

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, August 7, 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: James W. Phillips
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 Official
Mary Stotler, Main Street Director
Nat Hickey, Property Manager
Pinkey Hartline, Golf Course Director
Allen Lawson, Police Sergeant

Visitors:	Roddy Mohler	Barbara Mohler
	Michelle Kent	Edna Allan
	Robert Wright	Gore Wright, III
	Larry McDonald	Grady Pennington
	Paula Frugia	Joyce Adkins
	Cathy Williams	Grady Jones
	Robert Wright	Roy Cornett
	Abel Garcia	Angel Kant
	Marie Bogan	Lila Lloyd
	Jerry Masters	Louie Jones
	Sherry Bonner	Dennis Vandergriff
	Diane Williams	Pixie Floyd
	Skip Pratt	Rosa McDonald
	Eric Hayes	Cyril Wilcox
	Sandra Barnett	Jerry Meeks
	Ken Vacek	Lorraine Mitchell
	Grady Jones	Ray Cornett

Call to Order.

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

Invocation.

Mr. Shaw offered the invocation.

Pledge of Allegiance.

Mayor Phillips led the Pledge of Allegiance.

Approval of the July 17, 25, 27, 31, 2006 City Council Minutes.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting, 4 to 1, Council approved the minutes of July 17th, 25th, 27th, 31st, and 2006. Councilman Cameron opposed.

Attending Citizens and Their Business.

Cathy Williams, 112 Brazos Landing asked if they were aware of two petitions that were submitted on August 3, 2006 and when Council would act on them. Mayor Phillips stated that a Special Meeting agenda had been posted for August 10, 2006 -Thursday to act on the petitions.

Abel Garcia, 1530 W. 8th, thanked the Freeport's Soccer Club, players, coaches, volunteers, Mayor, City, and Parks Department for a great turn out of 175 people. Mr. Garcia said he was very excited at how many parents were involved in their children activities.

Larry McDonald, 530 W. 4th stated that people were held outside a public budget meeting. He reminded Council of the rules.

Joaquin Damian, 915 W. 7th expressed his first experience at RiverPlace facility. The flooring has such a fine finish that people could easily fall. He said the smoke alarms had been activated and it was very embarrassing. The city should return the deposit back to the renters. He suggested that the Police department get help in fighting crime around his neighborhood.

Skip Pratt, 1027 W. 8th St. had concerns about a letter he received from Mr. Bottoms on the marina. He did not agree with the letter.

Joyce Adkins, 102 North C., stated that she had a very good memory and had attended all the meeting and that the marina plans had never been discussed in public.

Wright Gore, III 301 W. Brazos, had questions for Councilman Smith's position regarding Eminent Domain concerning Dow Chemical and the salt domes storage.

Lila Lloyd, 1620 N. T encouraged the City and the Gore family to resolve their differences. She said that in the past the City has done a lot for the Gore Family.

Jerry Masters, 807 W. 9thth said that the Gore's had been on board from the very beginning and willing to give up the property for the Marina, when they believed that they would have the exclusive right to the fuel the boats. They were told that they could not have the fueling rights exclusively because this would constitute a monopoly. It was then that they refused to give up the land.

Angel Kant, 115 W. Broad, asked why taxpayers money is being used for the marina.

Grady Pennington, 316 W. Park, has been living in Freeport for 12 years and is happy about the work being done to bring the Marina. He is ashamed of Councilman Cameron who is negative and opposing to many projects.

Public Hearing: Public Hearing, sitting as the Board of Adjustments and Appeals under the Unsafe Building Abatement Code, to consider declaring 225 W. Broad, Block 48, Lot 2-6, Freeport Townsite, an unsafe structure.

Mayor Phillips opened the public hearing at 6:45 p.m.

Doug Caffey, Building Inspector, displayed a PowerPoint presentation showing deficiencies at 225 W. Broad, Bat-Wing Mower Plastics, zoned as C-1. Major electrical problems, roof failure, and other dangerous conditions. Numerous extension cords operating interior lights. Most of the building is wired with approximately 30 extension cords. Open junction boxes and open breaker boxes. Living quarters are petitioned with

sheets throughout the building. A mixture of personal items and storage containers through the building. Ceiling tiles on a sub roof had caved in due to rain.

Councilman Smith asked if any communication or plans to rehabilitate the building had occurred between the City and the owner. Mr. Caffey said none had been submitted. Mayor Phillip answered that letters have been sent, but returned unclaimed.

Councilman Saccomanno asked about the plumbing status. Doug Caffey said that they had a toilet, water heater, shower, and port-o-can. Buckets were used to catch rain water and urine.

Mr. Robert Wright, owner of the building said he was overwhelmed, and wished that this could have been discussed some other way. Mr. Wright has the building for sale. He ascertained that the building had a lot of service left, and wanted to keep it.

Mr. Bottoms said that safety was the major concern. The PowerPoint presentation showed that people were staying in the building, unsafe for habitation.

Mayor Phillips stated that the first thing that needs to be done is to remove the people that live there. It was not a residential habitant, but a commercial building. There are safety issues, sanitary issues.

Councilwoman Garcia questioned if a child was living in the building.

Councilman Cameron asked if any citations had been issued. Doug Caffey answered no.

Grady Jones, the renter of the building stated that only he and his cat lived there. The building was safe and hurricane proof.

Paul Frugia, feared fire, because she lives right next door to the building. She said the building leaks so bad; you can smell the mold and mildew when you pass by the building. She had communicated with Mr. Wright about these issues. She requested that he apply for permits to bring the building to code.

Diane Williams stated that Mr. Wright was an absentee landlord, and that he had neglected his building. It was an unsafe building, needed a total clean out, for safety and health reasons would like him to bring the building up to code.

Doug Caffey recommended the building be vacated and power turned off.

There being no further questions or comments, Mayor Phillips closed the public hearing at 7:47 pm.

Consideration of declaring 225 W. Broad as an unsafe structure and authorizing the Mayor to sign the appropriate decision.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting 4 to 1, Council declared 225 W. Broad as an unsafe structure and authorized the Mayor to sign the appropriate decision. Councilman Cameron opposed.

Consideration of the approval of Ordinance No. 2006-2128 amending the Code of Ordinance to establish a Utility Line extension policy.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Ordinance No. 2006-2128 amending the Code of Ordinance to establish a Utility Line extension policy.

Consideration of the approval of demolishing the structure on 1108 Riverview Drive, Freeport Texas.

On a motion by Councilman Saccomanno, seconded by Councilman Cameron, with all present voting 4 to 1, Council approved to demolish the structure on 1108 Riverview Drive. Mayor Phillips opposed.

Consideration of the approval of bids and awarding the contract for Residential Solid Waste Collection.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, Council approved to reject all bids for the Residential Solid Waste Collection.

Consideration of the approval of sale of the City's interest in trust property on Block 67, Lot 23 and Lot 24, Velasco Townsite, known as 201 South Avenue F.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved the sale of the City's interest in trust property on Block 67, Lot 23 and Lot 24, Velasco Townsite, known as 201 S. Ave. F.

Consideration of the approval of signing a re-plat on Block 7, Lot 13, 14 and 15, Velasco Townsite, approved by the Planning Commission for Habitat for Humanity on April 24, 2006.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved signing a replat for Block 7, Lot 13, 14, and 15, Velasco Townsite, approved by the Planning Commission for Habitat for Humanity on April 24, 2006.

Consideration of the approval of a request from the Brazosport LULAC Council # 4655 to hold a public dance, erect temporary fencing, sell alcohol, and to waive vendor permit fees for its annual September 16, 2006 celebration at the Freeport Municipal Park.

On a motion by Councilwoman Garcia, seconded by Councilman Cameron, with all present "aye", Council approved a request from the Brazosport LULAC Council # 4655 to hold a public dance, erect temporary fencing, sell alcohol, and to waive vendor permit fees for its annual September 16, 2006 celebration at the Freeport Municipal Park

Elected Official Report

Councilman Smith reported on the Senior Citizens planning a trip to the Woodlands.

Mayor Phillips reported the SBCA hired a temporary director. Preliminary talk about Red Tide is scheduled. A special meeting is scheduled for August 10, 2006 to take action on the petitions turned in August 3, 2006.

Work Session

Administration Report

Mary Stotler, Main Street Director reported on the progress of Summertime Blues Festival.

Larry Fansher, Public Work Director reported on the City crews mowing right-of-ways, and cleaning ditches. A great turn out for National Night Out, lots of visitors. Keeping Municipal Park in high standards. Preparing the Municipal Park for the Rotary Shrimp Boil on August 19, 2006. Foggers set of smoke detectors at RiverPlace. His response time was approximately ten minutes. Alarms were on for 30 to 40 minutes.

Jerry Meeks crew is working on Yellowstone. Meter replacement program started. Sewer smell had been good till Saturday. Replacing South Front to Fisher and DeZavala sewer lines.

Pinkey Hartline reported two can play for \$30.00 specials before 12:00 noon. Anticipating two to three tournaments at the Golf Course.

Doug Caffey reported on the High School project. School staff moved in this morning. Tomorrow the old band area will be open. The old library is about a week away. An air-condition in the library needs repair.

Discussion concerning Business Regulations, Chapter 119 Taxicabs.

Sherry Bonner of Orion Taxi and Delivery Service asked Council to amend Chapter 119: Taxicabs, Section 119.03 Maximum Seating, Section 119.06 Setting and Posting Rates, Telephone Numbers; Taximeters, Section 119.22 Consideration of Application, Section 119.33 Local Office and Telephone Required, Section 119.72, State Chauffeur's License Required.

Discussion concerning CenterPoint Energy's request for an easement for a new electric transmission line along FM 1495.

Marie Bogan and Ken Vacek, CenterPoint representatives, 202 Hwy. 332 West, Clute, requested a 25'x25' easement adjacent to FM 1495. She presented a map identifying the area, for the extension of a transmission line to service the FLNG project. Mr. Phillips had questions concerning the restrictions to the city. The City would have to ask for permission to do anything on the property. Mr. Bottoms explained how there were actually two easements, the 1st at ground level, up to 30 ft. and the 2nd easement was an aerial easement that started at 30 ft. above ground. CenterPoint has offered \$7,500 for the easement privilege.

Marie Bogan explained that CenterPoint had addressed their response to a fire in Freeport. CenterPoint has identified sex employees that are to be on call to respond to emergencies at any time. She said this action would reduce the response time.

Financial reviews of the 3rd quarter of fiscal year 2005-2006.

Gary Beverly discussed the financials through June 30, 2006. Revenues are up 9.1% from last year, and are at 73.5% of Budget. Expenses are up by 4.0%, and are at 70.5% of Budget, with electricity and fuel contributing to the increase. The City has 10,912,160 in cash and expects to have \$9.6 million at years end. There are 3 outstanding debt instruments with an outstanding balance of \$6,476,000.

Discussion concerning schedule for Budget and Tax hearings.

Council discussed setting two public hearings for budget and tax rate. Mr. Shaw was asked to come up with a schedule and to submit to Mr. Bottoms and a copy to RoVin Garrett.

Discussion naming old Co. Rd. 723.

Mr. Bottoms asked for names for Co. Rd. 723. Mayor Phillips said this has always been Bryan Beach Rd.

Discussion concerning creating a Freeport citizens information course.

Mr. Bottoms suggested that council consider creating a Freeport citizens information course. One of the things the City has struggled is getting information to the public. It would be a way to educate people on the City's activities.

Discussion concerning future annexations.

Mr. Bottoms discussed expanding the City's limits. Mayor Phillips made it clear that he did not intend to move north toward the Brazos River Harbor Navigation District. The City is interested in moving towards the Hanley Rd area.

Mayor Phillips closed the work session and opened the executive session at 9:40 pm.

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:

- (1) Marina
- (2) Condition of 823 W. 12th.

B. Deliberations concerning the purchase, exchange, lease or value of real property when deliberation in an open meeting might have a detrimental affect on the position of the City Council in negotiations with a third person, to wit;

- Block 743, Lots 4 & 5
- Block 759, Lot 6
- Block 775, Lot 14

Mayor Phillips reconvened the open session at 10:30 p.m.

Adjourn

On a motion by Councilman Saccomanno, seconded by Councilman Cameron, with all present voting “aye”, the meeting was adjourned at 10:30 p.m.

Attest:

Delia Munoz
City Secretary

James W. Phillips
Mayor