

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council and the Planning Commission met on Tuesday, January 21, 2014 at 6:00 p.m. at the Freeport Municipal Court Room, 430 North Brazosport, 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

Planning Commission: Edward Garcia – Chairman  
Reuben Cuellar  
Tobey Davenport – Absent  
Jesse Aguilar, Jr.  
Eddie Virgil

Staff: Jeff Pynes, City Manager  
Wallace Shaw, City Attorney  
Delia Munoz, City Secretary  
Nat Hickey, Property Manager  
Gilbert Arispe, Asst. City Manager  
Dan Pennington, Chief of Police  
Larry Fansher, Parks Department

Visitors: Roy Yates Bobby Casale  
Melanie Oldham Jerry Meeks  
Shannon Daughtry Chris Motley  
Louie Jones Maria Garcia  
Tina Rodgers Lila Lloyd  
Vijay Patel

Call to order.

Mayor Norma Garcia called the meeting to order at 6:02 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Louie Jones led the Pledge of Allegiance.

Consideration of approving the January 6th, 2014 Council Minutes.

On a motion by Councilman Kent, seconded by Councilwoman Loeza, with all present voting “aye”, Council unanimously approved the January 6<sup>th</sup>, 2014 Council Minutes.

Attending citizens and their business.

Bobby Casale commented on the light poles out at Bridge Harbor. He also asked the Council to implement an ordinance that a person or animal handler promptly remove and dispose feces left by their animal. He reported that signs are being erected at the mouth of the river and San Luis Pass that swimmers must wear life jackets.

**Joint Public Hearing:** The City Council of the City of Freeport and the Planning Commission of said City will conduct a 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, to add condominium to Section 155.032 (R-2A District) to add provisions for condominiums and Section 155.002 of said chapter.

There being a quorum with the Planning Commission, Mayor Garcia opened the Joint Public Hearing with the Planning Commission at 6:10 p.m.

Chairman Edward Garcia asked for any comments from audience or staff. Melanie Oldham concern was that hurricanes had blown away the condo’s and townhouse in Galveston and wanted to make sure that Freeport’s are in compliance.

Chairman Edward Garcia and the Planning Commission do recommend adding “condominium to Section 155.032 (R-2A District) to add provision for condominiums and Section 155.002 of said Chapter.

There being no more questions or comments, Mayor Garcia closed the Joint Public Hearing at 6:14 p.m.

Consideration of approving Ordinance 2013-2056 to add to Section 155.002 a definition of condominium and to amend Section 155.032 to require that a condominium satisfy the requirements of Section 155.032 for townhouses unless such requirements conflict with the provisions of Chapter 81 or 82 of the Property Code.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting “aye”, Council unanimously approved Ordinance No. 2013-2056 to add to Section 155.002 a definition of condominium and to amend Section 155.032 to require that a condominium satisfy the requirements of Section 155.032 for townhouses unless such requirements conflict with the provisions of Chapter 81 or 82 of the Property Code.

Public Hearing to consider designating the following described real property located within the corporate boundaries of the City as a reinvestment zone for the purpose of entering into an agreement with the owner or owners thereof granting a tax abatement:

Lots 64 & 65, Bridge Harbor Subdivision, a subdivision in the Brazos Coast Investment Company Subdivision, Division 8, F. J. Calvit Survey, Abstract 51, Brazoria County, Texas according to the map of plat thereof on file in the office of the County Clerk of said county.

Mayor Garcia opened the Public Hearing at 6:15 p.m. to consider designating the following described real property located within the corporate boundaries of the City as a reinvestment zone for the purpose of entering into an agreement with the owner or owners thereof granting a tax abatement

There being no comments for questions from audience or staff, Mayor Garcia stated that a Public Hearing was necessary to designate the property within the City as a reinvestment zone. Mayor Garcia closed the Public Hearing at 6:17 p.m.

Consideration of approving Ordinance No. 2014-2058 designating the improvements to land located within the incorporated limits of said City as a reinvestment zone to be known as the Jasen and Julia Gast reinvestment zone and providing for its initial term and the renewal thereof.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Ordinance No. 2014-2058 designating the improvements to land located within the incorporated limits of said City as a reinvestment zone to be known as the Jasen and Julia Gast reinvestment zone and providing for its initial term and the renewal thereof.

Consideration of approving Resolution No. 2014-2430 granting a tax abatement to Jasen and Julia Gast pursuant to the terms and conditions of and authorizing the Mayor and City Secretary to execute and attest respectively a tax abatement agreement with the said Jasen and Julia Gast.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Resolution No. 2014-2430 granting a tax abatement to Jasen and Julia Gast pursuant to the terms and conditions of and authorizing the Mayor and City Secretary to execute and attest respectively a tax abatement agreement with the said Jasen and Julia Gast.

Consideration of approving Resolution No. 2014-2431 approving submission of the grant application for fiscal year 2015, for the Radio Interoperability Upgrade to the Office of the Governor, Criminal Justice Division to purchase 30 portable radios.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Resolution No. 2014-2431 approving submission of the grant application for fiscal year 2015, for the Radio Interoperability Upgrade to the Office of the Governor, Criminal Justice Division to purchase 30 portable radios.

Consideration of approving and signing a replat for Jasen & Julia Gast, Lots 64 & 65 Bridge Harbor Subdivision, F. J. Calvit League, Abstract 51, known as 65 Marlin Lane Freeport Texas.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved signing a replat for Jasen & Julia Gast, Lots 64 & 65 Bridge Harbor Subdivision, F. J. Calvit League, Abstract 51, known as 65 Marlin Lane Freeport Texas.

Consideration of approving and signing a replat for Dilip R. Patel of Lot 521 A1A, BCIC Division 14, J. F. Fields, Brazosport Mobile Home Park, known as 2001 Brazosport Boulevard.

The replat was approved by the Planning Commission on May 28, 2013.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved signing a replat for Dilip R. Patel Lot 521 A1A, BCIC Division 14, J. F. Fields, Brazosport Mobile Home Park, known as 2001 Brazosport Boulevard. Councilman Bolton asked that Code Enforcement continue to review the property.

Consideration of accepting FEMA- 1999-040 Generator Grant No. 1 and FEMA -1999-038 Generator Grant No. 2.

On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved accepting FEMA- 1999-040 Generator Grant No. 1 and FEMA -1999-038 Generator Grant No. 2.

Consideration of accepting request for proposals and setting a bid date for February 12, 2014 for FEMA-1999-040 Generator Grant No.1 and FEMA -1999-038 Generator Grant No. 2.

On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved accepting request for proposals and setting a bid date for February 12, 2014 for FEMA-1999-040 Generator Grant No.1 and FEMA -1999-038 Generator Grant No. 2.

Consideration of accepting a Deed Without Warranty and Assignment of Easements from Velasco Drainage District.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved accepting a Deed Without Warrant and Assignment of Easements from Velasco Drainage District, with the exception that Velasco Drainage District continue regulating the permits along the south side of the levee.

Consideration of authorizing the Mayor to execute and acknowledge and the City Secretary to attest an Assignment, Assumption and Modification of Lease with THE GROCERS SUPPLY CO., INC., of property owned by the City and located adjacent to the property in the Velasco Townsite on which the building formerly occupied by Baywood Foods is located and to execute, acknowledge and attest an Estoppel Certificate in connection with such Assignment, Assumption and Modification.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved authorizing the Mayor to execute and acknowledge and the City Secretary to attest an Assignment, Assumption and Modification of

Lease with THE GROCERS SUPPLY CO., INC., of property owned by the City and located adjacent to the property in the Velasco Townsite on which the building formerly occupied by Baywood Foods is located and to execute, acknowledge and attest an Estoppel Certificate in connection with such Assignment, Assumption and Modification.

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

*No action taken*

Mayor Norma Garcia closed the Formal Session and opened the Executive Session at 6:56 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;

- Pending Contractual Negotiations with Skymark Development
- Regarding Charter Review amendments.  
*(no action taken)*

Mayor Norma Garcia closed the Executive Session and opened the Formal Session at 8:02 p.m.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council adjourned the meeting at 8:03 p.m.

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Mayor Norma M. Garcia  
City of Freeport, Texas

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City Secretary – Delia Munoz  
City of Freeport, Texas