

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport met on Tuesday, September 6th, 2011 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:	Norma Moreno Garcia Michelle Kent Fred Bolton – Absent Nicolosa Mireles Sandra Barbree	
Staff:	Jeff Pynes, City Manager Gilbert Arispe, Administrative Asst. Wallace Shaw, City Attorney Delia Munoz, City Secretary Nat Hickey, Property Manager Larry Fansher, Parks Director Brian Davis, Fire Chief Ty Morrow, Police Chief Bob Welch, Finance Director Kola Olayiwola, Building Official	
Planning Commission:	Edward Garcia – Absent Reuben Cuellar Jesse Aguilar Toby Davenport Eddie Virgil	
Visitors:	Jim Pirrung Margaret Pollard Wright Gore, Jr. Jack Reid Eva Woodley Margorie Clark Bertha Kelly John Hoss Candelaria Gomez Melanie Oldham Manning Rollerson	Dorothy Pirrung Joyce Adkins Paula Hammond Daniel Woodley Estella Gomez Annette Sanford Brenda Laird Bobby Bass Victoria Castenda Lila Lloyd Walker Royall

Call to Order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance

Mayor Norma Garcia led the Pledge of Allegiance.

Consideration of approving the August 15th, & August 30th, 2011 Council Minutes.

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved August 15th & August 30th, 2011 Council Minutes.

Attending citizens and their business.

There were none

Joint Public Hearing: The City Council and the Planning Commission of said City will consider whether or not the Comprehensive Zoning Ordinance and Map of said City, codified as Chapter 155 of the Code of Ordinances of said City, should be amended to add a new zoning district, to be called W-4 Marina District, and whether or not the zoning classification of all of the land located North of Second Street, East of Cherry Street, West of Terminal Street and South of the centerline of the Old Brazos River should be changed to W-4 Marina District.

There being a quorum with the Planning Commission the Mayor opened the Joint Public Hearing at 6: 03 p.m.

Edward Garcia, Chairperson for the Planning Commission was absent, Tobey Davenport spoke in his behalf. The purpose of the Joint Public meeting is to introduce and recommend a new Marina Zoning District (W-4 ) in the Old Brazos River.

Kola Olayiwola, Building Official presented to Council and audience a Power Point presentation of the proposed W-4 zoning category that would create the best type managed growth for the marina, vision for the Marina Zoning District, geographic boundary of the marina area, existing zoning categories of C-2, W-2, M-1, establishing the theme for the marina area, and a new zoning category (W-4) as proposed and recommended by the Planning Commission.

Jeff Pynes asked what happens to an existing house in a W-4 zone. Mr. Kola stated that it's a non-conforming structure and is grandfathered.

Toby Davenport read out the marina definition that will be used in the proposed ordinance; "Marina a dock or basin providing secured moorings for pleasure boats offering supply, repair and other facility".

Joyce Adkins asked why the proposed zone didn't fit the Bridge Harbor Marina and why should anybody want to purchase a business or property goes through the process of a Specific Use Permit and what if it didn't suit the City, it would be difficult to sell. The city would be in control of all the marina district. She opposed the new propose W-4 zoning, thought it was a terrible idea.

Walker Royall voiced his opinion and didn't think that putting restrictions on properties was a good idea. The parking ratio is unnecessary and onerous. One parking space for very 100 ft. would restrict your ability to develop certain businesses. Having to go before the City for a Specific Use Permit was cumbersome for someone who wants to buy or sell property.

Margaret Pollard, an attorney from Houston was present to represent Western Seafood and Western Shell Fish.

Wright Gore, Jr stated his business is in the commercial shrimping business. The City spend the last 6 years trying to take his property by eminent domain and now the City is trying to rezone his property. A lot of time and effort, and tax payers money was spend in the process of taking his property, a thinly veiled effort to revive the city's failed eminent domain policy. He said it was ridiculous situation.

Scott Glick and his brothers have vacant lots in the marina district and asked if the new zone would require to plant flowers or palm trees. He also asked if housing was prohibited in the area and that no consideration was given to the people that are already there.

A lady was present and stated that she had 2 small houses on 2nd Street and asked if they would be grandfathered. Mr. Kola answered her yes, unless she turned the houses into a business, she would need to apply for a Specific Use Permit.

Eva Woodley stated that her home is in the marina district and asked if she needed to come before the city for any upgrades or improvements. Mr. Kola said yes.

Toby Davenport spokesman for the Planning Commission recommended to Council, that the new propose marina zone W-4 be withdrawn for more research.

The Planning Commission adjourned at 6:40 p.m. There being no more questions or comments, Mayor Garcia closed the Joint Public Hearing at 6:40 p.m.

Consideration of approving Resolution No. 2011-2267 authorizing local funds commitment for disaster recovery non-entitlement grant contract # DRS210246 with the State of Texas General Land Office.

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbee, with all present voting "aye", Council unanimously approved Resolution No. 2011-2267 authorizing local funds commitment for disaster recovery non-entitlement grant contract # DRS210246 with the State of Texas General Land Office.

Consideration of granting a Sign and Led variance to Little Caesars 1823 N. Brazosport Boulevard, Freeport Texas.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbee, with all present voting "aye", Council unanimously approved granting a Sign and Led variance to Little Caesars, 1823 N. Brazosport Boulevard, Freeport, Texas.  
Consideration of setting September 12th, 2011 as the date for a Public Hearing on the proposed budget for the fiscal year 2011-2012.

On a motion by Councilwoman Barbee, seconded by Councilwoman Kent with all present voting "aye", Council unanimously approved setting September 12th as the date for a Public Hearing on the proposed budget for the fiscal year 2011-2012.

Consideration of setting September 19th, 2011 as the date to adopt a tax rate of 0.680000 with an maintenance and operations rate of \$0.520739 and an interest and sinking rate of \$0.159261 for fiscal year 2011-2012.

On a motion by Councilwoman Barbee, seconded by Councilwoman Mireles, with all present voting 3 to 1, Council approved setting September 19th, as the date to adopt a tax rate of 0.680000 with an maintenance and operations rate of \$0.520739 and an interest and sinking rate of \$0.159261 for fiscal year 2011-2012. Councilwoman Kent opposed.

Consideration of designating a representative and an alternate to the Houston-Galveston Area Council 2012 General Assembly.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved designating Councilwoman Barbee to the Houston-Galveston Area Council 2012 General Assembly and naming Councilman Bolton as an alternate.

Consideration of authorizing the City Manager to sign an Amendment Number Two further extending the Industrial District Agreements with Dow & BASF.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbee, with all present voting "aye", Council approved authorizing the City Manager to sign an

Amendment Number Two further extending the Industrial District Agreements with Dow & BASF. Councilwoman Mitreles abstained from voting in this matter.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", the meeting adjourned at 6:50 p.m.

Mayor Norma Moreno Garcia

City Secretary – Delia Munoz