

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council and the Planning & Traffic Commission, of the City of Freeport met on Monday, November 2, 2015 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Norma Moreno Garcia  
Councilman Larry L. McDonald – Absent  
Councilman Fred Bolton  
Councilwoman Sandra Loeza  
Councilwoman Sandra Barbree

Planning Commission: Edward T. Garcia  
Cindy Cain  
Royce McCoy  
Lesa Girouard  
Eddie Virgil

Staff: Jeff Pynes, City Manager  
Gilbert Arispe, Assistant City Manager  
Wallace Shaw, City Attorney  
Delia Munoz, City Secretary  
Nat Hickey, Property Manager  
Dan Pennington, Police Chief  
Bob Welch, Finance Director  
Jennifer Hawkins, EDC

Visitors: Scott Bounds Brian Bagley  
Beatriz Gonzalez Denise Harper  
Bobby Bass Annette Sanford  
Eric Hayes Lila Diehl  
Troy Brimage Jerry Masters  
Roddy Mohler Manny Rollerson  
Jim Pirrung Jay Garcia  
Richard Rangel Sam Reyna  
Lila Lloyd Melanie Oldham  
Jerry Meeks Raul Ramirez  
Moby Burr ridge Evelyn Burr ridge  
Ricardo Loeza Julie Swain  
Steven Voss Angie Williams  
Edmeryl Williams Jerry Cain

Call to order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Moreno Garcia led the Pledge of Allegiance.

Attending citizens and their business.

Manny Rollerson questioned Council on who is representing him and the east side of town. The properties are being sold to the Port and that his grandson who is mentally challenged has not been in school in 2 years due to a BISD teacher slapping him.

Consideration of approving October 19, 2015 Council Minutes.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved the October 19, 2015 Council Minutes.

**Joint Public Hearing:** The City Council of the City of Freeport, and the Planning Commission of said City will conduct a Joint Public Hearing to consider proposed amendment to the Comprehensive Zoning Ordinance of said City, codified as Chapter 155 of the Code of Ordinances of said City, amending said ordinances to include definitions of a public place and a non-regulated night club and a prohibitions of the use of any land in the City as such a club between 2:15 a.m. and 12:00 noon on Sunday and between 2:15 a.m. and 7:00 a.m. on other days and related provisions regarding the contents certificates of occupancy for such clubs, the rights of entry by the Building Official, any Building Inspector and any police officer, their rights and duties upon entering and the obligations of all occupants at that time.

There being a quorum with the Planning Commission and the City Council, Mayor Norma M. Garcia opened the Joint Public Hearing at 6:05 p.m. to consider proposed amendment to the Comprehensive Zoning Ordinance of said City, codified as Chapter 155 of the Code of Ordinances of said City, amending said ordinances to include definitions of a public place and a non-regulated night club and a prohibitions of the use of any land in the City as such a club between 2:15 a.m. and 12:00 noon on Sunday and between 2:15 a.m. and 7:00 a.m. on other days and related provisions regarding the contents certificates of occupancy for such clubs, the rights of entry by the Building Official, any Building Inspector and any police officer, their rights and duties upon entering and the obligations of all occupants at that time.

Mayor Norma M. Garcia asked for comments from audience and staff.

Chief Pennington updated Council with 22 incidents from 127 W. 2<sup>nd</sup> Street. Reports of gunshots fired, underage drinking, marijuana, trash outside the club, DWI, street sign ruined, assaults, public intoxication, large group of people gathering outside.

There being no more comments, Mayor Norma M. Garcia closed the Joint Public Hearing at 6:12 p.m. Mayor Garcia thanked the Planning Commission.

Consideration of approving Ordinance No.2015-2099 declaring the use of any land within the City as a Non-regulated Night Club, as defined in this ordinance, between 2:15 a.m. and 12:00 noon on Sunday between 2:15 a.m. and 7:00 a.m. on any other day to be a public nuisance to be abated as provided in this ordinance; amending section 10.05(B) and 155.002 of the Code of Ordinances of said City to provide definitions; amending 155.023 of said Code of Ordinances to add thereto a new definition (P) prohibiting the use of any land or building in the City as a Non-Regulated Night Club between 2:15 A.M. and 12:00 noon on Sunday and between 2:15 A.M. and 7:00 A.M. on any other day; amending section 155.023 of said code to add thereto new division (Q) requiring every certificate of occupancy issued for any premises which could be used as a Non-Regulated Night Club shall state that the Building Official, any building inspector or police officer of the City shall have the right of entry to such premises during the hours mentioned in Division (P) for the purpose of determining whether or not such premises is in fact being used as a Non Regulated Night Club during such hours and, if so to verbally notify the occupants of such premises to immediately cease such use and providing that the continued use of such premises by any occupant for such propose after receiving such notice shall constitute a violation of the zoning ordinance of the city; ratifying and confirming all actions previously taken by the Planning Commission of said City or the City Council or both.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Ordinance No.2015-2099 declaring the use of any land within the City as a Non-regulated Night Club, as defined in this ordinance, between 2:15 a.m. and 12:00 noon on Sunday between 2:15 a.m. and 7:00 a.m. on any other day to be a public nuisance to be abated as provided in this ordinance; amending section 10.05(B) and 155.002 of the Code of Ordinances of said City to provide definitions; amending 155.023 of

said Code of Ordinances to add thereto a new definition (P) prohibiting the use of any land or building in the City as a Non-Regulated Night Club between 2:15 A.M. and 12:00 noon on Sunday and between 2:15 A.M. and 7:00 A.M. on any other day; amending section 155.023 of said code to add thereto new division (Q) requiring every certificate of occupancy issued for any premises which could be used as a Non-Regulated Night Club shall state that the Building Official, any building inspector or police officer of the City shall have the right of entry to such premises during the hours mentioned in Division (P) for the purpose of determining whether or not such premises is in fact being used as a Non Regulated Night Club during such hours and, if so to verbally notify the occupants of such premises to immediately cease such use and providing that the continued use of such premises by any occupant for such propose after receiving such notice shall constitute a violation of the zoning ordinance of the city; ratifying and confirming all actions previously taken by the Planning Commission of said City or the City Council or both.

Consideration of approving and authorizing the Mayor to sale an easement, containing 0.413 acres, BCIC 7, Tract 104, Abstract 51 as part of CenterPoint Energy's Oyster Creek Project, approved by the Public Utility Commission of Texas under Docket No.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved and authorized a sale by the Mayor of an easement, containing 0.413 acres, across BCIC 7, Tract 104, Abstract 51, of which the City owns 50%, as part of CenterPoint Energy's Oyster Creek Project, approved by the Public Utility Commission of Texas under Docket No. 41749, for \$1,686.50, which the City Council finds is the fair market value for 50% of such easement.

Consideration of approving Resolution No. 2015-2485 casting a vote(s) for candidate(s) for the Board of Directors of the Brazoria County Appraisal District 2016-2017.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Bob Welch as a candidate for the Board of Directors of the Brazoria County Appraisal District 2016-2017.

Consideration of approving a residential tax abatement application for Efrain Rodriguez, 1935 North Ave. G., Freeport Texas.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved a residential tax abatement application for Efrain Rodriguez, 1935 North Ave. G, Freeport Texas.

Consideration of approving the Economic Development Corporation budget fiscal year 2015-2016.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved the Economic Development Corporation budget for fiscal year 2015-2016.

Consideration of approving purchasing Christmas lighting for the City of Freeport.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting 3 to 1, Council approved the purchase of Christmas lights , starting on Cherry Street and Second Street and toward Memorial Park, not to exceed \$138,000.00. Councilman Bolton opposed.

Consideration and possible action to declare a vacancy in City Council Position A pursuant to Section 3.02 of the City Charter.

On a motion by Councilwoman Barbree, seconded by Councilwoman Leoza, with all present voting "Aye", Council unanimously found that Councilman Larry L. McDonald was absent from 3 consecutive regularly scheduled meetings without a valid excuse and that he failed to attend at least 80% of the regularly scheduled meetings during the 2014-2015 fiscal year without a valid excuse and declared that a vacancy exists in City Council Position A.

Consideration of a approving and advertising for bids for waste collection services.

On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved advertising for bids for waste collection services and found that competitive sealed proposals is the method that will provide the best value for the City.

Norma M. Garcia closed the Formal Session and opened the Executive Session at 6:43 p.m.

Consideration of the approval of any action to be taken as a result of closed Executive Session.

No action taken.

Executive Session:

Section 551.074, Government Code

Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee, to wit:

- Larry L. McDonald, Councilman Member Position A

*Open Session*

Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters 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:

- Pending contractual negotiation regarding Port Freeport

*No action taken*

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “Aye”, Mayor Norma M. Garcia adjourned at 6:46 p.m.

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Mayor Norma Moreno Garcia  
City of Freeport, Texas

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City Secretary, Delia Munoz  
City of Freeport, Texas