

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, February 5, 2007, at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council: James W. Phillips
Clan A. Cameron
Jim Saccomanno
John Smith, III
Norma M. Garcia

Planning Commission: Diane Williams
Linda Allen
Abel Garcia- absent
Michelle Kent
Roddy Mohler
Robert Leffingwell

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
Jeff Pynes, Chief of Police
Allan Lawson, Police Lt.
Chris Motley, Fire Marshall
Mary Stotler, Main Street Director

Visitors: C. Hamant Larry Schaefer
Tom Masters Jason Crews
Manning Rollerson John Corder
V. L. Scott JoAnn Coskey
Angela Kant Larry McDonald
Rosa McDonald Cathy Williams
Joyce Adkins Rene Damian
Barbara Mohler Dorothy Pirrung
Jim Pirrung Sandra Barnett
Jim Barnett Jerry Meeks

Pixie Floyd
Eric Hayes
Lila Loyd
Larry Kirkland
Grant Poynor
Frank Dietz
Roy Averett

Cele Damian
Lon Siddal
Mary Ruth Rhodenbaugh
James Lindsey
Cynthia Pekar
Ken Smith
Shannon Averett

Call to order.

Mayor Phillips called the meeting to order at 6:03 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mr. Bottoms' led the Pledge of Alliance.

Approval of the January 16, 2007 Council Minutes.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting 4 to 1, Council approved the minutes of January 16, 2007. Councilman Cameron opposed.

Attending Citizens and Their Business.

Pixie Floyd welcomed Mayor Phillips back to the bench.

Manning Rollerson said he got a Municipal Court ticket for explaining to his daughter the difference between an "Uncle Tom and a "house nigger". He said he had a right to free speech according to the constitution and wanted a refund on his fine. Mayor Phillips advised him to appeal his ticket at county court level.

Joyce Adkins stated that Code Enforcement was sending mowing letters and reminded Council that January had 5 days of no rain.

Chief Pynes introduced five new officers to the Department:

- Brett Champion
- Marcus Salinas
- Justin LaSoya
- Mathew Christopolus
- Scott Lanham

Chris Motley, Fire Marshall introduced six new firemen to the Department:

- Brad Lane
- Nathan Theriot
- Justin Hornsby
- J. T. White
- Brandon Lee Faulk
- Mike Jaster

Mayor Phillips welcomed them to the City.

Presentation of the annual financial audit for fiscal year 2005-2006 by Tom Masters of Kennemer-Masters, LLC.

Tom Masters of Kennemer, Masters & Lunsford, LLC presented to Council their audit of the financial statements of the City of Freeport for year ending September 30, 2006.

On a motion by Councilwoman Garcia, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved the annual financial audit for fiscal year 2005-2006 by Tom Masters.

Consideration of the approval of Resolution No. 2007-2132 endorsing legislation to prohibit the construction of new off-premise signs along State Highway 288.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved Mary Stotler’s recommendation to approve Resolution No. 2007-2132 endorsing legislation to prohibit the construction of new off-premise signs along State Highway 288.

Public Hearing: 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.

There being a quorum with the City Council and the Planning Commission, Mayor Phillips opened the public hearing at 6:30 pm. 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.

Joyce Adkins stated that the boat had not been in “motion” and felt the city should not revamp codes to accommodate them. She had a problem with them operating the 8-liners games/redemption games at a large scale. The City did not have the man power to police the establishment. Also felt that their permit had expired and opposed the City granting them a new permit.

John Corder, a licensed plumber contractor in the City who obeys the law, he stated that he worked for the Texas Star Casino with a written contract and was discharged without payment. It was weeks later that he received payment and was disrespected by the management of the Texas Star Casino. He opposed the City granting them a new permit.

V.L. Scott reminded the Council and audience that three or four other casino boats had come and gone in the middle of the night. He did not think it was a good idea for the City to grant them a new permit.

Cathy Williams asked the Council if the 8-liners Ordinance had changed. Mr. Bottoms responded that the ordinance stated that a business could have 8-liners, but that the business had to have 51% of sale of goods.

Chay Hamant, a former employee of the Texas Star Casino stated that she had a lot of faith in the company. She had left Florida to come here and work at the Texas Star Casino. The management of the Texas Star Casino was abusive towards her and had a suit against them. She was concerned that many had taken jobs in good faith and many had been hurt by their abusiveness. She wanted Council to know that they were absentee landlords.

Grant Poyner, Larry Kirkland, James Lindsey of the Texas Star Casino were present. Mr. Poyner spoke on behalf of the Texas Star Casino and stated that he had been sent to fix problems that had mismanaged by Mr. Mike O'Brien. He apologized for any unpleasant experience; they may have caused and assured Council that Mr. O'Brien was no longer affiliate with the Texas Star Casino. Under the present zoning they were allowed to hold events and concerts and requested a permit to board and hope to be operational in about four months.

Randy Pickens, 233 Tamarind Lane, Oyster Creek, Texas said he had been an employee of the Texas Star Casino and concurred with C. Hamant.

Diane Williams, chairwoman of the Planning Commission, with all present voting 4 to 1, recommended that the Council grant 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. Mr. Leffingwell opposed.

On a motion by Councilman Smith, seconded by Mayor Phillips, with all present voting 3 to 2, Council denied the specific use permit for the Texas Star Casino. Councilman Cameron, Councilman Saccomanno, and Councilwoman Garcia opposed

There being no further questions or comments, Mayor Phillips closed the public hearing at 7:45 p.m.

Consideration of the approval of Ordinance No. 2007-2151 calling the Annual General Election for the City of Freeport for May 12, 2007, at which all the Voters residing in said City shall be permitted to vote for or against the candidates for Mayor of the City of Freeport, Texas and in which the voters of said City residing in

Wards B and D shall be permitted to vote for or against the candidates for positions B and D on the City Council of the City of Freeport, Texas.

On a motion by Councilman Smith, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved Ordinance No. 2007-2151 calling the Annual General Election for the City of Freeport for May 12, 2007, at which all the voters residing in said City shall be permitted to vote for or against the candidates for Mayor of the City of Freeport, Texas and in which the voters of said City residing in Wards B and D shall be permitted to vote for or against the candidates for positions B and D on the City Council of the City of Freeport, Texas, with amending the location to Velasco Community Center, 110 Skinner Street, Freeport, Texas.

Consideration of the approval of Ordinance No. 2007-2152 annexing approximately 122 acres of land being all of Tracts No. 39 through 42 Brazos Coast Investment Company Subdivision No. 8 out of the F.J. Calvit League, Abstract 51, and a portion of the Branch T. Archer League, Abstract 9, Brazoria County, Texas, located North of the Bridge Harbor Subdivision and West of the Gulf Intracoastal Waterway, within the extra-territorial jurisdiction of and adjacent to the Corporate limits of the City of Freeport, Texas.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 4 to 1, Council approved Ordinance No. 2007-2152 annexing approximately 122 acres of land being all of Tracts No. 39 through 42 Brazos Coast Investment Company Subdivision No. 8 out of the F.J. Calvit League, Abstract 51, and a portion of the Branch T. Archer League, Abstract 9, Brazoria County, Texas, located North of the Bridge Harbor Subdivision and West of the Gulf Intracoastal Waterway, within the extra-territorial jurisdiction of and adjacent to the Corporate limits of the City of Freeport, Texas. Councilman Cameron opposed.

Consideration of the approval of Ordinance No. 2007- 2153 amending Section 33.13 of the Code of Ordinances of said City to correct the reference contained therein to Section 33.12 of said code by changing it to Section 33.11.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved Ordinance No, 2007-2153 amending Section 33.13 of the Code of Ordinances of said City to correct the reference contained therein to Section 33.12 of said code by changing it to Section 33.11.

Consideration of the approval of Ordinance No. 2007-2154 vacating, abandoning and closing a portion of the dedicated but unopen public street known as Stratton Street, lying between Blocks 710 and 734 of the Velasco Townsite within said City, authorizing the sale thereof to adjoining land owners and authorizing the Mayor and City Secretary to execute and attest the necessary deeds.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved Mr. Hickey’s recommendation to approve Ordinance No. 2007-2154 to vacating, abandon and closing a portion of the dedicated but unopen public street known as Stratton Street, lying between Blocks 710 and 734 of the Velasco Townsite within said City, authorizing the sale thereof to adjoining land owners and authorizing the Mayor and City Secretary to execute and attest the necessary deeds.

Consideration of the approval of Ordinance No. 2007-2155 amending Ordinance No. 2006-2150, which reduced the extraterritorial jurisdiction of said City to exclude 956.30 acres of land adjacent to the right descending bank of Bastrop Bayou, between old state Highway 288 and Fm Highway 523, therein described, to change the acreage excluded from 956.30 to 958.80 acres.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved Ordinance No. 2007-2155 amending Ordinance No. 2006-2150, which reduced the extraterritorial jurisdiction of said City to exclude 956.30 acres of land adjacent to the right descending bank of Bastrop Bayou, between old state Highway 288 and Fm Highway 523, therein described, to change the acreage excluded from 956.30 to 958.80 acres.

Consideration of the approval of rescheduling February 19, 2007 Council Meeting to February 20, 2007, to observe President’s Day.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved rescheduling February 19, 2007 Council Meeting to February 20, 2007 to observe President’s Day.

Consideration of the approval of setting a public hearing date for demolition or repairs of the following properties:

- 406 East 2nd Street
- 410 East 2nd Street
- 431 West 2nd Street

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 4 to 1, Council approved setting a public hearing date for March 5, 2007 for demolition or repairs of the following properties: 406 East 2nd, 410 East 2nd, 431 West Street. Councilman Cameron opposed.

Consideration of the approval of calling a Joint Public Hearing with the Planning Commission regarding:

- Changing the present R-3 zone to C-2 zone on Block 6, Lots 1-12, Velasco Townsite, known as 108, 116, 122, and 124 South Ave. D. requested by the VFW # 4341.
- Amending the definition of sexually oriented business contained in Section 155.002 of the Code of Ordinances.
- Amend Chapter 155 of the Code of Ordinance by adding a new section to be known as Section 155.024, making provisions for the classification of new and unlisted commercial uses.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved March 5, 2007 at 6:00 p.m. to schedule a Joint Public Hearing with the Planning Commission to consider the above proposals.

Consideration of the approval of signing a replat of Lot 10, 11, 12, Bridge Harbor Subdivision, F. J. Calvit League, Abstract 51, as recorded in Volume 9, Pages 31 & 32, Brazoria County Plat Records, approved by the Planning Commission on January 29, 2007.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved signing a replat of Lot 10, 11, 12, Bridge Harbor Subdivision, F.J. Calvit League, Abstract 51, as recorded in Volume 9, Pages 31, & 32, Brazoria County Plat Records, approved by the Planning Commission on January 29, 2007.

Consideration of the approval of selling Block 52, Lot 12 and West ½ of Lot 11, Freeport Townsite, known as 210 West 8th Street, to Habitat for Humanity.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved selling Block 52, Lot 12 and West ½ of Lot 11, Freeport Townsite, known as 210 West 8th Street, to Habitat for Humanity. Mary Ruth Rhodenbaugh, Director of Habitat for Humanity asked if Council could continue to waive the city permits fees. Mayor Phillips answered her that it had been the practice and it would continue.

Consideration of the approval of a request from Main Street to temporary close portions of the following streets for the Mardi Gras Parade and Street Dance on Friday, February 16, 2007: Parade starting on Second Street from Brazosport High School to Memorial Park from 6:00 p.m. to 7:30 p.m. Street dance on Second Street between Beech Street and Cedar Street from 5:00 P.M. to 12:00 P.M.

On a motion by Councilwoman Garcia, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved Main Street request to temporary close portions of the following streets for the Mardi Gras Parade and Street Dance on Friday, February 16, 2007: Parade starting on Second Street from Brazosport High

School to Memorial Park from 6:00 p.m. to 7:30 p.m. Street dance on Second Street between Beech Street and Cedar Street from 5:00 P.M. to 12:00 P.M.

Elected Official Report

Councilman Smith stated that the Senior Citizens committee has continuously had 70 to 75 people at their events. The committee is planning a trip on March 8, 2007 to the George Bush Presidential Library at College Station.

Mayor Phillips stated that he had spent 70 days at the hospital. He commended the Brazosport Regional Medical Center for an excellent job on attending him. He thanked all for the flowers, plants, get well cards, and phone calls, appreciated all for their concern and well wishes. He said he would never be able to thank everyone enough and he is glad to be back at the Council Chambers.

Councilman Saccomanno reported a Main Street meeting is scheduled for tomorrow.

Work Session

Administration Report

Chief Pynes reported that the new officers are trained and ready to roam and protect the City. The Police Department is looking forward to Mardi Gras and is building a float to compete in the parade. He will be attending the Texas Police Chief's Association Legislative Conference in Austin, Texas on February 12th & 13th, 2007. Also, will attend the Police Chief's Leadership Series in San Antonio, Texas. The department received \$1,000.00 donation from Wal-Mart for projects. Mr. Roy Yates has helped with donations as well.

Jerry Meeks routine work with rain problems; repaired 3 sewer cave- in's.

Chris Motley sent employees to Stafford for two day training. He will be attending Arson Conference in Humble, Texas.

Mary Stotler attended the Texas Independent Region Trail rally at the Alamo in San Antonio, Texas. She will attend a meeting in Houston promoting the Triathlon scheduled for September 2, 2007. Also, attended the Keep Brazoria County Beautiful Association planning a permanent hazardous waste management facility. She is working on the Mardi Gras Parade and Dance for February 16th and 17th, 2007.

Pinkey Hartline reported that a slow month due to the weather. He is promoting specials but the weather has been bad; golf course wet.

Larry Fansher's crew continues to perform ground care maintenance, addressing pot holes in streets and alley ways. Ball parks maintenance continues; gearing up for spring events.

Gary Beverly stated the City's Ordinance and agendas are available on line. The latest audit report is on line, too. A GIS website link is available to find information about properties. A great tool for looking up information of interest. This is a response from public's request.

Ron Bottoms' met with citizens from Bridge Harbor and they formulated a plan to dredge the canal. The citizens will form a 501-3 (C) association and take control of the plan. The city will provide some support and assist in finding a disposal area. He had been talking to the Corp. of Engineers for the Marina permit.

Discussion concerning the marina project.

Mr. Bottoms and Rene Damian of Damian & Gallion, Associates showed council the marina layout design and the properties where the marina is being built. On a PowerPoint presentation, he pointed out where 180 wet slips and 265 dry slips will be constructed. It does not include any property other than our own (EDC) and the developer's property. The Gore property remains to the left of the marina. He stated that \$110,000.00 has been spent on debris removal. He showed a before and after picture of the waterfront; looked very clean afterwards. A new development agreement has been signed. He talked about relocating Trico facility down the river. The bids for building Trico a metal 40 x 80 building came in around \$65,000. The City will provide some in house work to save money. Rene Damian explained that the levee will require some modifications. The levee will encroach in the City right of way. He met with the Velasco Drainage District and will be meeting their requirements to build.

Discussion concerning the FM1495 bridge boat ramp.

Larry Fansher showed a PowerPoint presentation concerning the FM 1495 bridge boat ramp. He said it was an opportunity to expand the ramp to include restrooms, showers and pavilion accommodations. Brazoria County Parks Department and Pct. L Commissioner Dude Payne are supportive of the idea of applying for Texas Parks and Wildlife grant funding that would pay for these additional amenities. Freeport's role would consist of providing maintenance and employee to inspect the grounds, ramp, restrooms and pavilion. Larry Fansher recommended that consideration and support be given to this project and to make an official request to sign an interlocal agreement.

Discussion concerning safety signs that promote Motorcycle Awareness and Safety for all wheeled vehicles in the City of Freeport.

Roddy Mohler asked that Motorcycle Awareness Safety Signs be installed in the entryway of the City of Freeport to promote motorcycle safety in general. This item will be on the next city council agenda.

Mayor Phillips closed the work session and opened the executive session at 9:10 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/Western Shellfish
- (2) Marina
- (3) Texas Star Casino Boat

Mayor Phillips reconvened the open session at 9:33 p.m.

Adjourn

On a motion by Councilwoman Garcia, seconded by Councilman Cameron, with all present voting “aye”, the meeting was adjourned at 9:33 p.m.

Delia Munoz
City Secretary

James W. Phillips
Mayor