director

Visitors:

Jim McEntire	Wright Gore, III
Jim Pirrung	Dorothy Pirrung
Edna Allan	Alonzo Martinez
Ron Wise	Jerry Meeks
Judy Schaefer	Larry Schaefer
Steve Palmer	Pixie Lloyd
Roddy Mohler	Barbara Mohler
Mark Wessels	Kimmie Wessels
Kathy Varnado	Dan Tarver
Pixie Floyd	

Call to Order.

The meeting was called to order by Mayor McDonald at 6:00 p.m.

Invocation.

John Smith, III, Mayor Pro Tem offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of the approval of the April 21st, 2008 Council Minutes.

On a motion by Councilwoman Garcia, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved the April 21st Council Minutes.

Attending Citizens and Their Business.

Mark Wessles, 95 Dolphin Lane, complaint that Code Enforcement had allowed his neighbors to construct a six foot wall and install a propane tank on City’s easement, no variance and no permits.

Councilman John Smith presented a PowerPoint presentation of the students from the Freeport Intermediate School that competed in the National Science Bowl in Philadelphia. The team brought back 3rd place.

A special thank you Councilman Smith, sponsors, and parents for making this a successful event.

Proclamation: Proclaiming May (2008) National Preservation Month.

Mayor McDonald read out the proclamation and proclaimed May 2008 as National Preservation Month.

Mary Stotler announced that Freeport will be 100 years old in November 2012.

Consideration of the approval of Resolution No. 2008-2168 authorizing Wallace Shaw and Julian W. Taylor, III, the City Attorney and Assistant City Attorney of said City, Respectively, or Olson & Olson, a firm of Attorneys with offices in Houston, Texas, or any of them , to purchase or, failing purchase, to cause to be filed and prosecuted proceedings in eminent domain under chapter 21 of the property Code against all owners and lien holders of the fee simple title (exclusive of the title to the oil, gas and other minerals, or any, in and under and that may be produced there from but including all interest in the adjoining streets, easements and rights of way, of any) in the following lots and blocks in the Velasco Townsite of the City of Freeport, in Brazoria County:

Block 61	Lot 1	Block 581	Lot 17
Block 517	Lot 1	Block 609	Lot 8
Block 545	Lot 3	Block 609	Lot 20
Block 576	Lot 1	Block 617	Lot 16

Block 576	Lot 2	Block 647	Lot 11
Block 654	Lot 2	Block 684	Lot 15
Block 654	Lot 10	Block 684	Lot 16
Block 655	Lot 3		
Block 655	Lot 17		
Block 655	Lot 20		

Nat Hickey stated that the project of acquiring 3500 lots in the Urban Renewal area had begun in 1966. The area is between Skinner Street and Velasco Boulevard by North Ave. F. alley and the railroad, undeveloped, no infrastructure, no road, no utilities. He advised Council that enormous amount of correspondence was mail by registered receipt letters to owners. The correspondence not acknowledged or answered. Seventeen lots were left, ownerships in five lots refuse to sell, some want up to \$5,000 for a 25 foot lot. The lots value at \$100.00 by the Appraisal District.

Wright Gore, III, 301 W. Brazos stated that four year ago the City had tried to take his family business by the same proceedings of Eminent Domain and that it should be unlawful for Urban Renewal Agency to take this property from their owners. He opposed the proceedings and told Council it was pure cowardness on their part.

Larry Shaefer asked why the tax delinquent properties had not been put on the Sheriff sale.

Councilman Saccomanno stated that this resolution was important for future development and motioned to approved Resolution No. 2008-2168, seconded by Councilman Smith, with all present voting 3 to 2, Council approved the above resolution. Mayor McDonald and Councilman Cameron opposed.

Consideration of the approval of Resolution No. 2008-2169 amending authorized representatives with TexPool Services.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Resolution No. 2008-2169 amending authorized representatives (Bob Welch) with TexPool Services.

Public Hearing: Discussion regarding Centerpoint Energy Entex rate increase.

Mayor McDonald opened the public hearing at 6:57 p.m. regarding Centerpoint Energy Entex rate increase.

Gary Beverly explained that on April 7th, 2008, Council passed Resolution 2008-2167 suspending (90 days) the effective date of the rates and tariffs contained in the Statement of Intent filed with the city on March 6, 2008 by CenterPoint Energy Entex to increase gas rates and authorized the City to join the Texas Coast Utilities Coalition.

The Council discussed the following reasons to deny CenterPoint request to increase rates;

- a. The Statement of Intent fails to provide sufficient information to justify the requested increase in rates or to justify the changes set forth in the attached tariffs.
- b. The requested increase in rates puts more of the cost for the base rate increase on low-use residential customers who often are in the worst position to absorb such cost increase; and
- c. The requested asks that a rate mechanism to be continued or expanded which provides a disincentive to reducing costs and becoming more productive or efficient and does not provide for meaningful review of annual rat requests.
- d. The proposed tariff included a surrender of the City's original jurisdiction to set rates and this would require citizens to go to the Rail Road Commission office in Austin in order to voice their opinions.

Their being no further questions or comments, Mayor McDonald closed the public hearing at 7:01 p.m.

Consideration of the approval of Ordinance No. 2008-2196 denying the rate increase proposed by Centerpoint Energy Resources Corporation D/B/A Centerpoint Energy Entex, authorizing participation in a coalition of cities known as Texas Coast Utilities Coalition, authorizing the hiring of lawyers and rate experts.

On a motion by Councilman Cameron, and seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved Ordinance No. 2008-2196 denying the rate increase proposed by CenterPoint Energy Resources Corporation D/B/A CenterPoint Energy Entex, authorizing participation in a coalition of cities known as Texas Coast Utilities Coalition, authorizing the hiring of lawyers and rate experts.

Consideration of the approval of Ordinance No. 2008-2197 amending Division (B) of Section 71.21 of the Code of Ordinances of said City, which establishes the prima facie speed limit for school crossing zones of 20 miles per hour, to adjust the times therein specified for each such zone to the current needs of each school.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council approved Ordinance No. 2008-2197 amending Division (B) of Section 71.21 of the Code of Ordinances of said City, which establishes the prima facie speed limit for school crossing zones of 20 miles per hour, to adjust the times therein specified for each such zone to the current needs of each school.

Consideration of the approval of Ordinance No. 2008-2198 amending Division (A) of Section 113.07 of the Code of Ordinances of said City revise the definitions of on-premises sign and off premises sign and to add a definition of changeable electronic variable message sign (CEVMS) ; amending Division (B) of said section 113.07 to add as item (13) a prohibition against changeable

electronic variable message signs (CEVMS), whether on-premises or off-premises.

Mr. Shaw stated unless the City takes immediate action, you may have signs that look like giant color TV screens dominating the City's appearance.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting 4 to 1, Council approved Ordinance No. 2008-2198 amending Division (A) of Section 113.07 of the Code of Ordinances of said City to revise the definitions of on-premises sign and off premises sign and to add a definition of changeable electronic variable message sign (CEVMS) ; amending Division (B) of said section 113.07 to add as item (13) a prohibition against changeable electronic variable message signs (CEVMS), whether on-premises or off- premises. Councilman Cameron opposed.

Consideration of the approval to authorize Chief Pynes to sign a Memorandum of Agreement with Freeport LNG to provide Emergency Response Service during increased MARSEC levels.

On a motion by Mayor McDonald, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved Chief Pynes recommendation to sign a Memorandum of Agreement with Freeport LNG to provide Emergency Response Service during increased MARSEC levels.

Consideration of the approval of a commercial tax abatement application for Freeport Welding & Fabricating, Inc., Phase III, 200 North Navigation Blvd, Freeport, Texas.

On a motion by Councilwoman Garcia, seconded by Mayor McDonald to approve a commercial tax abatement application for Freeport Welding & Fabricating Inc., Phase III, 200 North Navigation Blvd., Freeport Texas and set June 2nd, 2008 for a public hearing.

Consideration of the approval of authorizing the Mayor to sign an Interlocal Cooperation Contract with the Port Freeport and the City of Freeport.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council approved authorizing the Mayor to sign an Interlocal Cooperation Contract with Port Freeport and the City of Freeport.

Consideration of the approval of selling the City's interest on Block 100, Lot 5, Freeport Townsite, known as 815 West Broad.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting "aye", Council approved selling the City's interest on Block 100, Lot 5, Freeport Townsite, known as 815 West Broad.

Consideration of the approval of selling the City's interest on Block 6, South 1/2-of Lot 18, Freeport Townsite, known as 502 E. 7th Street.

On a motion by Councilman Saccomanno, seconded by Councilman Cameron, with all present voting “aye”, Council approved selling the City’s interest on Block 6, South 1/2 of Lot 18, Freeport, Townsite, known as 502 E. 7th Street.

Consideration of the approval of selling the City’s interest on Block 779, Lot 1 & 2, Velasco Townsite, known as 1622-1624 North Ave. Q.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting “aye”, Council approved selling the City’s interest on Block 779, Lot 1 & 2. Velasco Townsite, known as 1622-1624 North Ave. Q.

Consideration of the approval of selling the City’s interest on BCIC 14, Lot 13-14, A-49, Velasco Heights Annex, known as 1717 -1721 Yellowstone.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting “aye”, Council approved selling the City’s interest on BCIC 14, Lot 13-14, A-49, Velasco Heights Annex, known as 1717-1721 Yellowstone.

Consideration of the approval of selling the City’s interest on Block 7, Lot 8, Freeport Townsite, known as 727 West 11th Street.

On a motion by Councilman Cameron, to sell the City’s interest on Block 7, Lot 8, Freeport Townsite, known as 727 W. 11th Street, motion died due to lack of second.

Consideration of the approval of selling the City’s interest on Block 7, Lot 11, Southview Gardens Subdivision, known as 715 West 11th Street.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 3 to 2, Council denied selling the City’s interest on Block 7, Lot 11, Southview Gardens Subdivision, known as 715 W. 11th Street. Mayor McDonald and Councilman Cameron opposed.

Elected Official Report

Councilman Saccomanno’s wife participated in the evacuation drill with the Senior Citizens. He attended the 5K Flapjack Run on April 26, 2008 and the Urban Renewal Agency meeting on April 30, 2008.

Councilwoman Garcia wished Happy Birthday to Chief Stanford. The Council members and audience sang to him.

Mayor McDonald, Councilman Smith, and Councilman Cameron, attended the Cinco de Mayo event at the Freeport Municipal Park on May 3rd, 2008.

Mayor McDonald closed the formal session and opened the work session at 7:48 p.m.

Work Session

Administration Report

No report.

Discussion regarding financials for 2nd Quarter for Fiscal Year 2007-2008.

Gary Beverly presented a PowerPoint presentation of financials for the 2nd Quarter for Fiscal Year 2007-2008.

Discussion regarding the closure, abandonment and sale of Caldwell Street right of way from Front Street to the townsite levee, within Velasco Townsite.

The City received a request regarding an interest in the purchase of this property. The City would have to abandon some right of ways if Council decides to sell. Councilman Saccomanno asked if the right of way was necessary to have access to the levee. Mayor McDonald and Councilman Cameron suggested the City keep access for maintenance.

Mr. Beverly agreed that it needed further study.

Discussion regarding the closure, abandonment and sale of Groce Street right of way from Mystery Harbor Lane to the townsite levee, within Velasco Townite.

It is Council's wanted to study this item further.

Mayor McDonald opened the Executive Session at 8: 20 p.m.

Executive Session:

- A. Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee, to wit:

City Manger

Adjourn

On a motion by Councilman Saccomanno, seconded by Councilman Cameron with all present voting "aye", the meeting was adjourned at 9:12 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor

