

State of Texas

County of Brazoria

City of Freeport

BE REMEMBERED, that the City Council of the City of Freeport met on Monday, August 15th, 2011 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:	Norma Moreno Garcia Michelle Kent Fred Bolton Nicolosa Mireles Sandra Barbree	
Staff:	Jeff Pynes, City Manager Gilbert Arispe, Administrative Asst. Wallace Shaw, City Attorney Delia Munoz, City Secretary Nat Hickey, Property Manager Larry Fansher, Parks Director Brain Davis, Fire Chief Ty Morrow, Police Chief Bob Welch, Finance Director	
Visitors:	Jim Pirrung Joyce Adkins Louie Jones Brenda Laird Dan Tarver Amanda Foytek Pamela Dancy Lila Lloyd Jared Eversole	Dorothy Pirrung Annette Sanford Glen Jones Jerry Meeks Roberto Cacaes Carolyn Tarver Chaney Moore Melanie Oldham

Call to Order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma Garcia led the Pledge of Allegiance.

Consideration of approving the August 1st, 2011 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved the August 1st, 2011 Council Minutes.

Attending citizens and their business.

Joyce Adkins reported that a coolant unit was donated to the animal control vehicle to keep the dogs cool during transportation.

Casares noticed the rehabilitation of streets in the city. It is his opinion that lowering the elevation of streets is not a good idea. Not everybody can evacuate during heavy rains when streets are flooded. A workable plan needs to be implemented. He reported the concrete on 4th Street in front of the Freeport Junior High School, off Highway 288 is deteriorating.

Brenda Laird thanked Chief Morrow for making our schools safe.

Consideration of authorizing the City Manager to implement a Drought Response Stage 2.

Jeff Pynes announced stage 2 of its drought contingency and water conservation plan. A 20% reduction in daily water allocation has been requested from the Brazosport Water Authority. Mr. Pynes read out water use restrictions to all residents and businesses. Notices of the restrictions will be enclosed with water bills to all residents of the City.

Mayor Norma Garcia asked how many water leaks were reported. Jerry Meeks of Veolia Water said 160 repairs as of this date, approximately 20-25 repairs of water leaks are pending.

Councilwoman Mireles noticed orange cones throughout the city and asked what they signified. Mr. Meeks stated that it was noted for repairs.

Annette Sanford commended Veolia Water for repairing the water leaks in the City.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the City Manager to implement a Drought Response Stage 2.

Public Hearing to consider the adoption of an ordinance nominating both The Dow Chemical Plant A Project and The Dow Chemical Oyster Creek Project, both of which are located within the extraterritorial jurisdiction of the city, for triple enterprise project status under the provisions of the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (the Act”).

Mayor Norma Garcia opened the Public Hearing at 6:15 p.m.

Chaney Moore from The Dow Chemical Plant informed Council that the program allows for a refund of State sales tax if the Dow Chemical Company meets certain capital spending and job retention criteria. The program requires that a project be nominated by a local city or county. Dow is applying for project status in both its Oyster Creek Division and Plant A. The program requires that a certain percentage of new employees be residents of a state enterprise zone or economically disadvantaged. If Dow does not meet this requirement, Dow will not receive refunds for those jobs.

Glen Jones asked why an ordinance was needed. Mr. Moore responded that it had to be a nomination from a local entity.

There being no more comments or questions from staff or audience, Mayor Norma Garcia closed the Public Hearing at 6:20 p.m.

Consideration of the approving of Ordinance No. 2011-2284 ordaining the City’s participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (ACT), providing tax incentives, designating a liaison for communication with interested parties, and nominating Dow Chemical Plant A Project and the Dow Chemical Oyster Creek Project to the office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (bank) as an Enterprise Project (Project).

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Ordinance No. 2011-2284 ordaining the City’s participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (ACT), providing tax incentives, designating a liaison for communication with interested parties, and nominating Dow Chemical Plant A Project and the Dow Chemical Oyster Creek Project to the office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (bank) as an Enterprise Project (Project).

Public Hearing on the need to adopt an ordinance regulating the restraining of dogs.

Mayor Norma Garcia opened the Public Hearing at 6:22 p.m.

Chief Morrow stated that it was in the best interest of the City to adopt an anti-tethering ordinance. Their Animal Control Officers are seeing a lot of dogs chained in the city. A practice that leads to animal cruelty. Starting with an education period to pet owners then strict enforcement.

The City Secretary submitted 12 names to Council in support of the anti-tethering ordinance.

Pamela Dancy is an animal lover and favors the anti-tethering ordinances. There are dog owners that do not have their dogs updated on their vaccinations. Pet owners that do not walk their dogs; dogs that do not have food or water while they are chained. It is her opinion that if you can't afford a fence, you shouldn't own a pet.

Annette Sanford favors the anti-tethering ordinance.

Louie Jones favors the anti-tethering ordinance. He asked Council to revisit the front yard fencing ordinances. He stated that some dogs are chained because owners can not build a front yard fence.

Councilwoman Kent stated that she was a member of the Planning Commission some years ago and remembers the committee having lots of conversation and debates on the fencing ordinance.

Jim Pirrung stated that there is a way to chain an animal without getting tangled; a large screw into the ground with a rope or chain, given enough length to have excess to water and food.

Dan Tarver favors the anti-tethering ordinance. He asked Council to be the first city in Brazoria County to adopt an anti-tethering ordinance. He also asked Council to revisit the front yard fencing.

Barbara Crook lives on 9th Street, favors the anti-tethering ordinance. She has fed and watered other people's dogs.

Councilman Bolton wants to be certain that the proposed ordinance not have conflicts with the state requirements.

Joyce Adkins stated that she had no copy of the proposed ordinance.

There being no more comments from staff or audience, Mayor Norma Garcia closed the public hearing at 6:45 p.m.

Consideration of approving Ordinance No. 2011-2285 amending Chapter 90 of the Code of Ordinances of said City to add thereto a new section, to be known as 90.49, containing definitions, prohibiting the restraining of dogs by tethering; containing exceptions; specifying requirements for enclosures used for the keeping of dogs outdoors on any premises in the City.

On a motion by Councilwoman Barbered, seconded by Councilwoman Bolton, with all present voting "aye", Council unanimously approved Ordinance No. 2011-2285 amending Chapter 90 of the Code of Ordinances of said City to add thereto a new section, to be known as 90.49, containing definitions, prohibiting the restraining of dogs by tethering; containing exceptions; specifying requirements for enclosures used for the keeping of dogs outdoors on any premises in the City.

Consideration of readvertising and setting a bid date for September 14th, 2011 to request for proposals to purchase 3,423 tons of stabilized concrete and a quantity of crushed granite sufficiently to construct a nature or hiking trail 6 ft. in width and 6, 671 ft. in length.

On a motion by Councilwoman Barbered, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved September 14th, 2011 to request for proposals to purchase 3,423 tons of stabilized concrete and a quantity of crushed granite sufficiently to construct a nature or hiking trail 6 ft. in width and 6, 671 ft. in length.

Consideration of approving Resolution No. 2011-2266 readopting a tax abatement and reinvestment zone policy and adopting guidelines and criteria .

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved Resolution No. 2011-2266 readopting a tax abatement and reinvestment zone policy and adopting guidelines and criteria.

Consideration of awarding the Request for Proposals for Disaster and/or Storm Recovery Services to Ashbritt Environmental as primary and Crowder Gulf as alternate.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved Fire Chief, Brian Davis recommendation to award the Request for Proposals for Disaster and/or Storm Recovery Services to Ashbritt Environmental as primary and Crowder Gulf as alternate.

Consideration of setting a date for a budget work shop 2011-2012.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved setting August 29th, 2011 for a budget work shop 2011-2012.

Consideration of authorizing the Mayor to sign a Public Safety Answering Point (PSAP) Responding Boundary Interlocal Agreement with the City of Freeport and the City of Lake Jackson.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved authorizing the Mayor to sign a Public Safety Answering Point (PSAP) Responding Boundary Interlocal Agreement with the City of Freeport and the City of Lake Jackson.

Work Session:

Update on the city's capital improvement projects; city road plan.

Mr. Pynes named Mulberry Street, West 5th Street, Locust, Beech, Walnut, and Maple Street for rehabilitation.

Mayor Norma Garcia opened the Executive Session at 7:10 p.m.

Executive Session:

Section 551.074, Government Code

Deliberations concerning the duties of a public officer or employee.

- Councilman Bolton
- City Attorney

Mayor Norma Garcia reconvened the meeting to adjourn.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", the meeting adjourned at 7:30 p.m.

Mayor Norma Moreno Garcia

City Secretary – Delia Munoz