

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Tuesday, January 16, 2007, at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council: Jim Phillips – Absent  
Clan A. Cameron  
Jim Saccomanno  
John Smith, III – Mayor Pro Tem  
Norma M. Garcia

Staff: Ron Bottoms, City Manager  
Wallace Shaw, City Attorney  
Delia Muñoz, City Secretary  
Gary Beverly, Finance Director  
Larry Fansher, Public Works Director  
Doug Caffey, Building Inspector  
Nat Hickey, Property Manager  
Allan Lawson – Police Lt.  
Mary Stolter, Main Street Director

Visitors: Cathy Williams      Lucky Gilbert  
Lila Lloyd              Angel Kant  
Roddy Mohler          Dan Hammack  
Barbara Mohler        Kim Wessels  
Jim Pirrung             Frank Scott  
Larry Schaefer         Susan Scott  
Kimmie Wessels       John Corder  
Sherrie Bass            Bobby Casale  
Larry Kirkland         Rosa McDonald  
Dorothy Pirrung        Jerry Meeks

Call to Order.

Mayor Pro Tem, John Smith, III, called the meeting to order at 6:05 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Pro Tem led the Pledge of Allegiance.

Approval of the January 2, 2007 Council Minutes.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved the minutes of January 2, 2007.

Attending Citizens and Their Business.

Larry Schaefer complained that Mr. Bottoms had failed to return phone calls, certified letters, and failed to communicate with business investors.

**Public Hearing:** 2nd Public Hearing on the proposed annexation of 122 acres adjacent to the Bridge Harbor Subdivision and fronting on Gulf Intracoastal Waterway.

Mayor Pro Tem, John Smith opened the public hearing at 6:07 p.m. He explained to the audience that this was the 2nd public hearing on the proposed annexation of 122 acres adjacent to the Bridge Harbor Subdivision and fronting on Gulf Intracoastal Waterway.

Angel Kant asked for a clarification of the map representing the proposed area and asked for estimated cost for utilities.

Mr. Bottoms' displayed to the audience, the mapped area on a PowerPoint presentation and said that a developer would pay for most of these costs. He stated that there were no estimates at this time.

Bobby Casale asked if there was a developer behind this proposed annexation. Mr. Bottoms answered him “no”, this is solely a city initiative.

Councilman Saccomanno asked if Lots 39, 40, 41 were government owned. Mr. Bottoms said “yes”.

There being no further questions or comments, Mayor Pro Tem closed the public hearing at 6:18 p.m.

Consideration of the approval of a request from Capital Telecommunications, Inc. to install a fiber optic cable along SH 288 to Broad Street.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved Mr. Bottoms' recommendation to approve a request from Capital Telecommunications, Inc. to install a fiber optic cable along State Hwy. 288 to Broad Street.

Consideration of the approval of calling a Joint Public Hearing with the Planning Commission to consider granting a Specific Use Permit to board a vessel, redemption games, bingo parlor and live entertainment for the Texas Star Casino at 307 Sailfish, Bridge Harbor.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting 3 to 1, Council approved February 5, 2007 at 6:00 p.m., to schedule a joint public hearing with the Planning Commission to consider granting a Specific Use Permit to board vessel, redemption games, bingo parlor and live entertainment for the Texas Star Casino at 307 Sailfish, Bridge Harbor. Councilman Cameron opposed.

Consideration of the approval of Resolution No. 2007-2131 authorizing the Mayor and City Secretary to execute and attest, respectively, a Joint Election Agreement and contract for Election Services with the County Clerk of Brazoria County, Texas, for the May 12, 2007, regular election.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Resolution No. 2007-2131 authorizing the Mayor and City Secretary to execute and attest, respectively a Joint Election Agreement and contract for Election Services with the County Clerk of Brazoria County, Texas for the May 12, 2007,

Consideration of the approval of setting a bid date for the deck and fountain project at RiverPlace.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved setting a bid date for February 15, 2007 at 2:00 p.m., for the deck and fountain project at RiverPlace.

Consideration of the approval of signing an Interlocal Agreement with H-GAC for benches and trash receptacles for Memorial Park.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting "aye", Council approved Ms. Stotler's recommendation to sign an Interlocal Agreement with H-GAC. A grant contributing \$24,975.00 for 16 backless benches, 8 benches with backs and 10 trash receptacles for Memorial Park.

#### Elected Official Report

Councilman Cameron reported the Freeport Library has scheduled their book sale for January 25th, 26th, 27th, 2007. The sale provides funds for the County Library. They will be updating two computers with children's programs. He attended some holiday events with excellent turn outs.

Councilman Saccomano attended the Martin Luther King Banquet. He congratulated Mr. John Smith on representing Dow Texas Operations employees in Dow Human Element Campaign. The Main Street program has a new web site.

Mayor Pro Tem, John Smith thanked the Freeport Police Department and City staff for participating and supporting the Martin Luther King event. A very good event in spite of bad weather.

## **Work Session**

### **Administration Report**

Mr. Bottoms announced to the audience and Council that Mayor Phillips is recuperating and upgrading to crutches from a walker. We wish him a fast recovery and hope to see him back soon.

Larry Fansher crew staying busy inspite of rain issues. Also repairing pot holes and making sure bridges are sanded in case of freezing weather. In the process of forming a Veteran Memorial committee. The committee will be responsible to find funds for the memorial project should Council approve the project. The Parks Board Department continuing to work on maintenance projects; helped out with preparations for the Martin Luther King parade. The Senior Citizens met yesterday for a Bingo Day – January 15, 2007, experienced bad weather, but still had a great turn out.

Mary Stotler stated that besides the H-GAC grant, Mardi Gras festival coming up on February 16, 2007 with a parade, following with a street dance in front of On the River Restaurant, and the Masquerade Ball on the 17thth of February, 2007. This is a fund raiser for the Summertime Blues Festival.

Jerry Meeks reported that the weather is a problem, has delayed street work. Pipes are wrapped up in case of a freeze.

Lt. Allan Lawson reported that new employees are currently training. The City will be split into 4 quads, once training is complete. A very cold and wet day during the Martin Luther King parade. All went well during the parade. Mayor Pro Tem asked about the noise ordinance. Lt. Lawson said complaints were down.

Doug Caffey overwhelmed with gas test inspections due to the cold weather.

Ron Bottoms talked about the TxDot Landscaping Grant on Phase II. A TxDot grant received four years ago, will be out for bids soon, work should start early this summer.

### Discussion concerning dredging the Bridge Harbor canal.

Mr. Pirrung reviewed the history on the proposed dredging of the Bridge Harbor canal. He showed areas of the canal which were in poor condition. He stated that Council had approved this plan on Aug. 18, 2003. Also that the City could take ownership of the canal and assess liens on the property owners.

Mr. Shaw explained to Mr. Pirrung that he was not aware if Council wanted to take ownership of the canal, but that it would not be impossible to dredge the canals and assess property owners. The City does not have the authority according to Legislature. His advised Mr. Pirrung to resurrect a homeowner's association or a non-profit organization to take ownership of the canal, then dredging could proceed.

Bobby Joe Casale opposed the City's involvement with the proposed dredging. He said this was a private issue, anybody owning property in Bridge Harbor should dredge the canal at their own expense, should not be mandated by the City. He also stated that the EPA has identified containments in the closed Gulfo Marine Maintenance site and felt that the City should not be responsible for stirring up the canal.

Mayor Pro Tem, John Smith requested more information on the legality of the canal and more data because of possible liability issues.

### Gary Beverly, Finance Director, Financial Report.

Gary Beverly reviewed financials for the quarter ending 12/31/06. He stated that revenues were up 4.7 % compared to last year, due primary to increases in Sales Tax, Industrial District Taxes, and the Dow donation for the RiverPlace deck. Expenses were up 3.5 % compared to last year, primarily due to increases in legal services. Compared to budget, Revenues are slightly down and expenses are flat compared to last year. We currently have \$8,971,852 in cash, with \$949,319 restricted for various reasons, leaving \$8,022,533 unrestricted within the appropriate fund. There has been \$249,349 (11.9% of the budget) spent in capital purchases including 2-backhoes, mowers, roof replacement at Fire Station One, as well as various budgeted vehicles. The City has 3 outstanding debt issues which as of 12/31/06 have a balance of \$6,043,000.

### Discussion concerning relocating the Yellowstone Paddlewheeler to Freeport.

Mr. Bottoms discussed the on going negotiations with Ken and Linda Wright on relocating their cruise operation, paddlewheeler to the Old Brazos River in Freeport. He proposed a 2 year agreement, boarding fee, temporary allowing them to dock at Freeport Community House on 2<sup>nd</sup> Street. The paddlewheeler would initially moor at the Old Brazos River near Freeport River Place. He discussed the ambiance and opportunities for Freeport and recommended that Freeport assist in their relocation.

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

**Executive Session**

A. 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:

- (1) Western Seafood Company/Western Shellfish, et al.
- (2) Marina
- (3) C.C. Adams, et al.

Mayor Pro Tem, John Smith, III reconvened the open session at 9:15 p.m.

**Adjourn**

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting “aye”, the meeting was adjourned at 9:15 p.m.

Attest:

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Delia Muñoz  
City Secretary

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John Smith, III  
Mayor Pro Tem

NON-EMERGENCY NOTICE OF AMENDMENT OF AGENDA

This notice is posted pursuant to the Texas Open Meeting Act  
(Chapter 551, Government Code)

The City Council of the City of Freeport, Texas, will hold a regular meeting beginning at 6:00 o'clock, p.m. on Tuesday, January 16, 2007, at the Police Department Municipal Courtroom, 430 North Brazosport Boulevard, Freeport, Texas. The following is a non-emergency amendment of Item 11 of the agenda of such meeting posted on January 11, 2007.

11. Consideration of the approval of Resolution No. 2007-2131 authorizing the Mayor and City Secretary to execute and attest, respectively, a Joint Election Agreement and Contract for Election Services with the County Clerk of Brazoria County, Texas, for the May 12, 2007, regular election.

I certify that the above addendum was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with a 24 hour a day public access, 200 West 2<sup>nd</sup> Street, Freeport, Texas, on January 12, 2007 at 5:00 o'clock, p.m.

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Delia Muñoz, City Secretary  
City of Freeport, Texas