

State of Texas

County of Brazoria

City of Freeport, Texas

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday, October 4th, 2010 at 6:00 p.m., 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
Michelle Kent
Fred Bolton
Nicole Mireles
Norma M. Garcia

Staff: Jeff Pynes, City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Gilbert Arispe, Administrative Asst.
Nat Hickey, Property Manager
Tyrone Morrow, Chief of Police
Brian Davis, Fire Chief
Gary Pohl, Marshal
Larry Fansher, Parks Director
B. R. Williams, Street Supervisor

Visitors: Lucky Gilbert Rosa McDonald
Clan Cameron Mark Cameron
Blanca Bustos Manuel Bustos
Eric Hayes Lila Diehl
Loren Hayes Joyce Adkins
Beverly Vowell Pixie Floyd
Gina Adams Landis Adams
Lila Lloyd Sandra Wood –Wicke
Jim Pirrung Dorothy Pirrung
Sandra Barnett John Stanford
Julio Molina Jerry Meeks
Edna Allan Gregg Frazier
Carlene Wood Jean McCoy
Louie Jones Sandra Leavey

Call to order.

Mayor McDonald opened the meeting at 6:01 p.m.

Invocation.

City Attorney Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of approving the September 20th, 2010 Council Minutes.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved the September 20th, 2010 Council Minutes.

Attending citizens and their business.

Lucky Gilbert is a volunteer and supporter of the Summer Time Blues Festival. The festival keeps getting bigger and better and thanked all for the support the city has given the festival. The community has been good to him and his family and is proud to live in Freeport.

Sandra Wood-Wicke stated that she is not against the communication tower but opposes the location. She does not want the antenna erected near schools and in the middle of a neighborhood. There is an antenna erected on Gulf Boulevard and it is an eyesore. She preferred the antenna be erected in an industrial area or out of town.

Consideration of calling a public hearing regarding Chapter 370.002 of the Local Government Code and Division (A) of Section 130.99 of the Code of Ordinance of said City to review the juvenile curfew ordinance of said City.

On a motion by Councilwoman Kent, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved October 18th, 2010 setting a date for a public hearing regarding Chapter 370.002 of the Local Government Code and Division (A) of Section 130.99 of the Code of Ordinance of said City to review the juvenile curfew ordinance of said City

Consideration of approving the bids and awarding the mowing contract for the City of Freeport.

On a motion by Councilman Bolton, seconded by Councilwoman Mireles, with all present voting "aye", Council approved the bids and awarded the mowing contract to Bustos Lawn Service, P.O. Box 2316, Freeport, Texas.

Consideration of authorizing the City Manager to complete the sidewalk pedestrian mobility project on Skinner from Ave. J. to Freeport Oaks Apartments.

City Manager Jeff Pynes explained the modifications to the storm water drainage ditch, using 24 inch pipe, costing approximately \$52,863.

Mayor McDonald stated that there is a flooding issue down Skinner Street to Ave. J to the Freeport Oaks Apartments and preferred that a 36 inch pipe be installed instead of 24 inch.

Councilman Bolton asked for the cost of installing a 36 inch pipe verses a 24 inch pipe.

B. R. Williams, Street Supervisor did not have the exact cost.

On a motion by Councilwoman Garcia, seconded by Councilwoman Kent, with all present voting "aye", Council approved to authorize the City Manager to complete the sidewalk pedestrian mobility project with a 36 inch pipe with stipulations not to exceed \$62,000.

Consideration of approving a Residential Tax Abatement application for Norma & Julio Molina, new construction at 821 N. Ave. C., Freeport, Texas.

On a motion by Councilwoman Garcia, seconded by Mayor McDonald, with all present voting "aye", Council unanimously approved a Residential Tax Abatement application to Norma & Julio Molina, new construction at 821 N. Ave. C., Freeport, Texas.

Consideration of the Planning Commissions recommendation regarding a Specific Use Permit for Abundant Life Church to operate a church on Block 600, Lot 10-SW/2; Lot 11, Velasco Townsite, known as 606 North Gulf Boulevard.

On September 28th, 2010 the Planning Commission met and denied a Specific Use Permit for Abundant Life Church to operate a church on Block 600 Lot 10-SW/2; Lot 11, Velasco Townsite, known as 606 North Gulf Boulevard.

Joyce Adkins said that the church has no parking.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting 3 to 2, Council denied a Specific Use Permit for Abundant Life Church to operate a church on Block 600 Lot 10-SW/2; Lot 11, Velasco Townsite, known as 606 North Gulf Boulevard. Mayor McDonald and Councilwoman Garcia opposed.

Consideration of the Planning Commissions recommendation with regard to a Specific Use Permit to Capital Telecom to erect and operate 120 foot communication antennae on a 50 ft. by 50 ft., parcel of land out of Lot 1, Freeport Properties Subdivision, known as 1744 W. 4th Street.

Sandra Wood-Wicke stated that she is not against the communication tower but opposes the location. She does not want the antenna erected near schools and in the middle of a neighborhood. There is an antenna erected on Gulf Boulevard and it is an eyesore. She preferred the antenna be erected in an industrial area or out of town.

Sandra Barnett of 1630 W. 4th suggested relocating the communication tower.

Joyce Adkins of 102 N. Ave. C. said no one wants the communication tower erected just the requester.

Eric Hayes of 1507 W. Broad opposes the location, not the communication tower.

Mike Nevil of 1532 West 9th opposes the communication tower and that it is bad planning. He prefers it be installed in an industrial location.

Loren Hayes of 1531 W. 2nd Street spoke to his neighbors on the 1500 and 1600 Block and all opposed the proposed communication tower.

Larry and Glenda Fansher of 1630 West 10th, opposes the communication tower. He requested a moratorium be placed on all proposed communication towers.

Louie Jones of 1424 N. Ave. F., stated to audience and council that Freeport Business Park was his business. To erect a proposed communicating tower was a small business for Freeport, bringing wireless internet, would not do anything to hurt Freeport, and would not depreciate properties.

On a motion by Councilwoman Kent to deny a Specific Use Permit to Capital Telecom to erect and operate a communication tower, seconded by Councilman Bolton, with all present voting, 2 to 3, motion failed. Mayor McDonald, Councilwoman Garcia and Councilwoman Mireles voted not to deny the Specific Use Permit.

Consideration of approving Ordinance No. 2010-2261 amending the Code of Ordinance by adding Chapter 134, illegal smoking products to Title XIII, General offenses, which will prohibit the use, purchase, possession and sale.

On a motion by Councilwoman Garcia, seconded by Mayor McDonald, with all present voting "aye", Council approved Ordinance No. 2010-2261 amending the Code of Ordinance by adding Chapter 134, illegal smoking products to Title XIII, General offenses, which will prohibit the use, purchase, possession and sale.

Consideration of approving Ordinance No. 2010-2262 amending item (9) of Division (B) of Section 121.05 of the Code of Ordinances of said City to increase the amount of the fee for a non consent wrecker towing to \$130.00.

Chief Morrow researched the wrecker towing fees and recommended to increase the wrecker fees to \$130.00. It is not unreasonable and would be consistent with the other cities in the country.

On a motion by Councilwoman Kent to approve Ordinance No. 2010-2262, amending item (9) of Division (B) of Section 121.05 of the Code of Ordinances of said City to increase the amount of the fee for a non consent wrecker towing to \$130.00. Motion died, due to lack of a second.

On a motion by Councilman Bolton to increase the wrecker fee from \$85.00 to \$100.00, seconded by Councilwoman Mireles, with all present voting 4 to 1, Council approved to increase the wrecker fee to \$100.00. Councilwoman Kent opposed.

Consideration of approving Ordinance No. 2010-2263 adopting a Dune Protection and Beach Access Plan for Bryan Beach and a portion of Surfside Beach.

Gilbert Arispe Administrative Assistant explained that adopting the ordinance would give the City control of the beach and eligible for reimbursed funding for maintaining the beach.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Ordinance No. 2010-2263 adopting a Dune Protection and Beach Access Plan for Bryan Beach and a portion of Surfside Beach.

Consideration of approving Resolution No. 2010-2246 appointing a qualified person to fill an unexpired term of Joshua Pettijohn of the Historical Commission and Main Street Advisory board of said City.

On a motion by Councilwoman Garcia to appoint Lalo Garcia to fill an unexpired term of Joshua Pettijohn of the Historical Commission and Main Street Advisory Board, seconded by Councilwoman Mireles, with all present voting 3 to 1, Council approved Lalo Garcia to the said board. Councilwoman Kent opposed and Councilman Bolton abstained from voting.

Mayor McDonald opened the Work Session at 7:07 p.m.

Work Session:

Discussion regarding the Board & Committees executing contracts that are financially binding.

Mr. Pynes reviewed options to restrict or allow City Boards and/or Commissions from signing financially binding contracts.

Adjourn

On a motion by Councilwoman Kent, seconded by Mayor McDonald, with all present voting “aye”, Council adjourned the meeting at 7:18 p.m.

Mayor Larry L. McDonald

City Secretary-Delia Munoz