

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, May 19th, 2008, at 6:00 a.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:

Larry L. McDonald
Clan A. Cameron
Jim Saccomanno
Calvin Ronald Wise
Norma M. Garcia

Staff:

Gary Beverly, City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Larry Fansher, Public Works Director
Jeff Pynes, Chief of Police
John Stanford, Fire Chief
Mary Stotler, Main Street Director
Bob Welch, Finance Director

Visitors:

Diane Williams	Judy Schaefer
Larry Schaefer	Roddy Mohler
Barbara Mohler	Edna Allen
Mark Wessels	Kimmy Wessels
Leonard Cortemelia	Lavon Cates
Wright Gore, II	Cele Damian
George Matamores	Susie Wise
Pixie Floyd	Tina Robledo
Erica Ayala	V. L. Scott
Bill Howard	Candy Howard
Lila Lloyd	Angela Kant
Gary Guerrier	Mingo Marquez
Annette Bennett	Eileen Koenig

Call to Order.

The meeting was called to order by Mayor McDonald at 6:01 a.m.

Invocation.

Mr. Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of the approval of the May 5th, 2008 Council Minutes.

On a motion by Councilwoman Garcia, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved the May 5th, 2008 Council Minutes.

Attending Citizens and Their Business.

Pixie Floyd of 832 Leder Street reminded Council and all in attendance that Memorial Day is observed on May 26th, 2008, a day of Remembrance and Respect. A national moment of silence will take place at 3:30 p.m. local time.

Dennis Vandergriff of Brazosport Yellow Cab has a problem with the Seaman's Center transporting people from the ships and taking them to the mall for a \$5.00 charge. He also mentioned that he has a phone number 233-1234 for sale.

Angela Kant stated that Freeport is a destination place for Memorial Day weekend. She suggested more police presence and port-a-cans at Bryan Beach.

Leonard Cortemelia of 707 W. 12th, complained on drainage problems. He has been through numerous city managements, and nothing has been done. He asked Council when he can expect something be done on a fallen sewer line.

Consideration of the approval of Ordinance No. 2008-2199 canvassing the returns and declaring the results of the 2008 Annual Election.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Ordinance No. 2008-2199 canvassing the returns and declaring the results of the 2008 Annual Election.

Consideration of the approval of Ordinance No. 2008-2200 canvassing the returns and declaring the results of the 2008 Charter Review Election.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved Ordinance No. 2008-2200 canvassing the returns and declaring the results of the 2008 Charter Review.

Administer Oath of Office to duly elected Councilman for Ward A and Ward C.

Mayor McDonald administered the Oath of Office to duly elected officers, Clan A. Cameron for Ward A and Ron Calvin Wise for Ward C.

Certification by City Secretary of eligible candidate(s) for and election of Mayor Pro Tem.

Delia Munoz, City Secretary stated that Councilman Saccomanno, and Councilwoman Garcia were both eligible.

On a motion by Councilwoman Garcia, seconded by Councilman Saccomanno, with all present voting 4 to 1, Council approved Councilman Saccomanno for Mayor Pro Tem. Councilman Cameron opposed.

Recognition of Councilman John Smith III, by the City of Freeport for his dedicated service 2000-2008.

Mayor McDonald presented John Smith, III a plaque for his years of dedicated service. Attendants and Council gave Mr. Smith a warm applause.

Public Hearing: Consideration of an adoption of a proposed amendment to the rules governing plats and the subdivision of land within the jurisdiction of said City contained in Chapter 154 of the Code of Ordinance.

Mayor McDonald opened the Public Hearing at 6:25 p.m. Mr. Shaw explained that a public hearing is required before the adoption of the proposed amendment to the rules governing plats and the subdivision of land within the jurisdiction of said City contained in Chapter 154 of the Code of Ordinances.

Mayor McDonald asked for comments from audience and staff. There being no questions or comments, Mayor McDonald closed the hearing at 6:29 p.m.

Consideration of the approval of Ordinance No. 2008- 2201 amending Section 154.01 of the Code of Ordinances of said City to add a definition of Extraterritorial Jurisdiction and by amending Division (A) of Section 15.04 of said Code to substitute for the phrase within five miles” the phrase “within the Extraterritorial Jurisdiction” and to add at the end of such Division a provision allowing for an agreement with Brazoria County, Texas, regarding platting in the Extraterritorial Jurisdiction of said City.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved Ordinance No. 2008-2201 amending Section 154.01 of the Code of Ordinances of said City to add a definition of Extraterritorial Jurisdiction and by amending Division (A) of Section 15.04 of said Code to substitute for the phrase within five miles” the phrase “within the Extraterritorial Jurisdiction” and to add at the end of such Division a provision allowing for an

agreement with Brazoria County, Texas, regarding platting in the Extraterritorial Jurisdiction of said City.

Consideration of the approval of entering into an Interlocal Agreement for Regional Storm Management Program.

Rick Masters, Consultant with Carroll & Blackman recommended that the City of Freeport participate with Brazoria County Storm Water Quality Coalition. He discussed the program and scope of services with Council. The program is federal mandated.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council approved entering into an Interlocal Agreement for Regional Storm Management Program.

Consideration of the approval of a request from the Beautification/Parks & Recreation Committee to lease Antonelli's Root Beer Stand.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved a request from the Beautification/Parks & Recreation Committee to lease Antonelli's Root Beer Stand.

Consideration of the approval of a lease of Antonelli's Root Beer Stand to Tina Robledo and authorizing the Mayor to sign and the City Secretary to attest the same.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all 4 present voting "aye", Council approved a lease of Antonelli's Root Beer Stand to Tina Robledo and authorized the Mayor to sign and the City Secretary to attest the same.

Councilwoman Garcia abstained from voting because Tina Robledo is her sister.

Consideration of the approval of a request from the Freeport Host Lions Club to waive the vendor permit fees, sell alcohol, have a public dance, erect temporary fencing, have fireworks display in conjunction with the 61st Annual Fishing Fiesta on July 2nd thru July 6th, 2008 at the Freeport Municipal Park.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council approved a request from the Freeport Host Lions Club to waive the vendor permit fees, sell alcohol, have a public dance, erect temporary fencing, have fireworks display in conjunction with the 61st Annual Fishing Fiesta on July 2nd thru July 6th, 2008 at the Freeport Municipal Park.

Consideration of the approval of using a portion of the City's Right of Way at 93 Dolphin Lane in Bridge Harbor Subdivision to place a propane tank for residential use.

Mark Wessels of 95 Dolphin Lane complained to Council about a propane tank placed on the City's utility easement. He also complained that his neighbor (93 Dolphin Lane) had

asked for a 4 ½ ft wall and erected a 6’8” wall. They never asked for any variance on the placement of the propane tank and asked that the tank be moved.

Bill Howard of 93 Dolphin Lane said that a variance is needed for a structure, and that the tank is not a structure. It was approved by the building official at the time of the issuance of the building permit. He was led to believe it was acceptable, that the City viewed the propane tank as a utility, same as a gas meter.

Mr. Shaw explained that the issue is the use of the right of way, not the tank. The building official had no authorization to approve the propane tank. Utility easements is in the City’s right of way and has franchise agreements.

Gary Guerreri of 99 Dolphin Lane also objected to the propane tank, mostly because it was an eyesore. He felt the rules were bypassed.

Kimmy Wessels said if this is allowed, anything else will be allowed. Residents should follow City Ordinances.

Annette Bennett stated that Bridge Harbor had no deed restriction and relied on the City to regulate the ordinances. She stated that no variance be granted.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 3 to 2, Council approved to table this item for further study. Councilman Saccomanno and Councilwoman Garcia opposed, they wanted to address the issue.

Elected Official Report

Councilman Saccomanno reported that Main Street meets tomorrow.

Mayor McDonald attended several meetings.

Work Session

Discussion concerning a request from Brazosport Yellow Cab to increase the rates.

Dennis Vandergriff asked for a .25 cent mile increase for fare due to gas price increases. Council asked Mr. Shaw to prepare a resolution to place on the next subsequent meeting.

Adjourn

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting “aye”, the meeting was adjourned at 7:34 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor

