

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, October 1st, 2007, 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: Larry L. McDonald - Absent
 Clan A. Cameron
 Jim Saccomanno
 John Smith, III
 Norma M. Garcia

Planning Commission: Diane Williams
 Abel Garcia
 Mitchell Kent
 Linda Allen
 Robert Leffingwell
 Roddy Mohler

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
 John Stanford, Fire Chief
 Mary Stotler, Main Street Director
 Allan Lawson, Police Lt.
 Pinkey Hartline, Golf Course Director

Visitors: Bobby J. Casale Jim Pirrung
 Dorothy Pirrung Mark Wessels
 Kimmy Wessels Cele Damian
 Ron Damian Rene Damian
 Millicent Valek Eileen Koenig
 Paul Kellie Frances Schultz
 Joe Greer John May
 William Morris Robert Hindman
 Linda Allen Kerry Sweat

Paul Feazelle
Larry Shaefer
William DeMain
Lila Lloyd
Elliott Cundieff
Roddy Mohler
Richard Rangel
Sandra Barnett
Abel Garcia
Jerry Meeks
Dan Tarver

Judy Shaefer
Sharon Rodgers
Faia DeMain
Sandra Leavey
Patrick Gore
Barbara Mohler
Carmen Bottoms
George Elizondo
Sally Van Way
Cyril Wilcox

Call to Order

Mayor Pro Tem, John Smith called the meeting to order at 6:00 p.m.

Invocation.

Councilman Smith offered the invocation.

Pledge of Allegiance.

Mayor Pro Tem, John Smith led the Pledge of Allegiance.

Consideration of the approval of the September 17, 2007 Council Minutes.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved the minutes of September 17, 2007.

Attending Citizens and Their Business.

Mark Wessels, 95 Dolphin Lane, discussed issues with a proposed 4.5 foot high retaining wall on the property line. He felt that ordinances are not being followed at 93 Dolphin Lane. His concern that ordinances are being by passed without a variance. Mr. Shaw suggested he ask that this issue be added to the next agenda.

Bobby J. Casale, of Bridge Harbor Subdivision also agreed with Mr. Wessels. He suggested limiting the heights of future bulkheads. Also suggested to council that the city hire a city manager from within.

Jim Pirrung, 101 Dolphin Lane, recommended that with the exception of school crossings, the four-way stop signs be eliminated.

Public Hearing: The City Council and the Planning Commission of said City will conduct a Joint Public Hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance of said city, codified as Chapter 155 of the Code of Ordinances of said

City, adding thereto definitions and regulations relating to industrial or modular homes and building.

There being a quorum with the City Council and Planning Commission, Mayor Pro Tem, John Smith opened the public hearing at 6:24 p.m. Mr. Shaw read out 11 additional requirements for modular or industrialized homes and buildings.

Diane Williams, Chairman of the Planning Commission stated that the committee was unanimous and recommended to council to approve the proposed requirements. She thanked for Mr. Shaw for the research and clarification of the requirements.

Mayor Pro Tem, John Smith thanked the Planning Commission. On a motion by Councilman Saccomanno, and a second by Councilman Cameron to instruct Mr. Shaw to draft an ordinance for the additional requirements for modular or industrial homes and buildings.

There being no further questions or comments, Mayor Pro Tem, John Smith, closed the public hearing at 6:46 p.m.

Consideration of the approval of Resolution No. 2007-2156 voting for qualified candidate for the Board of Directors of the Brazoria County Appraisal District for the two- year term that begins 2008-2009.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting 3 to 1, Council approved Resolution No. 2007-2156 nominating Jesse Hibbetts for the Board of Directors of the Brazoria County Appraisal District for a two year term that begins 2008-2009. Councilman Cameron opposed.

Public Hearing: To discuss taxing tangible personal property in transit.

Mayor Pro Tem, John Smith opened the public hearing at 6:53 p.m. Mr. Bottoms discussed the taxing tangible personal property in transit. The City has the option to tax the property that is subject to this new exemption. Mr. Bottoms' recommends the City opt out of it.

There being no further questions or comments, Mayor Pro Tem Smith, closed the public hearing at 6:57 p.m.

Consideration of the approval of Resolution No. 2007-2157 to tax tangible personal property in transit which would otherwise be exempt pursuant to the Texas Tax Code, Section 11.253.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting, Council unanimous approved Resolution No. 2007-2157 to tax tangible personal property in transit which would otherwise be exempt pursuant to the Texas Tax Code, Section 11.253.

Consideration of the approval of Resolution No. 2007-2158 Supporting Bond Referendum for Brazosport College.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting 3 to 1, Council approved President Millicent Valek's recommendation to support Resolution No. 2007-2158 supporting a bond referendum for Brazosport College. Mayor Pro Tem, Smith read the resolution supporting the bond referendum for Brazosport College. Council Cameron opposed.

Consideration of the approval of signing a replat of 0.3301 Acres Tract out of Stephen F. Austin Survey, Abstract 32, City of Freeport, Brazoria County, for the Cundieff Family Trust.

On a motion by Councilwoman Garcia, seconded by Councilman Saccomanno, with all present voting 3 to 1, Council approved signing a replat of 0.3301 Acres Tract out of Stephen F. Austin Survey, Abstract 32, City of Freeport, Brazoria County, for the Cundieff Family Trust Councilman Cameron opposed.

Consideration of the approval of donating a 1986 Pierce Fire Truck to the City of Oyster Creek's Fire Department.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved Chief Stanford's recommendation to donate the 1986 Pierce Fire Truck to the City of Oyster Creek's Fire Department.

Consideration of the approval of retaining Texas First Group Replacement Service to provide a temporary City Manager.

Kerry Sweat and Paul Feazelle of Texas First Group Replacement Service spoke to Council about their services.

This item was tabled.

Consideration of the approval of Ordinance No. 2007-2177 amending Section 133.02 of the Code of Ordinances, which prohibits the discharge and carrying of loaded weapons within the Corporate limits of said City, to provide a defense for Turkey Shoots sponsored by certain non-profit organization and approved by the City Council of said City.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Ordinance No. 2007-2177 amending Section 133.02 of the Code of Ordinances, which prohibits the discharge and carrying of loaded weapons within the Corporate limits of said City, to provide a defense for Turkey Shoots sponsored by certain non-profit organization and approved by the City Council of said City.

Consideration of the approval of allowing the Fraternal Order of Eagles, # 3111 to have their annual Turkey Shoot starting every Sunday in October thru December, 2007 at 6818 Hwy. 332.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved the Fraternal Order of Eagles, # 3111 to have their annual Turkey Shoot starting every Sunday in October thru December, 2007 at 6818 Hwy. 332.

Elected Official Report

Councilman Saccomanno discussed the Main Street having an Overlay District.

Mayor Pro Tem, John Smith discussed the Chamber of Commerce’s Tournament and received great comments from the golfers on the Freeport Golf Course. The deck at River Place is almost complete.

Mayor Pro Tem, Smith closed the formal session and opened the work session at 7: 29 p.m.

Work Session

Administration Report

Pinkey reported on the Chamber of Commerce, three (3) day event, first year that the Chamber has their event at the Freeport Golf Course. They generated about \$3,500.00 on tournaments. The Knights of Columbus is scheduled for a tournament this next.

Larry Fansher, Public Works Director, discussed the deck at River Place, installing bulk heads at River Place. The Freeport Municipal Park landscape looks good, beach cleaned. The street work continues and Veterans Memorial construction is on schedule.

Discussion regarding water and sewer utilities to Bryan Beach Subdivision by Coastal Bend Property Development, L. P.

Mr. Dan Rucker discussed at length the water and sewer utilities to the Town of Quintana, Bryan Beach Subdivision.

Discussion concerning widening of FM 1495 off ramp.

Rene Damian of Damian Associates updated Council on the widening of FM 1495 feeder road expansion.

Mayor Pro Tem, John Smith closed the work session and opened the Executive Session at 8: 25 p.m.

Executive Session

Section 551.71, 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:

- (1) Anthony J. Lurvey – Lien # 2006051101 Pg. 1304-1315

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:

- (1) City Manager

Action, if any, taken in public as result of Executive Session.

Adjourn

On a motion by Councilman Saccomanno, seconded by Councilman Cameron, with all present voting “aye”, the meeting was adjourned at 9:09 p.m.

Attest:

Delia Munoz
City Secretary

Mayor Pro Tem, John Smith, III
Mayor