

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport, met in a special call meeting with the Planning Commission on Thursday, July 6, 2006, at 6:00 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council: Jim Phillips
Clan A. Cameron
Jim Saccomanno
John Smith, III
Norma M. Garcia

Staff: Ron Bottoms, City Manager
Delia Munoz, City Secretary
Wallace Shaw, City Attorney
Gary Beverly, Financial Director
Larry Fansher, Public Works Director
Doug Caffey, Building Official
Mary Stotler, Main Street Director
Nat Hickey, Property Manager
John Stanford, Fire Chief
Jeff Pynes, Police Chief

Planning Commission: Diane Williams
Michelle Kent
Abel Garcia
Roddy Mohler
Linda Allen
Robert Leffingwell-absent

Visitors: Buddy Scherer Cathy Williams
Tobey Davenport Edith Fischer
Sandra Shaw Butch Merrill
Barbara Mohler Edna Allan
Louis Jones Ronald Theriot
Beverly Nixon Marie Bogan
Lila Lloyd Vickie Melass
Corky Melass Jim Pirrung
Dorothy Pirrung Joaquin Damian

Call to Order.

Mayor Phillips called the meeting to order at 6:04 p.m.

Invocation by Chris Moore from the Velasco Baptist Church.

Wallace Shaw offered the invocation, Mr. Moore was not able to attend.

Pledge of Allegiance.

Mayor Phillips led the Pledge of Allegiance.

Approval of the June 19, 2006 City Council Minutes.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 4 to 1, Council approved the minutes of June 19, 2006. Council Cameron opposed.

Attending Citizens and Their Business.

Sandra Barnett of 1630 West 4th, thanked the Police Department and Fire Department for participating in the Safety Town event. It was a great success, with 110 kids attending.

Wright Gore of 4000 Essex Lane, Houston, Texas and 301 West Brazos Street, Freeport, Texas asked about the petition. He asked why Council was holding a Special Called Meeting for the petition and not on a regular meeting. Mayor Phillips advised him of the time and date the Special Called Meeting would be posted. He wanted noted that members: Louie Jones, Ronald Theriot, Norma Garcia, and John Smith were present.

Lila Lloyd of 1620 N. T. was disturbed that some members in the city council are not cooperating and not in agreement. She reported that scary tactics were used to get people to sign the petition, and hoped that all the signatures would be checked.

Joaquin Damian of 915 W. 7th stated that council members had a right to express their opinions and he had voted for council member who was not cooperating.

Public Hearing: Joint Public Hearing with the Planning Commission to consider:

(1) a proposed amendment to Section 155.060 (E) of the Comprehensive Zoning Ordinance to authorize issuance of a specific use permit for land located in a W-3, Waterfront- Heavy zoning district permitting any use permitted only in a M-2 zoning district.

(2) a proposed amendment to the Comprehensive Zoning Ordinance and Map of said city, codified as Chapter 155 of the Code of Ordinance of said City, changing from its present classification of R-1 to a new classification of W-3 the zoning classification of the land annexed to said City by Ordinance No. 2005-2103, read, passed and adopted on October 3, 2005 being approximately 246 acres of land out of Parcels 27, 34 and 35, Brazos River Harbor Navigation District located in the J.G. McNeel Survey, Abstract 335 and the Stephen F. Austin 1/3 League, Abstract 28, Brazoria County, Texas, lying gulfward of the South Protection Levee, East of FM 1495 and North of the Louisiana-Texas Gulf Intracoastal Waterway.

There being a quorum of the City Council and the Planning Commission, Mayor Phillips opened up the public hearing at 6:25 pm.

Diane William, Chairwoman of the Planning Commission stated that the committee had reviewed and was recommending: an amendment to Section 155.060 (E) of the Comprehensive Zoning Ordinance to authorize issuance of a specific use permit for land located in a W-3, Waterfront- Heavy zoning district permitting any use permitted only in a M-2 zoning district and changing from its present classification of R-1 to a new classification of W-3, the zoning classification of the land annexed (approximately 246 acres of land) to said City by Ordinance No. 2005-2103.

Joaquin Damian was not in favor of the City's issuing special use permits and suggested they review the Comprehensive Zoning Ordinance.

Toby Davenport, Vice Chairman of the Port Commission was in favor of the amendment and rezoning.

Councilman Smith agreed with the Planning Commission's recommendation.

There being no questions or comments, Mayor Phillips closed the public hearing at 6:36 p.m.

Consideration of the approval of Ordinance No. 2006-2125 amending Section 155.060 (E) of the Code of Ordinance to authorize the issuance of a specific use permit for land located in a W-3 Waterfront-Heavy zoning district permitting any use permitted only in a M-2 zoning district for Port Freeport.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved Ordinance No. 2006-2125 amending Section 155.060 (E) of the Code of Ordinance to authorize the issuance of a specific use permit for land located in a W-3 Waterfront-Heavy zoning district permitting any use permitted only in a M-2 zoning district for Port Freeport.

Consideration of the approval of authorizing the City Attorney to draft an ordinance regarding changing from its present classification of R-1 to a new classification of W-3 the zoning classification of the land annexed to said City by Ordinance No. 2005-2103, read, passed and adopted on October 3, 2005 being approximately 246 acres of land out of Parcels 27, 34 and 35, Brazos River Harbor Navigation District located in the J.G. McNeel Survey, Abstract 335 and the Stephen F. Austin 1/3 League, Abstract 28, Brazoria County, Texas, lying gulfward of the South Protection Levee, East of FM 1495 and North of the Louisiana-Texas Gulf Intracoastal Waterway.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved the City Attorney to draft an Ordinance regarding changing from its present classification of R-1 to a new classification of W-3 the zoning classification of the land annexed to said City by Ordinance No. 2005-2103, read, passed and adopted on October 3, 2005 being approximately 246 acres of land out of Parcels 27, 34 and 35, Brazos River Harbor Navigation District located in the J.G. McNeel Survey, Abstract 335 and the Stephen F. Austin 1/3 League, Abstract 28, Brazoria County, Texas, lying gulfward of the South Protection Levee, East of FM 1495 and North of the Louisiana-Texas Gulf Intracoastal Waterway.

Consideration of the approval of Ordinance No. 2006-2126 granting to CenterPoint Energy Houston Electric, LLC the right, privilege and franchise to use the public rights-of-way and to use, license, or exploit the company’s facilities within the public rights-of way to conduct an electric delivery business in the city.

Mr. Bottoms stated that the City received a favored nation’s letter stating that Freeport would receive the best franchise agreement, equal to that received by any other municipality and that in future more favorable agreements were negotiated by other municipalities, Freeport would also receive the more favorable agreement.

On a motion by Councilwoman Garcia, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved Ordinance No. 2006-2126 granting to CenterPoint Energy Houston Electric, LLC the right, privilege and franchise to use the public rights-of-way and to use, license, or exploit the company’s facilities within the public rights-of way to conduct an electric delivery business in the city.

Consideration of the approval of Resolution No. 2006-2118 appointing Roddy Mohler to the Planning Commission of said City.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting, 4 to 1, Council approved Resolution No. 2006-2118 appointing Roddy Mohler to the Planning Commission of said City. Councilman Cameron opposed. Delia Muñoz, City Secretary administered the Oath of Office to Roddy Mohler.

Consideration of the approval of Resolution No. 2006-2119 reappointing Sandra Shaw, Marjore Clark and Pixie Floyd and appointing Sandra Wood-Wicke to the Main Street Advisory Board of said City.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 4 to 1, Council approved Resolution No. 2006-2119 reappointing Sandra Shaw, Marjorie Clark and Pixie Floyd and appointing Sandra Wood-Wicke to the Main Street Advisory Board of said City. Councilman Cameron opposed.

Consideration of the approval of Resolution No. 2006-2120 supporting the dredging of the Mouth of the San Bernard River.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved Resolution No. 2006-2120 supporting the dredging of the Mouth of the San Bernard River.

Consideration of the approval of setting a bid date for Residential Solid Waste Collection.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved to set a bid date for August 3, 2006 at 2:00 p.m. at City Hall, 2nd floor, with a pre-bid meeting, Thursday, July 27, 2006 at 2:00 p.m. on the 2nd floor in the Conference Room, for Residential Solid Waste Collection Services.

Consideration of the approval of setting a date for a public hearing to determine whether the structure on Block 48, Lot 2-6, Freeport Townsite, known as 225 W. Broad Street is an unsafe structure.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 4 to 1, Council approved setting a public hearing date for August 7, 2006 at 6:00 p.m. to determine whether the structure on Block 48, Lot 2-6, Freeport Townsite, known as 225 W. Broad is an unsafe structure. Councilman Cameron opposed.

Consideration of the approval of sale of the City's interest in trust property on Block 775, Lots 19 & 24, Velasco Townsite, known as 1615 N. N.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved the sale of the City's interest in trust property on Block 775, Lots 19 & 24, Velasco Townsite, known as 1615 N. N.

Consideration of the approval of sale of the City's interest in trust property on Block 48, Lots 14-15, Velasco Townsite, known as 500 Block South Ave. G.

On a motion by Councilwoman Garcia, seconded by Councilman Cameron, with all present voting "aye", Council approved the sale of the City's interest in trust property on Block 48, Lots 14-15 Velasco Townsite, known as 500 Block South Ave. G.

Consideration of the approval of sale of the City's interest in trust property on Block 812, Lots 13, 14, Velasco Townsite, known as 1801 N. Ave. S.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved the sale of the City's interest in trust property on Block 812, Lots 13, 14, Velasco Townsite, known as 1801 N. Ave. S.

Consideration of the approval of a sign variance for Brazosport High School under section 113.08 (B) of the Code of Ordinance.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved a sign variance for Brazosport High School under section 113.08 (B) of the Code of Ordinances.

Elected Official Report

Councilman Smith checked out water drainage problems in the City during the heavy rains.

Mayor Phillips attended a CDBG meeting. The city will be receiving from Commission Payne a contribution of \$50,000 for RiverPlace. A new manager at the shelter is on board. The animal shelter was vandalized. Mayor Phillips and Doug Caffey attended a FEMA meeting concerning the integrity of the levy system. Columbia Lakes and Angleton do not have tidal levees. According to FEMA, any entity that does not meet the requirements will be put in a flood zone. This concerns Mayor Phillips. He complimented the Lions Club for a great Fishing Fiesta under trying circumstances. Mayor Phillips announced Council will meet on July 10, 2006 at 6:00 p.m. for a Special Call Meeting for a petition that was turned in to the city. He also thanked Roy Yates of Freeport Welding for the Fireworks at the Fishing Fiesta.

Work Session

Administration Report

Larry Fansher reported the rain has slowed down the street work, county crews and mowing operations. They continue to clean ditches and spraying for mosquitoes. Efforts on drainage work are paying off. RiverPlace is reserved on Saturday and Sunday. Goe's School Supply Run is scheduled for Sunday, July 9, 2006 at the Freeport Municipal Park. Bryan Beach was in good shape for the 4th of July, moderate crowd due to the rain.

Chief Pynes reported Loni Kershaw, dispatcher has returned back to work after having a baby. Planning National Night Out for August 1, 2006. He is meeting quarterly with apartment managers, addressing crime around apartment complexes. Councilman Saccomanno asked about crime watch signs.

Mary Stotler, Main Street Director is testing the sound system tomorrow at Memorial Park. BASH donated \$1000.000 and the Bass family \$750.00. Meeting with the Town or Quintana to approve the race route for the triathlon. HGAC sent two Economic Development representatives to tour downtown and they loved what they saw.

Pinkey Hartline reported lots of rain at the Golf Course. The palms trees are thriving. The rain water has flushed salt out, so the greens look very good.

Jerry Meeks reported that rain has shut them down.

Doug Caffey continues to make inspections at the schools. He has noticed more construction personnel increasing at school sites to speed up projects.

Gary Beverly working on third quarter financials. Budget workshops are scheduled for July 25th & 27th, 2006 at 5:00 p.m. at the 2nd floor conference room at City Hall.

Presentation by Edith Fisher, Director of Tourism of the Brazosport Convention & Visitors Council's promoting and request for continued funding.

Edith Fischer presented to Council a PowerPoint presentation of the Chambers duties promoting the Brazosport area as a convention and leisure destination, especially Freeport.

Report from Jerry Meeks of Veolia Water on the 2005 Annual Drinking Water Quality Report.

Jerry Meeks gave the 2005 Annual Drinking Water Quality Report. The reports were mailed out to citizens and posted at City Hall. Drinking water meets all federal drinking water requirements. Water taste due to changing to Harris Reservoir.

Report from Beverly E. Nixon, Chairman of the Brazos Historical Society concerning the relationship of the Brazos Historical Society and the Freeport Historical Commission.

Beverly E. Nixon of 1303 W. Broad, reported on the Brazos Historical Society. The report concerned ownership of a chuck wagon purchased in 1999. Mrs. Nixon contends that the City held funds belonging to the Historical Society. On June 8, 1999 the Historical Society purchased a working chuck wagon from Needville, Texas. She maintains that the chuck wagon was bought by the Society and not by the Freeport Historical Commission. She stated the minutes are in error, the chuck wagon was purchased with city money. Mayor Phillips repeated that law states that property paid by City funds becomes city property. She requested that records be researched.

Mayor Phillips closed the work session and opened the executive session at 8:25 p.m.

Executive Session

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:

(1) Marina

Mayor Phillips reconvened the open session at 8:46 p.m.

Adjourn

On a motion by Councilman Cameron, seconded by Councilman Garcia, with all present voting "aye", the meeting was adjourned at 8:46 p.m.

Attest:

Delia Munoz
City Secretary

James W. Phillips
Mayor