

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport met with the Planning Commission in a Joint Public Meeting on Monday, December 4, 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 – absent
Clan A. Cameron
Jim Saccomanno
John Smith, III – Mayor Pro Tem
Norma M. Garcia

Planning Commission: Diane Williams
Abel Garcia
Robert Leffingwell
Linda Allen
Roddy Mohler – absent
Mitchell Kent – absent

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
Nat Hickey, Property Manager
Pinkey Hartline, Golf Course Director
Jeff Pynes, Police Chief
John Stanford, Fire Chief

Visitors: Edna Allan Larry Schaefer
Patrick Gore Lila Lloyd
Jerry Meeks Sandra Barnett
Dorothy Pirrung Jim Pirrung
Pixie Floyd Larry McDonald
Rosa McDonald Eric Hayes
Lila Diehl Louie Jones
Lucky Gilbert Will J. Brooks

Call to Order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Pro Tem, John Smith led the Pledge of Allegiance.

Approval of the November 20, 2006 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all presented voting “aye”, Council unanimously approved the minutes as corrected.

Attending Citizens and Their Business.

Lucky Gilbert of 630 West Broad Street, member of the Main Street board, thanked the City and handed Larry Fansher- Parks Department a check for the Holiday on the Brazos event from the V.F.W. Post 4143. He and the V.F.W. are proud of the City and appreciate all the City has accomplished.

Abel Garcia of 1751 West 9th Street, announced that the Soccer Club is having closing ceremonies and is recognizing City and staff members on December 11, 2006 at the First Baptist Church. He also requested that the City consider changing the name of "Holiday on the Brazos" event to "Christmas on the Brazos".

Public Hearing: (1) The City Council and the Planning Commission of said city will conduct a joint public hearing to consider two (2) proposed amendments to Section 155.023 of the Comprehensive Zoning Ordinance of said City, codified as Chapter 155 of the Code of Ordinances of said City, to limit the area of the front yard of any lot in the R-1, R-2 and R-3 residential zoning district that may be paved to one-third, which will include the side yard facing a street for a corner lot.

(2) and to limit the elevation of secondary structures in the R-1, R-2 and R-3 residential zoning districts.

There being a quorum with the City Council and the Planning Commission, Mayor Pro Tem, John Smith opened the public hearing at 6:15 p.m. Mayor Pro Tem read out the two (2) proposed amendments to Section 155.023 of the Comprehensive Zoning Ordinance of said City. He asked for comments from audience and staff.

Doug Caffey stated that the office was getting numerous requests for permits to pave/concrete front yards, which affects drainage issues. At the moment the City can not deny their request. Also noted that if someone built a two (2) story metal building in the back yard, it would be obstructing the neighbors view and increase the drainage problems. Mr. Caffey advice is to limit the height of secondary structures. Secondary structures should not be higher then the primary structure.

Mayor Pro Tem asked the Planning Commission's for their recommendation.

Diane Williams, Chairwoman of the Planning Commission stated that they were in favor of limiting the area of the front yard of any lot in the R-1, R-2 and R-3 residential zoning district that may be paved to one-third of the area, which will include the side yard, if on a corner lot and limiting the elevation of secondary structures in the R-1, R-2 and R-3 residential zoning districts.

Councilman Cameron stated that the proposal was not specific and asked for the Planning Commission to review again. Councilman Saccomanno concurred with Councilman Cameron.

Councilwoman Garcia advised Council to approve the Planning Commission recommendations, and then make amendments to the ordinance, having started some kind of foundation to prevent permits being issued.

Mayor Pro Tem asked the Planning Commission to restudy their recommendations and clarify the wording on both proposals. Mayor Pro Tem also wanted that no wording be open for misinterpretations.

There being no further questions or comments, Mayor Pro Tem Smith closed the public hearing at 6: 45 p.m.

Consideration of the approval of Ordinance No. 2006-2149 amending the Comprehensive Zoning Ordinance of said City to change the zoning classification that portion of the C. Henniger survey, Abstract 211, Brazoria County, Texas, presently zoned W-1 from that zoning classification to a new zoning classification of W-1R and to change the zoning classification of the remainder of the land lying between the Mystery Harbor Subdivision and the Velasco Memorial Bridge and between the Old Brazos River and Mystery Harbor Lane and Front Street from its present zoning classification of R-3 to a new zoning classification of W-1R.

On a motion by Councilwoman Garcia, seconded by Councilman Saccomanno, with all present voting 3 to 1, Council approved Ordinance No. 2006-2149 amending the Comprehensive Zoning Ordinance of said City to change the zoning classification that portion of the C. Henniger survey, Abstract 211, Brazoria County, Texas, presently zoned W-1 from that zoning classification to a new zoning classification of W-1R and to change the zoning classification of the remainder of the land lying between the Mystery Harbor Subdivision and the Velasco Memorial Bridge and between the Old Brazos River and Mystery Harbor Lane and Front Street from its present zoning classification of R-3 to a new zoning classification of W-1R. Councilman Cameron opposed.

Consideration of the approval of Ordinance No. 2006-2150 reducing the Extraterritorial Jurisdiction of said City to exclude 956.30 acres of land adjacent to the right descending bank of Bastrop Bayou, between old state Highway 288 and FM Highway 523.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Mr. Bottoms' recommendation to reduce the Extraterritorial Jurisdiction of said City to exclude 956.30 acres of land adjacent to the right descending bank of Bastrop Bayou, between old state Highway 288 and FM Highway 523.

Consideration of the approval of Resolution No. 2006-2028 requesting the members of the 80th Legislative Session of the State of Texas support increased funding for the Texas Recreation & Parks account local park grant program and the Texas State Park System.

On a motion by Council Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved Mr. Bottoms' recommendation to approve Resolution No. 2006-2028 requesting the members of the 80th Legislative Session of the State of Texas support increased funding for the Texas Recreation & Parks account local park grant program and the Texas State Park System.

Consideration of the approval of canceling December 18, 2006, Council Meeting and rescheduling January 1st, & 15th, 2007 to January 2nd & 16th, 2007 to observe the holidays.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved canceling December 18, 2006, Council Meeting and rescheduling January 1st, & 15th, 2007, to January 2nd & 16th, 2007 to observe the holidays.

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

On a motion by Councilwoman Garcia, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved Chief Pynes request to purchase 13 hand held radios in the amount of \$37,519.98. An \$8,000 donation from Freeport LNG and \$29,519.98 from seized funds will be used to purchase the hand held radios.

Consideration of the approval of purchasing a fire truck for the Freeport Fire/EMS Department.

On a motion by Councilwoman Garcia, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved Chief Stanford's recommendation to purchase a Class A Pumper Fire Truck for the Freeport Fire/EMS department in the amount of \$250,000. The department has received grants and donations of \$136,000.

The fire truck is manufactured by Crimson, a well known reputable fire truck manufacture in Dallas, Texas. With Council approval manufacturing can start January 2007 and delivered in 8 months.

Consideration of the approval of selling the City's interest at Block 183, Lot 7, Freeport Townsite, (4201-1859-000) known as 1723-1725 West 8th Street.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting 3 to 1, Council opt not to sell the City's interest at Block 183, Lot 7, Freeport Townsite. Mr. Nat Hickey recommended the City reevaluated the decision to sell. The City would be out of \$2,400.00. Councilman Cameron opposed.

Consideration of the approval of selling the City's interest at Block 25, Lot 9, Freeport Townsite, (4200-0322-000), known as 230 East 8th Street.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting 3 to 1, Council opt not to sell the City's interest at Block 25, Lot 9, Freeport Townsite, (4200-0322-000) because the City would be out of \$5,400.00. Councilman Cameron opposed.

Consideration of the approval of selling the City's interest at Block 28, Lot 16 thru 23, 2006, Velasco Townsite, (98110-0341-000), known as 503-517 South Ave. C.

This item was reagendaed.

Consideration of the approval of selling the City's interest at Block 26, Lot 9, Velasco Townsite, (8110-0309-000), known as 518 South Ave. D.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved selling the City's interest at Block 26, Lot 9, (8110-0309-000) Velasco Townsite, known as 518 South Ave. D.

Consideration of the approval of selling the City's interest at Block 75, Lot 8, Freeport Townsite, (4200-0715-100), known as 503 West 5th Street.

On a motion by Councilwoman Garcia, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved selling the City's interest at Block 75, Lot 8, Freeport Townsite, (4200-0715-100), known as 503 West 5th Street.

Consideration of the approval of awarding the bids on the following described land:

- Block 4, Lot 16, Brazos Terrace
- Block 588, Lot 1, Velasco Townsite
- Block 600, Lot 19, Velasco Townsite
- Block 600, Lot 22 & 23, Velasco Townsite
- Block 600, Lot 24, Velasco Townsite
- Block 727, Lot 11, Velasco Townsite

No action taken.

Consideration of the approval of leasing a portion of the old service center on 537 Terminal Street to Freeport Marina L.P.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting 3 – 1, Council approved leasing a portion of the old service center on 537 Terminal Street to Freeport Marina L. P. Councilman Cameron opposed.

Consideration of the approval of a request for street closures that intersect with 2nd Street, East Park, Cherry Street, Fourth Street, for the 21st Annual Martin Luther King Jr. Celebration – Parade on Monday, January 15, 2007 starting at 12:00 noon.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved the request of Will J. Brooks, 216 Banyan Drive, Lake Jackson, Texas, Chairman of the Martin Luther King Jr. Celebration, for street closures that intersect with 2nd Street, East Park, Cherry Street, Fourth Street, for the 21st Annual Martin Luther King Jr. Celebration – Parade on Monday, January 15, 2007 starting at 12:00 noon.

John Smith, III, Mayor Pro Tem closed the work session and opened the executive session at 7:30 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:

- (1) Marina
- (2) Western Seafood Company/Western Shellfish, et al.

John Smith III, Mayor Pro Tem reconvened the open session at 7: 45.

Adjourn

On a motion by Councilman Cameron, seconded by Councilman Garcia, with all present voting “aye”, the meeting was adjourned at 7:45 p.m.

Attest:

Delia Munoz
City Secretary

John Smith, III
Mayor Pro Tem