

STATE OF TEXAS
COUNTY OF BRAZORIA
CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport and the Planning Commission met in a regular meeting on Monday, August 6, 2007, at 6:00 p.m., at the Freeport Police Department, Municipal Court Chambers, 430 North Brazosport Blvd., 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:

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

Planning Commission:

Abel Garcia Michelle Kent
Diane Williams Roddy Mohler
Linda Allen –Absent
Robert Leffingwell – Absent

Visitors:

Judy Shaefer	Larry Shaefer
Mary Galvan	Geneviene Wilcox
Cyril Wilcox	Gail Pate
Loraine Mitchell	Michael Fosher, Jr.
Sandra Leavey	C. J. Perme
Grant Poynor	Jim Pirrung
Dorothy Pirrung	Larry Kirland
Jason Montier	Edna Allan
Jim McEntire	Jim McEntire, Jr.
Caleb McEntire	Nick Aluizo
George Elizondo	Sandra Barnett
James Barnett	Lila Lloyd
Pixie Lloyd	Cathy Williams
Joyce Adkins	Eric Hayes

Lila Diehl
Kathy Varnado
Fai DeMain
Dan Tarver
Richard Rangel
Cele Damian
Patrick Gore
Roy Henry
Skip Pratt
Jerry Meeks
Abel Garcia
Sandra Wood-Wicke

Wright Gore, III
Manning Rollerson
Bill DeMain
Jacque Cundieff
Elliott Cundieff
Ron Damain
Bobby Casale
Rosa McDonald
Bobbie Reed
Coy Barnett
Maria Ripple

Call to Order.

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

Invocation.

Mr. Shaw offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of the approval of the July 16, 2007 Council Minutes.

On a motion by Councilman Smith, seconded by Councilman Cameron, with all present voting “aye”, Council approved the minutes of July 16th , 2007 and the July 23rd & 24th budget workshop minutes.

Attending Citizens and Their Business.

Bobby Casale of Bridge Harbor Subdivision discussed the proposed tax increments. He asked if he could be worked into this year’s budget. He wanted a program more beneficial to the tax payers than the present one.

Kathy Varnado complained about the 25 ft. lots in the City, owned by a particular real estate company. She asked why these lots are not mowed and if Code Enforcement is sending letters.

Manning Rollerson complained that it took a hour and fifteen minutes for paramedics to reach an individual who had shot himself in the mouth. He also said that Code Enforcement had cut his power and food was spoiled. He stated that Mr. Bottoms had refused to pay for his spoiled food.

Mary Galvan of 819 West 6th Street, complained about the Building Inspector passing inspection on a house leveler's work. The house has shifted and she is looking for assistance from the City to hold the house leveler accountable.

Wright Gore, III of 301 W. Brazos distributed copies of Section 9.05 of the Charter on Budget a Public Record. He complained that he was denied a copy of the city budget by Mr. Bottoms and that there should be a \$450,000 court order judgment in the budget.

Mr. Shaw noticed a quorum of the Economic Development Corporation was present and asked Mrs. Cundieff or Mr. Theriot to leave. Mr. Theriot dismissed himself from the Council Chambers.

Pixie Floyd of 832 Leder Street, thanked the Freeport Police Department for the surveillance of the Knobel property. She thanked Mr. Kent, Mrs. Wilcox and the media for the letters to the Facts supporting our City Manager, Mr. Bottoms.

Skip Pratt of 1027 W. 8th Street. commended Chief Pynes for enforcing the noise ordinance. He was upset that Mr. Bottoms had interviewed for another job.

Geneviene Wilcox thought it was appalling the way Mr. Bottoms had been attacked at Council Chambers and wanted Council to know that she appreciated all he had done to improve the City of Freeport.

Jackie Cundieff thanked the Planning Commission for their commitment and hours of hard work. She thanked Mr. Bottoms for his service and contributions. Including the RiverPlace facility and the involvement with the Rotary Club. The Rotary Club will donate \$5,000, to the Veteran Memorial project at the Freeport Park.

Sandra Leavey asked the audience to give the Council and City Manager the respect they deserve.

Proclamation: National Night Out – August 7, 2007.

Mayor McDonald proclaimed August 7, 2007, National Night Out. He announced the event at RiverPlace, from 6:00 to 9:00 p.m.

Joint Public Hearing: 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 the Tracts Three and Four, Brazos Coast Investment Company Subdivision, Division 8, F. J. Calvit Leaque, Abstract 51, Brazoria County, Texas, according to the map or plat recorded in Volume 2, page 141 of the Plat Records of said county, from its present classification of M-1 (Light Manufacturing District) to a new classification of W-2 (Waterfront Light District).

There being a quorum with the City Council and the Planning Commission Mayor McDonald opened the public hearing at 6:27 p.m.

Joyce Adkins of 102 N. Ave. C., asked for the physical address and who had asked for the proposed rezoning. Mr. Shaw stated it was C.J. Perme of the Texas Star Casino and the address was 307 Sailfish. She reminded Council that three years ago, management of the Texas Star Casino said they would be up and running in 90 days. She said it was a joke since it arrived and that the boat was not registered. Some people had filed suit, staff had not been paid and that it was not a reputable company.

Mr. Pirrung asked if this was the gambling boat and if this would allow them to operate. He said that Freeport would be disappointed if gamblers spend money on the casino boat and not in the City. He opposed the City granting the proposed rezoning.

Mr. Larry Shaefer stated that he had visited their facility and counted over 100 coin operated machines and could not see the City's sticker on the machines. A representative of the Texas Star Casino confirmed that all machines had State and City tags.

Diane Williams, Chairman of the Planning Commission stated that the committee had studied the requested rezoning. The decision was based strictly on the usage of the land, nothing to do with the boarding passes of the Texas Star Casino. The Planning Commission was unanimous and recommended to council to approve the proposed rezoning of M-1 to W-2.

Councilman Saccomanno asked what the impact of the proposed zoning would have. Mr. Shaw stated that it was water front activities and M-1 did not have docking. He also explained that it would conform to the rest of the existing W-2 zones.

Councilman Cameron recommended not accepting the Planning Commission recommendation.

The consensus of the Council was 3 to 2 not to approve the Planning Commission's recommendation and Mr. Shaw not to draft an ordinance.

There being no further questions or comments, Mayor McDonald closed the public hearing at 6:47 p.m.

Consideration of the approval of a request by the Freeport Host Lions Club to sell beer and wine at the Summertime Blues Festival on Aug. 31st through Sept. 2nd, 2007 at Memorial Park.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved the Freeport Host Lions Club to sell beer and wine at the Summertime Blues Festival on Aug. 31st through Sept. 2nd, 2007 at Memorial Park.

Consideration of the approval of a request from Con Rock Ready Mix, Inc., 4102 E. Hwy 332, Freeport to place a temporary mobile office for one year at 817 S. Ave. D for office use.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved a request from Con Rock Mix, Inc., 4102 E. Hwy 332, Freeport to place a temporary mobile office for one year at 817 S. Ave. D.

Consideration of the approval of entering into a copier lease for the Freeport Police Department.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved Chief Pynes recommendation to enter into a copier lease agreement for the Freeport Police Department.

Consideration of the approval of entering into an agreement with Connect CTY.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting “aye”, due to hurricane season, Council approved Chief Stanford recommendation to enter into an agreement with Connect CTY to put out emergency messages or events.

Consideration of the approval of purchasing radios for the Freeport Police Department.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved Chief Pynes recommendation to purchase radios for the Freeport Police Department for \$35,716.84. A saving of \$3,000.00 if the order is placed now.

Consideration of the approval of a request from Jim McEntire, 727 W. 12th Street to authorize the Mayor or Mayor Pro Tem to sign a letter to the District Attorney Office requesting that a search warrant be issued for the premises at 803 W. 12th Street to search for environmental violations.

Mr. McEntire spoke about the care of premises on a neighbor at 803 W. 12th Street that is in need of cleanup. He has tolerated his neighbor for about 5 to 7 years. He is not asking for the premises to be torn down, but is asking the city to help him with signing a letter to the District Attorney that will allow the property to be evaluated. He feels it is not safe to live next door.

Mr. Joe Edmond of 807 W. 12th Street stated that this was Mr. Mitchell’s property and no one should tell him what to do with his property. The City had no right to enter his premises.

Lorraine Mitchell of 1606 W. 4th Street, protested entering her property. She said that Mr. McEntire is the only neighbor who complains about her property. She said that Mr. McEntire property contributes more hazards than hers. She said it was a personal matter and he has been harassing them for some time now.

Jim McEntire, stated that there is reason for concern, “what we store does have an impact on the neighbors”. If the property is inspected and no problems are found, then there is no problem.

Maria Ripple of 541 Magnolia, Clute, Texas said she has rental property on 12th Street. For many years the property is in disarray.

Dan Tarver said he drove by and that Mr. McEntire’s house is in the same shape.

Doug Caffey said he had spoken to both parties, trying to find a solution to the problem. Multiple letters have been sent, but this was not working.

Councilman Smith stated that they couldn’t ignore the fact that care of premises was an issue.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting 3 to 2, Council approved Mr. McEntire’s request to authorize the Mayor or Mayor Pro Tem to sign a letter to the District Attorney Office requesting that a search warrant be issued for the premises at 803 W. 12th Street to search for environmental violations. Mayor McDonald and Councilman Cameron opposed.

Consideration of the approval of a request from Main Street Board & Historical Commission to close the following streets for their 3rd Annual Summertime Blues Festival and Triathlon from noon on Friday, August 31st until 6:00 p.m. on Sunday, September 2nd.

Second Street at Cherry to the alley behind Tobey Hardware
Broad Street at Cherry to FM 1495
W. Park from Fourth St. to Second St.
E. Park from Fourth St. to Second St.

In addition, Main Street & Historical Commission requests the following temporary street closing with guards at major intersections:

Saturday, September 1, 2007-- **Parade** from 3:00 p.m. to 4 p.m.
Second Street from Yaupon to Memorial Park

Sunday, September 2, 2007 – **Triathlon** from 7:00 a.m. to approximately 10:00 A.M.
Portions of Hwy. 288 between 2nd St. and Municipal Park Drive
Second St. between Hwy. 288 and Cherry St.

Cherry St. from Second to 8th St.
8th St. from Cherry to FM 1495
FM 1495 from 8th to FM 723
Race route between Municipal Park and Velasco St.
One lane of the Velasco Bridge.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved Mary Stotler’s request for street closures.

Consideration of the approval of Resolution No. 2007-2151 appointing Coy W. Barnett to the Urban Renewal Board of said City.

On a motion by Mayor McDonald, seconded by Councilman Saccomanno, with all present voting 4 to 1, Council approved Resolution No. 2007-2151 appointing Coy W. Barnett to the Urban Renewal Board to the City. Councilman Cameron opposed.

Consideration of the approval of selling the city’s interest on Block 85, Lots 13 & 14, Velasco Townsite, known as 123 South Ave. F.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting 3 to 2, Council approved Mr. Hickey’s recommendation not to sell the city’s interest on Block 85, Lot 13 & 14, Velasco Townsite, known as 123 S. Ave. F. Mayor McDonald and Councilman Cameron opposed.

Consideration of the approval of selling the city’s interest on Tract 133 and 134, BCIC-9, Abstract 51, Account No. 2109-0083-110.

This item was tabled to inquire of mineral rights on the deed.

Consideration of the approval of purchasing Block 2, Lot 10 & 11, Freeport Townsite, known as 536 East Broad Street.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 3 to 2, Council approved purchasing Block 2, Lot 10 & 11, Freeport Townsite, known as 536 East Broad Street. Mayor McDonald and Councilman Cameron opposed.

Consideration of the approval of selling the city’s interest on Block 22, Lots 15, through 17, Velasco Townsite, known as 415-419 South Ave. B.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved Mr. Hickey’ recommendation to sell the city’s interest on Block 22, Lots 15 through 17, Velasco Townsite, known as 415-419 South Ave. B., subject to recovering demolitions liens.

Consideration of the approval of the loan agreement between the City of Freeport and Economic Development Corporation for the marina project being clarified with respect to the Corps of Engineer permit and project development.

Mr. Bottoms explained to Council the loan conditions to the Economic Development. He explained how the city as the lender would split the project in four phases.

Bobby Reed of 210 Wayne Drive, Clute, Texas said that he and his investors in the last 4 to 6 month have bought 1/3 of downtown in Freeport. He said that he was confident enough to say that Freeport is going to be a boom town. He and his investors are spending millions in Freeport and are very impressed with the on going progress. His group is impressed with Mr. Bottoms and Council. The marina is the key reason for his investments. His daughter in law is working on a website that reads, "From a ghost town to a boom town."

Larry Shaefer said he has been buying properties in Freeport for about a year and half. He had a list of questions and needed answers about the expected marina project.

Bobby Casale wanted a projection of the marina before we allocate the funds. He wants to save the tax payer dollars.

Kathy Varnado asked if we had the infrastructure to handle the marina. Mr. Bottoms answered her yes.

Sandra Leavey of 311 W. Broad spoke in favor of the marina. She said a study had been done as far back as the 1950's and the recommendation was to build a marina. She asked Council to go forward with the proposed marina.

Wright Gore, III spoke and advised Council to table the approval of the loan agreement. He said Council had no right to build a marina without permits from the Corps of Engineers.

Councilman Cameron was not comfortable with an unsecured loan. Mr. Bottoms said it was secured with the City ½ cent sales tax.

Elliott Cundieff said he had a charter boat business and had met a lot of out of town people and received a lot of positive remarks on behalf of the City appearance.

On a motion by Councilman Saccomanno, and seconded by Councilman Smith, with all present voting 3 to 2, Council approved the loan agreement between the City of Freeport and Economic Development Corporation for the marina project being clarified with respect to the Corps of Engineer permit and project development. Mayor McDonald and Councilman Cameron opposed.

Consideration of the approval of rescheduling the city council meeting from September 3, 2007 – Labor Day to September 4, 2007 and calling a special meeting for September 10, 2007 to adopt the 2007 - 2008 Budget.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting “aye”, Council approved rescheduling the City Council meeting from September 3rd 2007 – Labor Day to September 4th, 2007 and calling a special meeting for September 10th, 2007 to adopt the 2007 - 2008 Budget.

Consideration of the approval of the budget and tax rate schedule for fiscal year 2007-2008.

September 4th, 2007 – 1st Public Hearing on tax rate

September 10th, 2007 – 2nd Public hearing on tax rate; Public Hearing on the Budget; adopt budget ordinance; and first vote on tax rate.

September 17th, 2007 – Adopt ordinance setting the tax rate

On a motion by Councilman Smith, seconded by Councilman Garcia, with all present voting “aye”, Council approved the budget and tax rate schedule for fiscal year 2007-2008 as proposed by the City Manager.

Elected Official Report

Councilman Smith stated that at sundown the water fountains on the Old Brazos River looked beautiful. The Senior Citizens Committee lost one of their members-Mazie Mack.

Mayor McDonald attended the Planning Commission meeting, but they did not have a quorum.

Councilman Saccomanno reported that the EPA had tested the water in the Intracoastal Waterway and found no chemical containments, regarding the clean up at Gulfco Marine, reported no risk to the public.

Councilwoman Garcia announced National Night Out on August 7, 2007 at RiverPlace.

Mayor McDonald closed the formal session and opened the work session at 9:34 p.m.

Work Session

Discussion concerning Commercial and Residential Tax Abatement Guidelines and Criteria.

Ron Bottoms passed out information on the new guidelines and the current guidelines. He recommended the residential abatements and commercial abatements apply only to new business wanting to set up in Freeport. Some cities have a tax abatement committee.

Mary Stotler suggested including the Historical District. Council seemed to favor the current guidelines.

Discussion concerning amending the Eight Liners Ordinance.

Gail Pate discussed to amend the eight liner ordinance. She asked for a word change in the ordinance, to insert the word “public” in front of clinic on Section 115.026. Mr. Roy Henry is the owner of the property and U.S. Health Works clinic is parking in his property. He said it was a viable business. Council asked Mr. Shaw to modify the ordinance by changing “clinic” to public clinic. She will be allowed to choose her hours.

Adjourn

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting “aye”, the meeting was adjourned at 10:23 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor