

SPECIAL CALLED MEETING
THE FREEPORT CITY COUNCIL
MONDAY, AUGUST 12TH, 2013, 6:00 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
FREEPORT, TEXAS
AGENDA

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the August 5th, 2013 Council Minutes. Pg. 602-608
5. Attending citizens and their business.
6. Consideration of approving Resolution No. 2013-2414 appointing Troy Brimage and Drew Ryder to the Board of the Economic Development Corporation for the remainder of the unexpired term of James A. Barnett Jr., and Kenny Kouches, respectively Trent D. Allen, Jason Travis and Mark Friundenberg to replace Lila Diehl, Mingo Marquez Jr. and Willie Garcia for a full two year term and reappointing Roy Yates for an additional two year term. Pg. 609
7. Consideration of proposing the City of Freeport tax rate for 2013.

Adjourn

Items not necessary discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

In compliance with the Americans with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meeting. Please contact the City Secretary office at 979-233-3526.

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, August 9, 2013 at or before 5:00 p.m.

Delia Munoz - City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport met on Monday, August 5th, 2013 at 6:06 p.m., at the Freeport Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council: Mayor Norma M. Garcia
Councilwoman Michelle Kent
Councilman Fred Bolton
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

Staff: Jeff Pynes, City Attorney
Delia Munoz, City Secretary
Wallace Shaw, City Attorney
Nat Hickey, Property Manager
Larry Fansher, Parks Director
Brian Davis, Fire Chief
Dan Pennington, Police Chief

Visitors:	Annette Sanford	Manny Rollerson
	Nicolasa Mireles	Sam Reyna
	Michael Vandergriff	Drew Ryder
	Roy Yates	Glenda Fansher
	Sandra Barnett	Jesse Aguilar
	Gary Woodring	Lila Lloyd
	Jerry Meeks	Shannon Daughtry
	Troy Brimage	Sabrina Brimage

Call to order.

Mayor Norma Garcia called the meeting to order at 6:06 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Garcia led the Pledge of Allegiance.

Consideration of approving the July 15th & 25th, 2013 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved the July 15th, & 25th Council Minutes.

Attending citizens and their business.

Manny Rollerson still waiting on a response from the Transportation Security Act and Coast Guard on the cameras installed on North Ave. L. He stated that is is a violation of people's right to install camera's on North Ave. J. He observed an elderly lady cutting down tree branches for Waste Management's trucks.

Consideration of approving Resolution No. 2013-2411 readopting a tax abatement and reinvestment zone policy and adopting the guidelines and criteria.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Resolution No. 2013-2411 readopting a tax abatement and reinvestment zone policy and adopting the guidelines and criteria.

Consideration of approving Resolution No. 2013-2412 authorizing conveyance to Cesar Martinez by a special warranty deed of Block 51, Lot 22, Velasco Townsite, known as 405 South Ave. G, Tx. Id No. 8110-0502-000.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Resolution No. 2013-2412 authorizing conveyance to Cesar Martinez by a special warranty deed of Block 51, Lot 22, Velasco Townsite, known as 405 South Ave. G, Tx. Id No. 8110-0502-000.

Consideration of approving Resolution No. 2013-2413 authorizing the Mayor to execute a Special Warranty Deed conveying, subject to a reservation of all necessary easements for maintaining and utilizing existing utility line, cables, poles and mains and those that may be needed in the future, a portion of the one-half of Caldwell Street, Between South Ave. H and South Ave. I, vacated by Ordinance No. 1109, to Raul Perez the portion of said street abutting Block 70 of the Velasco Townsite for the fair market value thereof determined by the Appraisal attached hereto in accordance with section 272.001 of the local government code.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Resolution No. 2013-2413 authorizing the Mayor to execute a Special Warranty Deed conveying, subject to a reservation of all necessary easements for maintaining and utilizing existing utility line, cables, poles and mains and those that may be needed in the future, a portion of the one-half of Caldwell Street, Between South Ave. H and South Ave. I, vacated by Ordinance No. 1109, to Raul Perez the portion of said street abutting Block 70 of the Velasco Townsite for the fair market value thereof determined by the Appraisal attached hereto in accordance with section 272.001 of the local government code.

Consideration of approving Ordinance No. 2013-2039, adding a new division (c) to Section 52.14 of the Code of Ordinances of the City to require the correction of any violations of any provisions of Title V, IX, XI or XV of said code existing on any premises for which water service from the City is sought prior to such service being turned on; providing for the reporting of such violations to the city's water department by the Building Official of the City.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Ordinance No. 2013-2039, adding a new division (c) to Section 52.14 of the Code of Ordinances of the City to require the correction of any violations of any provisions of Title V, IX, XI or XV of said code existing on any premises for which water service from the City is sought prior to such service being turned on; providing for the reporting of such violations to the city's water department by the Building Official of the City.

Consideration of approving Ordinance No. 2013-2040 amending Chapter 150 of the Code of Ordinances of said City to add a new section 150.0101 to allow the owner of a dwelling that is homesteaded and undergoing reconstruction due to a natural disaster (fire, wind, flood, etc.) one (1) RV/Camper on-site (off the street) as a temporary residence for the duration of the reconstruction, but not to exceed six (6) months and authorizing the Building Official in his discretion to grant an extension.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Ordinance No. 2013-2040 amending Chapter 150 of the Code of Ordinances of said City to add a new section 150.0101 to allow the owner of a dwelling that is homesteaded and undergoing reconstruction due to a natural disaster (fire, wind, flood, etc.) one (1) RV/Camper on-site (off the street) as a temporary residence for the duration of the reconstruction, but not to exceed six (6) months and authorizing the Building Official in his discretion to grant an extension. Councilwoman Barbree abstained from voting.

Consideration of approving Ordinance No. 2013-2041 amending item (1) of Division (A) of Section 52-13 of the Code of Ordinance of said City to provide that the fee for a five-eighths inch x three fourth inch water tap fee shall be five hundred fifty (\$550) dollars.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Resolution No. 2013-2041 amending item (1) of Division (A) of Section 52-13 of the Code of Ordinance of said City to provide that the fee for a five- eighths inch x three fourth inch water tap fee shall be five hundred fifty (\$550) dollars.

Consideration of approving and authorizing the City Manager to expend \$10,000 for a public safety radio for the Fire Department console.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved authorizing the City Manager to expend \$10, 000 for a public safety radio for Fire Department console.

Consideration of approving the Planning Commission's recommendation to erect a 5 x 8 LED sign for the First Baptist Church on 501 S. Brazosport Boulevard, Freeport, Texas.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved the Planning Commission recommendation to erect a 5 x 8 LED sign for the First Baptist Church on 501 S. Brazosport Boulevard, Freeport.

Consideration of setting September 16th, 2013 date for a Joint Public Hearing with the Planning Commission to consider rezoning Block 601, Lots 1-12 and Block 600 Lots 13-24, Velasco Townsite, known locally as North Ave. F, from its current classification of R-2 District to a new classification of C-2 District.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved setting September 16th, 2013 date for a Joint Public Hearing with the Planning Commission to consider rezoning Block 601, Lots 1-12 and Block 600 Lots 13-24, Velasco Townsite, known locally as North Ave. F, from its current classification of R- 2 District to a new classification of C-2 District.

Consideration of approving and signing a replat request from Mr. & Mrs. Castillo on Block 725, Lots 13, 14, 15, 16, 17, known locally as 1303 North Ave. S, Freeport Texas.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved signing a replat request from Mr. & Mrs. Castillo on Block 725, Lots 13, 14, 15, 16, 17, known locally as 1303 North Ave. S., Freeport, Texas.

Consideration of cancelling September 2nd, 2013 Council meeting due to a City Holiday- Labor Day.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved cancelling September 2nd, 2013 Council meeting due to a City Holiday – Labor Day.

Consideration of reviewing TIC Energy & Chemical Inc., 304 North Gulf Boulevard, proposal for expanding their facility and authorizing the City Manager to inquiry into available and price for City owned land.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council approved reviewing TIC Energy & Chemical Inc., 304 North Gulf Boulevard, proposal for expanding their facility and authorizing the City Manager to inquiry into available and price for City owned land.

Consideration of authorizing the Mayor and the City Secretary to attest a third Correction Special Warranty deed and Land Development Agreement with Gary L. Woodring concerning 0.7648 acres out of S. F. Austin Survey, Abstracts 32 & 33, Brazoria County, Texas.

Gary Woodring gave an explanation of progress concerning his property. He produced a list of over 200 separate conversations, meetings. He has met with architect, draftsman, builders and the General Land Office, and AT&T about a cable duct bank that crosses the property. His lawyer reviewed the deed and advised him that he would not be able to get financing with the deed language at it currently reads.

Mayor Garcia reconvened the formal session at 7:00 p.m. and took no action.

Consideration of replacing any or all of the member(s) on the boards and commissions of the City of Freeport.

Economic Development – On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting 3 to 2, Council approved Troy Brimage, Drew Ryder to the board of the Economic Development Corporation for the remainder of the unexpired term of James A. Barnett Jr. and Kenny Kouches and Jason Travis, Mark Friundenberg, Trent Allen, to replace Lila Diehl, Mingo Marquez, Jr. and Willie Garcia to a two year term and reappointing Roy Yates for an additional two year term. Mayor Garcia and Councilman Bolton opposed.

Appointing qualified person(s) to the following boards and commissions:

- Planning Commission – On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting 4 to 1 Council approved Tobey Davenport and Eddie Virgil to the Planning Commission of said City. Councilwoman Kent opposed.
- Library Board - On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Lila Lloyd, James Walker, June Strambler, Nancy Hughes, and Margie Edwards to the Library Board of said City.
- Board of Adjustments - On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council unanimously approved Jesse Aguilar, Jim Pirrung Michael Vandergriff and Tim Closs to the Board of Adjustments of said City.
- Urban Renewal Board - On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Annette Sanford, Ken Tyner and Raul Ramirez to the Urban Renewal Board of said City.
- Beautification Parks & Recreation Committee - On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council unanimously approved Guadalupe Gonzalez, Margaret L. McMahan, Michael Dohle, Michelle Backman to the Beautification Parks & Recreation Committee of said City.

- Economic Development – On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting 3 to 2, Council approved Troy Brimage, Drew Ryder to the board of the Economic Development Corporation for the remainder of the unexpired term of James A. Barnett Jr. and Kenny Kouches and Jason Travis, Mark Friundenberg, Trent Allen, to replace Lila Diehl, Mingo Marquez, Jr. and Willie Garcia to a two year term and reappointing Roy Yates for an additional two year term. Mayor Garcia and Councilman Bolton opposed.
- Freeport Historical Board & Main Street Advisory Board – On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting “aye”, Council unanimously approved Lalo Garcia and Iwest Strambler to the Main Street Advisory Board of said City.
- Charter Review Commission – On a motion by Councilman Barbree, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Eric Hayes, Annette Sanford, Jason Thompson, Sandra Barnett and Lila Lloyd to the Charter Review Commission of said City.
- Senior Citizens Commission - On a motion by Councilman Barbree, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Ona Johnson, Sammy T. Moore, Martha Westbrook and Shirley Theriot to the Senior Citizens Commission of said City.

Mayor Norma Garcia opened the Work Session at 6:45 p.m.

Work Session

Discussion regarding the tax rate and effective tax rate as projected by Rovin Garrett.

Mr. Pynes discussed last year’s tax rate and the effective tax rate.

Mayor Garcia opened the Executive Session at 7:00 p.m.

Executive Session

Section 551.071, 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;

- Legal issues concerning sale of land.
No action taken – Reconvened open agenda for Item 18.

Adjourn

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

Mayor Norma M. Garcia
City of Freeport, Texas

Delia Munoz – City Secretary
City of Freeport, Texas

RESOLUTION NO. 2013-2413

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE FREEPORT ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, vacancies exist on the Board of Directors of the Freeport Economic Development Corporation as a result of the removal from such office by the City Council of the City of Freeport, Texas (the City) of JAMES A. BARNETT, JR., and KENNY KOUCHES and the expiration of the terms of office of LILA DIEHL, MINGO MARQUEZ, JR., WILLIE GARCIA and ROY YATES, and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as members of said board to fill such vacant positions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints TROY BRIMAGE and DREW RYDER to the Board of Directors of the Freeport Economic Development Corporation for the remainder of the unexpired terms of office of the said James A. Barnett, Jr., and Kenny Kouches, respectively; TRENT D. ALLEN, JASON TRAVIS and MARK FRIUDENBERG to replace the said Lila Diehl, Mingo Marquez, Jr., and Willie Garcia, respectively, for a full two (2) year term each; and the said Roy Yates for an additional two (2) year term; each such person to serve until a successor for that person shall has been appointed and qualifies.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the Board of Directors of the Economic Development Corporation of the City by law and the ordinances and resolutions of the City and by the Articles of Incorporation and By-Laws of said corporation.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitution Oath of Office as required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2013.

Norma Moreno Garcia, Mayor
City of Freeport, Texas

ATTEST: _____
Delia Munoz, City Secretary
City of Freeport, Texas