

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, March 5, 2007, 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

Planning Commission: Diane Williams
Linda Allan
Michelle Kent
Robert Leffingwell
Roddy Mohler
Abel Garcia – 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 Inspector
Nat Hickey, Property Manager
Mary Stotler, Main Street Director
John Stanford, Fire Chief
Jeff Pynes, Police Chief
Pinkey Hartline, Golf Course Director

Visitors: V. L. Scott Jim Pirrung
Dorothy Pirrung Lucky Gilbert
Lila Lloyd Pixie Floyd
Larry Schaefer Carl Morrison
Jim Barnett Sandra Barnett
Richard Rangel Jerry Meeks
Manning Rollerson Cathy Williams
Joyce Adkins Nick Aluiso
Skip Pratt Eric Hayes
Mark Wessels Willie Rains
Larry McDonald Rosa McDonald

Roddy Mohler	Barbara Mohler
Bobby Joe Casale	Fred Bolton
Luis Barrientes	Edna Allan
James Allan	Dan Tarver

Call to Order.

Mayor Phillips called the meeting to order at 6:01 p.m.

Invocation by Pastor Moreno from the La Fe Iglesia.

Pastor Moreno with the La Fe Iglesia, offered the invocation.

Pledge of Allegiance.

Mayor Phillips led the Pledge of Allegiance.

Approval of the February 20, 2007 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved the minutes of February 20, 2007.

Attending Citizens and Their Business.

Manning Rollerson of 116 Grapevine, Lake Jackson, asked why his mother’s house, 537 E. 2nd Street, had to be torn town.

Presentation and discussion concerning the video testimony of Dennis Bonnen, State Representative, and Pete Reixach, Port Freeport Executive Director, regarding House Bill 1311 & 1312.

Council and City citizens viewed a video testimony of Dennis Bonnen, State Representative and Pete Reixach, Port Freeport Executive Director regarding House Bills 1311 & 1312. Mr. Bottoms explained these house bills stemmed from the City’s annexation of 246 acres of undeveloped Port property along FM 1495. The house bills have come out of the committee and companion bills (SB 1034 & 1035) were filed by Senator Kyle Janek, who also supports HB 1311 & 1312. Mr. Bottoms stated that these bills were directed at Freeport. If passed, it would take control of property from the City and transferred to the Port. The Port requested the property rezoned to M-2 (heavy manufacturing) however the Planning Commission and City Council voted to rezone the property from R-1 to W-3 (waterfront heavy) with a specific use permit. The Port’s expansion plans will deteriorate the air quality of Freeport. Mayor Phillips said that previously the City and the Port had an agreement, but the Port has now taken a different direction. The Mayor stated that the Port talked about an industrial district contract, but the City can not have an industrial district contract on an open piece of land. Mr. Bottoms

suggested for citizens to call the offices of Dennis Bonnen, State Representative and Senator Kyle Janek to reject these house bills.

Ms. Lila Lloyd expressed her disappointment at the Port's action. She stated that the Port is steady buying property in the east end of town. While the Port extends over 13 cities, Freeport would be the only city affected by this bill.

Carl Morrison suggested representatives take a bus to Austin to voice their opposition.

Councilman Cameron feared this would change the demographics of the City.

V. L. Scott was offended that our State Representative call our city "blighted".

Melanie Oldham said the Port plans would heavily pollute the area. She suggested that citizens of Freeport should go to Austin to the Legislative Floor and talk to the State Representatives and voice their opposition. She states that Mr. Bonnen our State Representative, is not concerned about the quality of life for the citizens in the City.

Joint Public Hearing: At which time and place the City Council and the Planning Commission of said city will conduct a joint public hearing to consider a proposed amendments to the Comprehensive Zoning Ordinance of said City, codified as Chapter 155 of the Code of Ordinance of said City,

- Amending the definition of sexually oriented business contained in Section 155.002.
- To add a new Section 155.024 making provisions for the classification of new and unlisted commercial uses in C-1 and C-2 zones.
- Changing the zoning classification of Lots 1- 12, Block 6, Velasco Townsite also known as 108, 116, 122, and 124 South Ave. D from their present classification of R-3 to a new classification of C-2.

Their being a quorum with the Planning Commission and City Council, Mayor Phillips opened the Joint Public Hearing at 7:10 p.m. to consider the proposed amendments.

Diane Williams, Chairman of the Planning Commission, stated that the commission had reviewed the above proposed changes and recommended all three amendments to the Comprehensive Zoning Ordinance.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved amending the definition of sexually oriented business contained in Section 155.002, that sentence 2 & 3 of Section 123.02 be included in Section 155.002 of the zoning ordinance.

On a motion by Councilwoman Garcia, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved to add a new Section 155.024 making provisions for the classification of new and unlisted commercial uses in C-1 and C-2 zones.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved changing the zoning classification of Lots 1-12, Block 6, Velasco Townsite also known as 108, 116, 122, and 124 South Ave. D from their present classification of R-3 to a new classification of C-2.

Joyce Adkins stated that this was called spot zoning. Mr. Shaw stated that this was at the request from the VFW; that this zoning of C-2 was extending to the rest of the adjoining property; to run consistent.

Mayor Phillips asked for comments from audience and staff. There being no further questions or comments, Mayor Phillips closed the hearing at 7:25 p.m. He thanked the Planning Commission for their attendance.

Public Hearing: Sitting as the Board of Adjustments and Appeals under the Unsafe Building Abatement Code, to consider declaring the below listed unsafe structures.

- 410 E. 2nd Street, Block 16, Part of Lot 17 & 18, Freeport Townsite
- 406 E. 2nd Street, Block 16, Part of Lot 19 & 20, Freeport Townsite
- 431 W.2nd Street, Block 65, Lot 1, Freeport Townsite.

Doug Caffey, Building Inspector presented a PowerPoint presentation of the condition of the three structures. Structures 406 & 410 E. 2nd were vacant and had roof failures. Drug paraphernalia were found in the structures. Elizabeth Gonzalez is the executor of the properties and will meet with the Building Official and negotiate a solution.

Structure 431 W. 2nd was vacant, had open sewer, electrical in bad shape. Numerous letters had been sent and citations issued with no response.

On a motion by Councilwoman Garcia, seconded by Councilman Saccomanno, with all present voting 4 to 1 approved declaring the structures unsafe. Council sits as the Board of Adjustments and Appeals under the Unsafe Building Abatement Code. Councilman Cameron opposed.

Consideration of the approval of Resolution No. 2007-2134 calling for two Public Hearing on proposed annexation of 122 acres of land adjoining the existing bridge Harbor Subdivision and fronting on the Gulf Intracoastal Waterway.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 4 to 1, Council approved Resolution No. 2007-2134 calling for two public hearings (April 16th & April 30th, 2007) on proposed annexation of 122 acres of land adjoining the existing bridge Harbor Subdivision and fronting on the Gulf Intracoastal Waterwater. Councilman Cameron opposed.

Consideration of the approval of setting a date for a joint public hearing with the Planning Commission to consider rezoning Lots 10, 11, 12 and 13-16, known as 10 Kingfish Lane, Bridge Harbor Subdivision from C-2 to W-2.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting "aye, Council unanimously approved April 16, 2007 at 6:00 p.m. for a joint public hearing with the Planning Commission to consider rezoning Lots 10, 11, 12 and 13-16, known as 10 Kingfish Lane, Bridge Harbor Subdivision from C-2 to W-2.

Consideration of the approval of signing a replat of Block 178, Lots 1-6 Avalon Subdivision, Freeport, Texas known as 1741-1761 West 4th Street, approved by the Planning Commission on 3/5/07.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved signing a replat on Block 178, Lots 1-6, Avalon Subdivision, Freeport, Texas known as 1741-1761 West 4th Street, approved by the Planning Commission on 3/5/07.

Consideration of the approval of setting a date for rebidding a deck for RiverPlace project.

On a motion by Councilman Saccomanno, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved setting a bid date for March 29, 2007 @ 2.00 p.m. for RiverPlace project.

Consideration of the approval of Resolution No. 2007-2135 authorizing execution and attestation by Mayor and City Secretary of a quit claim the City of Freeport's interest in a 2.01 acres tract out of Block 58, of the Freeport Townsite and out of a closed portion of Oak Street in the City of Freeport, Brazoria, County, Texas.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Resolution No. 2007-2135 authorizing execution and attestation by Mayor and City Secretary of a quit claim the City of Freeport's interest in a 2.01 acres tract out of Block 58, of the Freeport Townsite and out of a closed portion of Oak Street in the City of Freeport, Brazoria, County, Texas.

Consideration of the approval of closing the right-of-way easement at Abstract 62, in Tracts 520 and 521.

No action required.

Consideration of the approval of Ordinance No. 2007-2156, amending Ordinance No. 2007-2151 calling the Annual General Election to change the facility of early voting to the Freeport Library, 410 Brazosport Blvd., Freeport, Texas.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council approved Ordinance No. 2007-2156 amending Ordinance No. 2007-2151 calling the Annual General Election to change the facility of early voting to the Freeport Library, 410 Brazosport Blvd., Freeport, Texas.

Elected Official Report

Councilman Smith and Councilwoman attended the basketball banquet at RiverPlace. He applauded Larry Fansher and the parents for their support and participation; approximately 400 people attended the banquet. The Senior Citizens will visit the George Bush Library at College Station on March 8, 2007.

Work Session

Administration Report

Mr. Bottoms reported on behalf of the staff. The street department will finish with Yellowstone Street in two weeks. Also preparing the ball fields for the new season. The Joy Rod Run is scheduled for March 18th & 19th, 2007 at the Freeport Municipal Park. The Golf Course is looking very good. The Brazoria County Cities Association will meet in West Columbia on March 21, 2007. The City was successful in driving the sheet piles at the Trico property. The City saved money by doing the work in house. Main Street will hold a board training meeting on March 12, 2007. The meeting is for Board members and volunteers. Anybody interested in attending should make contact with Mary Stotler. Chief Pynes 1st. year anniversary with the City is tomorrow. Two fires, one on 1204 West 5th and one near Oil Patch, both are under investigation. Mr. Bottoms will travel to Austin tomorrow to talk to legislatures to derail the House Bill 1311 & 1312 sponsored by State Representative Dennis Bonnen.

Discussion concerning creating a Historical District Overlay downtown.

Mr. Shaw discussed his concerns of creating a Historical District Overlay downtown. The adoption of a Historical District at this time would not be valid until a Historical Commission exists. The ordinance will have to be revised or appoint a Historical Committee. Mayor Phillips announced if any one wanted to fill an application to see the City Secretary.

Discussion considering amending Section 113.01 and 133.02 of Code of Ordinances as recommended by the Planning Commission.

Mr. Shaw discussed the existing Section 113.01 and 133.02 of the Code of Ordinances concerning the City Manager's issuance of permits in reference to printed material/political signs. Mr. Shaw will draft some guide lines for the City Manager.

Mayor Phillip closed the work session and opened the executive session at 8:47 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) Brazos River Harbor Navigation District

Mayor Phillips reconvened the open session at 9:05 p.m.

Adjourn

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye" the meeting was adjourned at 9:05 p.m.

Delia Munoz
City Secretary

James W. Phillips
Mayor