

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, June 18, 2007, at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council:                    Larry L. McDonald  
  Clan A. Cameron  
  Jim Saccomanno  
  John Smith, III  
  Norma M. Garcia

Staff:                                Ron Bottoms, City Manager  
  Wallace Shaw, City Attorney  
  Delia Munoz, City Secretary  
  Gary Beverly, Finance Director  
  Larry Fansher, Public Works Director  
  Nat Hickey, Property Manager  
  Jeff Pynes, Police Chief  
  Mary Stotler, Main Street Director  
  Doug Caffey, Building Inspector

Visitors:                         Lila Lloyd                         Carmen Bottoms  
  Judy Schaefer                    Larry Schaefer  
  Skip Pratt                         Sandra Barnett  
  Sandra Leavey                    Michelle Kent  
  Dorothy Pirrung                 Jim Pirrung  
  Jerry Meeks                        Joyce Adkins  
  Rosa McDonald                 Angela Kant  
  Rene Damian                      Ron Damian  
  Phillip Damian                 Rick Rangel  
  Abel Garcia                        Eric Hayes  
  Lila Diehl                         Wright Gore, III  
  Kenney Kouches                 Mike Jones  
  Diane Williams                 Pixie Floyd  
  Denise Leitch                    Bill Leitch  
  Roddy Mohler                    Barbara Mohler  
  Bobby Joe Casale                Arturo Moreno  
  Alfred Gonzalez                Patsy Gonzalez  
  Chris Volz                         Robert Vargas  
  Don Gibson                        W. T. Howard  
  Coy Barnett                        Becky Ryder

Shawn Willett      Steve Like  
Phil Elam

Call to Order.

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

Invocation by Pastor Don Gibson from the First Assembly of God Church.

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Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Approval of the June 4, 2007 Council Minutes.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved the minutes of June 4, 2007.

Attending Citizens and Their Business.

Pastor Abel Garcia of 1751 W. 9<sup>th</sup> Street asked that all be reminded of the rules and procedures during the council meeting. The last council meeting was difficult to hear and confusing. The audience could not hear council's recommendations. Council should do business in an orderly way.

Bobby Casale announced that a Town Hall Meeting is being held in Lake Jackson at the Civic Center concerning appraisals and property taxes.

**Recognition of Alfred and Patsy Gonzales for their exemplary action in preventing a crime.**

Chief Pynes presented Alfred Gonzalez with a plaque for his exemplary action in preventing a crime on June 5, 2007.

**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 owner's thereof granting a tax abatement:**

Lot 1 Mystery Harbor Subdivision  
Freeport, Brazoria County, Texas.

Mayor McDonald opened the public hearing at 6:11 p.m. to consider designating the following described 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 owner's thereof for the purpose of granting tax abatement.

Joyce Adkins of 102 N. Ave C., wanted the agendas to be more explanatory and more detailed. She did not know the location of the described property.

Angela Kant asked what the public hearing was about. Mr. Shaw explained that the City Council by ordinance must designate an area as a reinvestment zone. Prior to adopting such an ordinance the City Council must conduct a public hearing on the designation that entitles all interested persons to speak and present evidence for or against the designation. Also a resolution is brought to council to approve the tax abatement agreement.

There being no further questions or comments, Mayor McDonald closed the public meeting at 6:19 p.m.

Consideration of the approval of Ordinance No. 2007-2166 designating improvements to land located within the incorporated limits of said city as a reinvestment zone to be known as the Thomas M. and Katherine R. Dennis reinvestment zone.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved Ordinance No. 2007-2166 designating improvements to land located within the incorporated limits of said city as a reinvestment zone to be known as the Thomas M. and Katherine R. Dennis reinvestment zone.

Consideration of the approval of Resolution No. 2007-2139 granting a tax abatement agreement to Thomas and wife, Katherine R. Dennis.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimous approved Resolution No. 2007-2139 granting a tax abatement agreement to Thomas and Katherine R. Dennis.

Consideration of the approval of a request from Avera Development for the following regarding a proposed 144 unit apartment complex:

- a. Tax Abatement
- b. Utility Assistant
- c. Closing and selling Broad Street right of way between Yaupon and Arbutus.
- d. Allowing parking curb cuts along the perimeter of the property with the exception of 2<sup>nd</sup> Street.

Phil Elam, Project Manager for Avera Development reviewed with Council the above requests for the proposed 144 unit apartment complex.

- a. Council agree a tax Abatement for the project under the current guidelines of the City, which includes projects over five million dollars, a 100% abatement for three years, 75% the fourth year, and 50% in the fifth year. The Council also agreed to consider amending this tax abatement agreement if the guidelines are extended during the two-year review and approval of the tax abatement guidelines that will take place in August 2007.
- b. Council agree to help facilitate utility improvements.
- c. Council agree to sell Broad Street between Yaupon and Arbutus.
- d. Council agree to allow curb cut parking along the exterior of the project with the exception of 2<sup>nd</sup> Street.

On a motion by Councilman Smith, seconded by Councilman Cameron, with all present voting “aye”, Council unanimously approved the above requests.

Consideration of the approval of a request from Robert Vargas to waive liens on Block 598, Lot 23-24, Velasco Townsite.

Mr. Vargas purchased the property through a sheriff’s sale and was not aware of property liens of \$4,131.51.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved Mr. Shaw’s suggestion to table this item until Mr. Darlow submitted an opinion.

Consideration of the approval of selling the City’s interest on Block 74, Lot 10, Freeport, Townsite, known as 506 West 7<sup>th</sup> Street.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting 4 to 1, Council approved Mr. Hickey’s recommendation not to sell the City’s interest on Block 74, Lot 10, Freeport, Townsite, known as 506 W. 7<sup>th</sup> Street. Councilman Cameron opposed.

Consideration of the approval of Ordinance No. 2007-2167 adding a definition of “vehicle” to section 111.01 of the Code of Ordinance of said city; amending section 111.09 (B) of said Code of Ordinance to limit the time mobile food vendors may remain standing, stopped or parked.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved Ordinance No. 2007-2167 adding a definition of “vehicle”, to section 111.01 of the Code of Ordinance of said city, amending section 111.09 (B) of said Code of Ordinance to limit the time mobile food vendors may remain standing, stopped or parked.

Consideration of the approval of Resolution No. 2007-2140 setting the rate to be charged by taxicabs operating within the City.

On a motion by Councilman Smith, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved Resolution No. 2007-2140 setting the rate to be charged by taxicabs operating within the City.

Consideration of the approval purchasing a Helisieve Unit for the wastewater treatment plant.

An informational item, no action taken.

Consideration of the approval of setting a public hearing to consider designation of the reinvestment zone and execution of a tax agreement for William Howard and Candance Kasserman for 93 Dolphin Lane, Freeport, Texas.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved July 16, 2007 at 6:00 p.m., to hold a public hearing to consider designation of the reinvestment zone and execution of a tax agreement for William Howard and Candance Kasserman for 93 Dolphin Lane, Freeport, Texas.

Consideration of the approval of setting a bid date for rebidding a deck for River Place project.

Mr. Rene Damian discussed the materials and redesign of RiverPlace deck project.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved Mr. Bottoms' recommendation to set a bid date for July 12, 2006 at 2:00 p.m. for rebidding a deck for River Place project.

Consideration of the approval of appointing qualified person(s) and Council liaison(s) to the following boards and commissions.

**Planning Commission:** On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting 3 to 2, Council approved Linda Allen, Abel Garcia, Michelle Kent, and Diane Williams to the Planning Commission of said city. Mayor McDonald and Councilman Cameron opposed.

**Library Board:** On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved: Joyce Girouard, June Strambler, Nancy Hughes, and Margie Edwards to the Library Board of said city.

**Board of Adjustment:** On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved: Terry Starnes, Jim Pirrung, James F. Lindsey and Tim Closs to the Board of Adjustment.

**Urban Renewal Board:** On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved: Jason Montier to the Urban Renewal Board.

**Beautification/Parks & Recreation Committee:** On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved: Dan Tarver, Margaret L. McMahan, Eddie Virgil, Janice Hawley, and Mingo Marquez replacing Carol Rangel to an unexpired term.

**Economic Development Corporation:** On a motion by Councilman Saccomanno, seconded by Councilman Garcia, with all present voting “aye”, Council unanimously approved: John Smith, Mark Wessels, Carlos Martinez, and Louie Jones to the Economic Development Corporation of said city.

**Senior Citizens Commission:** On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved: Mary Darnell, Beverly Garrison, Martha Westbrook, and Joan Stovall to the Senior Citizens Commission board.

**Charter Review Commission:** On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved: Bill Rains, Joyce Adkins, Freddie Brenk, Dorothy Pirrung, and Toby Davenport to the Charter Review Commission.

#### Elected Official Report

Councilman Smith announced that Father Mike Gemignani founder of the Brazosport Medical Center will be leaving the area and being recognized on Thursday, June 21, 2007 and June 24, 2007 at St. Paul Episcopal Church.

Mayor McDonald attended the SBCA meeting. The animal control officer is working double duty picking up dogs and cats.

#### **Work Session**

#### Administration Report

Mr. Bottoms announced that the Mosquito Festival in Clute will be July 28, 2007 and is looking for council members to participant in their annual council challenge. Clute’s open house for their new building is scheduled for June 24, 2007. Budget meeting are scheduled for July 23<sup>rd</sup> & July 24<sup>th</sup> at 5:00 p.m. at City Hall, 2<sup>nd</sup> Floor. FM 1495 feeder road project moving forward, widening the north side of ramp with no expense to the city.

Discussion concerning modular homes.

Two modular homes have been brought to the City. Mr. Shaw provided and read the legal position and implication. The modular homes differ from the manufactured dwelling in several respects. Each modular is inspected by the state at the place of manufactured. The city can not have an ordinance that excludes modular homes. They can go any where that a standard built house can be built.

Steve Light representing Patriot Homes, has built modular homes since 1992. He explained the modular homes are less costly, not because of cheaper materials, but because of the efficiency in which the homes are built. The modular homes are built to state code and to sustain 120 mile per hour wind.

Mayor McDonald closed the work session and opened the executive session at 8:30 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) Port Freeport

B. Section 551.072 Government Code:

Deliberations concerning the purchase, exchange, lease or value of real property when deliberation in an open meeting might have a detrimental affect on the position of the City Council in negotiations with a third person, to wit:

(1) Golf Course

C. Section 551.074 Government Code:

Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee, to wit:

(1) City Manager

Mayor McDonald reconvened the open session at 9:40 p.m.

## **Adjourn**

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting “aye”, the meeting was adjourned at 9:40 p.m.

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Delia Munoz  
City Secretary

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Larry L. McDonald  
Mayor