

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council met on Monday, November 18, 2013 at 6:00 p.m., at the Freeport Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas 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 Manager
Gilbert Arispe, Asst. City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Larry Fansher, Parks Director
Brian Davis, Fire Chief
Dan Pennington, Police Chief
Nat Hickey, Property Manager

Visitors: Shannon Daughtry Jerry Meeks
Jim Pirrung Roy Yates
Kenny Kouches Reuben Vela
Irene Ocanas Clinton F. Wong

Call to order.

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

Invocation.

Mr. Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma Garcia led the Pledge of Allegiance.

Consideration of approving the October 21st, 2013 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved October 21st. 2013 Council Minutes.

Attending citizens and their business.

There were none.

Announcement: 4TH Annual Thanksgiving Superfeast on Thursday, November 28, 2013
River Place, from 11:00 to 2:00 p.m.

Mayor Norma Garcia announced that everyone is invited to the 4th Annual Thanksgiving Superfeast on Thursday, November 28, 2013 River Place from 11:00 to 2:00 p.m.

Proclamation: Proclaiming the month of "Alzheimer's Awareness Month."

Mayor Norma Garcia read the Proclamation proclaiming the month of November as "Alzheimer Awareness Month".

Public Hearing: The City Council of the City of Freeport will conduct a public hearing to consider designating the following described real property located within the corporate boundaries of the City as a second reinvestment zone for the purpose of entering an agreement with FREEPORT WELDING & FABRICATING INC., a Texas Corporation, the owner thereof, and granting a tax abatement with respect to such property:

A 26.22 acre tract of land in the Maurice Henry ¼ League, Abstract No. 74, Tract No. 1 and being out of a 500 acre tract, recorded in Volume 506, Page 396 Deed Records of Brazoria County Texas, known as 200 North Navigation, Freeport Texas, 77541

Mayor Garcia opened the Public Hearing at 6:05 p.m. to consider designating the following described real property located within the corporate boundaries of the City as a second reinvestment zone for the purpose of entering an agreement with FREEPORT WELDING & FABRICATING INC., a Texas Corporation, the owner thereof, and granting a tax abatement with respect to such property:

A 26.22 acre tract of land in the Maurice Henry ¼ League, Abstract No. 74, Tract No. 1 and being out of a 500 acre tract, recorded in Volume 506, Page 396 Deed Records of Brazoria County Texas, known as 200 North Navigation, Freeport Texas, 77541.

Mayor Garcia asked for any comments from staff or audience. Mr. Pynes stated that the tract was II not Tract I as stated in the description of the land.

There being no more comments from staff or audience, Mayor Garcia closed the public hearing at 6:05 p.m.

Consideration of approving Ordinance No. 2013-2054 designating improvements to land located within the incorporated limits of said City as a reinvestment zone to be known as the Freeport Welding & Fabricating Inc., second reinvestment zone and providing for its initial term and the renewal thereof.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved Ordinance No. 2013-2054 designating improvements to

land located within the incorporated limits of said City as a reinvestment zone to be known as the Freeport Welding & Fabricating Inc., second reinvestment zone and providing for its initial term and the renewal thereof.

Consideration of approving Resolution No. 2013-2427 granting a second Tax Abatement to the Freeport Welding & Fabricating, Inc. a Texas Corporation, 200 North Navigation, Freeport Texas, 77541, and authorizing the Mayor to execute and the City Secretary to Attest a second tax abatement agreement with Freeport Welding & Fabricating, Inc.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved Resolution No. 2013-2427 granting a second Tax Abatement to the Freeport Welding & Fabricating, Inc. a Texas Corporation, 200 North Navigation, Freeport Texas, 77541, and authorizing the Mayor to execute and the City Secretary to Attest a second tax abatement agreement with Freeport Welding & Fabricating, Inc.

Consideration of approving Resolution No. 2013-2428 designating the Asst. City Manager Gilbert Arispe to act for and on behalf of the City of Freeport in dealing with the State of Texas General Land Office for the purpose of applying for state assistance to clean and maintain the public beaches.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Resolution No. 2013-2428 designating the Asst. City Manager Gilbert Arispe to act for and on behalf of the City of Freeport in dealing with the State of Texas General Land Office for the purpose of applying for state assistance to clean and maintain the public beaches.

Consideration of approving Resolution No. 2013- 2429 casting a vote(s) for candidate(s) for the Board of Directors of the Brazoria County Appraisal District 2014-2015.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved to cast 24 votes for Bob Welch for the Board of Directors of the Brazoria County Appraisal District 2014-2015.

Consideration of approving Ordinance No. 2013-2055 enacting and adopting a supplement (S-17) to the Code of Ordinances of the City of Freeport.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Ordinance No. 2013-2055 enacting and adopting a supplement (S-17) to the Code of Ordinances of the City of Freeport.

Consideration of approving an Investment Grade Audit with Schneider Electric for an energy performance contract utilizing the Region 1 Education Service Center (ESC) Interlocal Agreement.

Reagendaed

Consideration of approving and awarding the bid proposal to Skymark Development Company, Inc. to develop housing on a 13 acre tract of City owned land, located between Brazosport High School's baseball field and the Brazos Landing Subdivision.

Mr. Clinton Wong of Skymark Development Company proposes development of 81 townhomes units including a greenbelt buffer between the development and the existing Brazos Landing subdivision and a pedestrian connection to the existing levee trail along the river, for a purchase price of \$100,000.00. The project will be gated with restrictions.

Mayor Garcia asked why townhomes and not single family homes. Mr. Wong said it could be both, providing new residential units to the market and new housing opportunity not currently in the City.

Councilman Bolton supports the project proposal on constructing townhomes. He lives on Brazos Landing Subdivision and it is a beautiful community and his neighbors are concern that the propose project's appearance will look shoddy and look like an apartment complex. He represents his community in Brazos Landing and wants assuredness that it will never be an apartment complex. The property is waterfront and is not comfortable selling the property without an appraisal value.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting 4 to 1, Council approved awarding the bid proposal to Skymark Development Company Inc. to develop housing on a 13 acre tract of City owned land, located between Brazosport High School's baseball field and the Brazos Landing Subdivision. Councilman Bolton opposed.

Consideration of authorizing the City Manager to work with the City Attorney to develop an earnest money contract between the City of Freeport and Freeport Redevelopment Authority for the purpose of facilitating the sale of the 13 acre tract of City owned land, between Brazosport High School's baseball field and the Brazos Landing Subdivision, for which Skymark Delopment was the only bidder.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved authorizing the City Manager to work with the City Attorney to develop an earnest money contract between the City of Freeport and Freeport Redevelopment Authority for the purpose of facilitating the sale of the 13 acre tract of City owned land, between Brazosport High School's baseball field and the Brazos Landing Subdivision, for which Skymark Delopment was the only bidder.

Consideration of setting December 16, 2013 for a Joint Public Hearing with the Planning Commission to consider amending Section 155.032 (R-2A District) to add "and condominium" and Section 155.002 to add a definition of condominium and erecting no parking signs on Zapata Street.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved setting December 16, 2013 for a Joint Public Hearing with the Planning Commission to consider amending Section 155.032 (R-2A District) to add "and condominium" and Section 155.002 to add a definition of condominium and erecting no parking signs on Zapata Street.

Consideration of authorizing the City Manager to expand funds to implement a lighting plan for downtown historical district.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved the City Manager to expand funds, not to exceed \$30,000 on phase 1, a lighting plan for downtown historical district.

Consideration of taking action on any items discussed in Executive Session.

Mayor Garcia opened the Formal Session at 7:30 p.m. to take action on Executive Session Items.

- Pending Contractual Negotiations – Regarding Land Acquisitions

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting 4 to 1, Council approved the Land Acquisitions on Pixie Floyd for \$80,000 and George Earl Jones for \$47,500.00, not to exceed \$127,500. Councilman Bolton opposed.

- The City of Freeport and Freeport Economic Development Corporation

v

Rene Damian and Damian & Associates a/k/a or f/k/a Damian/Galleon Associates,
Cause No. 57663, in the 412th Judicial District Court, Brazoria County, Texas.

On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved to cease legal action on The City Freeport and Economic Development Corporation v Rene Damian and Damian & Associates a/k/a or f/k/a Damian/Galleon Associates, Cause No. 57663, in the 412th Judicial District Court, Brazoria, County, Tx.

Mayor Norma Garcia closed the meeting at 7:31 p.m.

Work Session:

City of Freeport's Preliminary Audit presentation by Debra Martinez of Schneider Electric.

Reagendaed

Mayor Garcia opened the Executive Session at 6:40 p.m.

Executive Session:

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:

- Pending Contractual Negotiations – Regarding Land Acquisitions
(Motion made in open session)
- The City of Freeport and Freeport Economic Development Corporation

V

Rene Damian and Damian & Associates a/k/a or f/k/a Damian/Galleon Associates,
Cause No. 57663, in the 412th Judicial District Court, Brazoria County, Texas
(Motion made in open session)

- Industrial Districts Contracts and Negotiations:
Freeport LNG
Phillip 66
(no motion)

Mayor Garcia closed the Executive Session to reconvene the Formal Session at 7:30 p.m.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council adjourned at 7:33 p.m.

Mayor Norma M. Garcia
City of Freeport

Delia Munoz – City Secretary
City of Freeport