

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, September 18, 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
Clan A. Cameron
Jim Saccomanno
John Smith, III
Norma M. Garcia

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
Mary Stotler, Main Street Director
Nat Hickey, Property Manager
Pinkey Hartline, Golf Course Director
Allan Lawson, Police Sergeant

Visitors: Terry Starnes Pam Starnes
Lila Lloyd Louie Jones
Jim Pirrung Dorothy Pirrung
Edna Allan Sandra Barnett
Pixie Floyd Sandra Leavey
Larry McDonald Rosa McDonald
Mitchelle Kent Angel Kent
Bobby Bass Diane Williams
Larry McDonald Rosa McDonald
William DeMain Faia DeMain
Joyce Adkins Cathy Williams
Edna Allan Ann Rector
Damon Rector Maria Elva Jimenez
Ben Kent V. L. Scott

Call to Order.

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

Invocation by Jody Jones, Pastor from the West End Baptist Church.

Mr. Shaw offered the invocation.

Pledge of Allegiance.

Mayor Phillips led the Pledge of Allegiance.

Approval of the September 11, City Council Minutes.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting 4 to 1, Council approved the minutes of September 11, 2006. Councilman Cameron opposed.

Attending Citizens and Their Business.

Larry McDonald of 530 W. 4th Street saw a sprinkler system spraying on an electrical service at Memorial Park. He asked Council to take care of it.

Angel Kant of 115 W. Broad discussed the E.D.C meeting of Aug. 14, 2006, concerning the Marina project. She asked why this project was moving forward if no agreement is in place, and how will funds already spent be recovered. Mayor Phillips advised her that the City was in a litigation suit and could not discuss it.

Public Hearing: Consideration of the second public hearing to set a tax rate in excess of the effective tax rate for the 2006 tax year.

Mayor Phillips opened the public hearing at 6:12 p.m. Mayor Phillips opened the second public hearing to set the tax rate. Mr. Bottoms recommended last year's tax rate of 0.71/\$100 valuation for the year 2006-2007.

Joyce Adkins of 102 North Ave. C. asked how much additional tax revenue was raised due to increased valuations.

Councilman Cameron asked if this was an increase in revenue for the City. Mayor Phillips said it was.

There being no further questions or comments, Mayor Phillips closed the public hearing at 6:15 pm.

Consideration of setting a tax rate for the 2006-2007 tax year, instructing the City Attorney to prepare a tax levy ordinance for such tax rate, to be considered at the September 25, 2006 meeting of the City Council, and taking a record vote thereon.

The following motion was made by Councilman Smith "I move that property taxes be increased by the adoption of a tax rate of \$ 0.71", after receiving a second by Councilman Saccomanno by a record vote, such motion duly adopted, the record vote being:

Mayor James W. Phillips, Councilman John Smith, III, and James Saccomanno, and Councilman Garcia voted in favor of such motion and Councilman Clan Cameron voted against such motion:

Councilman Smith:	aye
Councilwoman Garcia:	aye
Mayor James W. Phillips:	aye
Councilman Saccomanno:	aye
Councilman Cameron:	nay

To instruct the City Attorney to prepare and ordinance for the propose tax rate.

Public Hearing: On the proposed budget for the fiscal year 2006-2007.

Mayor Phillips opened the public hearing at 6:18 p.m.

Councilman Saccomanno stated that Council had discussed and reviewed the proposed budget at two workshops. He stated that Council had spend over eight (8) hours going through the budget in great detail and felt they had the most reasonable budget.

There being no further questions or comments, Mayor Phillips closed the public hearing at 6:20 p.m.

Consideration of the approval of Ordinance No. 2006-2135 adopting a budget for fiscal year 2006-2007 for the City of Freeport.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 4 to 1, Council approved Ordinance No. 2006-2135 adopting a budget for fiscal year 2006-2007 for the City of Freeport. Councilman Cameron opposed.

Consideration of the approval of Ordinance No. 2006-2136, enacting and adopting a supplement to the Code of Ordinances of the City of Freeport.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved Ordinance No. 2006-2136 enacting and adopting a supplement to the Code of Ordinance of the City of Freeport.

Consideration of the approval of Ordinance No. 2006-2137 amending the budget for the fiscal year 2005-2006.

Gary Beverly, Finance Director reviewed year end activity adjustments for fiscal year 2005-2006.

On a motion by Council Saccomanno, seconded by Councilwoman Garcia, with all present voting 4 to 1, Council approved Ordinance No. 2006-2137 amending the budget for the fiscal year 2005-2006. Councilman Cameron opposed.

Consideration of a request by the First Freeport/Velasco Baptist Church to close the street between Hopper Field and Kroger for the 2nd Annual Brazosport Exporters Tailgate Party on October 13, 2006 from 5:00 p.m. to game time.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved the request by the First Freeport/Velasco Baptist Church to close the street between Hopper Field and Kroger for the 2nd Annual Brazosport Exporters Tailgate Party on October 13, 2006 from 5:00 p.m. to game time.

Consideration of the approval of designating a city representative and an alternative to the Houston Galveston Area Council 2007 General Assembly.

On a motion by Councilwoman Garcia, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved to designate Mayor Phillips as the City representative to Houston Galveston Area Council to the 2007 General Assembly and Mayor Pro Tem John Smith, III as an alternative.

Consideration of the approval of accepting a petition calling for a referendum within the city limits of the City of Freeport, Texas on the repeal of Ordinance No. 2006-2132 prohibiting the use or authorization of loans involving public funds to a private business, that are authorized by the Texas State Constitution and Texas State Law; and supporting Economic Development of a Marina in Downtown Freeport.

Delia Muñoz, City Secretary handed Mayor Phillips a petition calling for a referendum within the city limits of the City of Freeport, Texas on the repeal of Ordinance No. 2006-2132 prohibiting the use or authorization of loans involving public funds to a private business, that are authorized by the Texas State Constitution and Texas State Law; and supporting Economic Development of a Marina in Downtown Freeport.

Mayor Phillips accepted the petition, noted that the petition had the required signatures.

Joyce Adkins asked what the procedure was after accepting the petition. Mr. Shaw explained that the Council shall reconsider the ordinance and either repeal the ordinance or submit it for a vote as provided in Section 7.02 of the Charter.

The petition will be placed on the next subsequent meeting of September 25, 2006.

Elected Official Report

Councilman Smith, express concern that for some time now the City is a divided town. He pleaded that something is needed bring everyone together.

Councilwoman Garcia reiterated Councilman Smith's comments.

Mayor Phillips reported the SBCA is in process of doing background checks on applicants for the director's position. They have received 93 applications.

Work Session

Discussion concerning the sale of property on 1108 Riverview Drive.

Ron Bottoms updated Council on the sale of property on 1108 Riverview Drive. He recommended the property be sold. Mr. Shaw stated that it should not be sold because of its proximity to the central lift station. He suggested a study be done to determine the elevation. This could be put in the deed restriction as what minimal elevation the purchaser would have to elevate the property. Presently the city is at risk if sold.

Update from Michael O' Brien on the Texas Star Casino.

Michael O'Brien updated Council on the Texas Star Casino. He invited everyone to come and see how far along they are. Mr. Bottoms asked for them to notify the City when they open for business. He answered that it could be in a week or two. Mayor Phillips said that complaints of unpaid bills had been mentioned to him. Mr. O'Brien said he was ready to pay everyone.

Mayor Phillips closed the work session and opened the executive session at 6:53 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

Mayor Phillips reconvened the open session at 7:20 p.m.

Adjourn

On a motion by Councilman Saccomanno, seconded by Councilman Garcia, with all present voting "aye", the meeting was adjourned at 7:20 p.m.

Delia Muñoz
City Secretary

James W. Phillips
Mayor