

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 20th, 2010 at 6:01 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

Planning Commission: Diane Williams
 Ed Garcia

Staff: Wallace Shaw, City Attorney
 Delia Munoz, City Secretary
 Gilbert Arispe, Administrative Asst.
 Nat Hickey, Property Manager
 Tyrone Morrow, Chief of Police
 Brain Davis, Fire Chief
 Gary Pohl, Marshal
 Larry Fansher, Parks Director
 Melissa Farmer, Building & Code Secretary
 Kola Olayiwola, Building Inspector

Visitors:	Louie Jones	David Jones
	Dianne Jones	Annette Sanford
	Scott Von Rein	Sandra Leavey
	Glen Jones	Jason Fabre
	Rosa McDonald	Paul Kellie
	Manning Rollerson	Lila Lloyd
	Eric Hayes	Loren Hayes
	Sandra Wood Wicke	Sam Reyna
	Jim Pirrung	Dorothy Pirrung
	Clan Cameron	Louis Barrientes
Lila Diehl	Kola Olayiwola	

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 October 4th, 2010 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting “aye”, Council unanimously approved the October 4th, 2010 Council Minutes.

Attending citizens and their business.

Manning Rollerson stated that he was arrested and beat up by Officer Bryant and suffered crack ribs, and injured his throat. He is requesting Chief Morrow be investigated because of a threat made to him.

Loren Hayes of 1531 W. Seconded asked why Damian & Associates were surveying across the street. The area was reserved for a park that was given back to the City from the Cradle of Texas. Councilman Bolton said he wasn't sure but thought they were surveying for a developer.

Public Hearing: 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.

Mayor McDonald opened the Public Hearing at 6:12 p.m. Chief Morrow recommended changes to the juvenile curfew because the Brazosport High School classes start at 7:30 a.m.

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

Consideration of approving Ordinance No. 2010-2264 amending Chapter 130 of the Code of Ordinances of said City, providing a curfew for minors.

On a motion by Councilwoman Garcia, seconded by Councilwoman Mireles, with all voting “aye”, Council unanimously approved Ordinance No. 2010-2264 amending Chapter 130 of the Code of Ordinances of said City, providing a curfew for minors.

Joint Public Hearing: To discuss amending Section 155.023 Supplementary District Regulation and Exception (I) Parking and off-street loading areas and restoring item (10) back in the Code of Ordinances as originally written.

No Quorum.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved to reagendaed the Joint Public Hearing, due to a lack of a quorum of the Planning Commission.

Consideration of approving Ordinance No. 2010-2265 amending the Code of Ordinances if said City to restore item (10) to division (I) of Section 155.023 of said requirements for the paving of any off – street vehicular parking area, surface drive or driveway within said City.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved to reagendaed this item.

Consideration of setting November 15th, 2010 for a 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(s) thereof granting a tax abatement and instructing the City Attorney to prepare the necessary documents; Block 633, Lot 21 & 22, Velasco Townsite, Norma and Julio Molina, 821 North Ave. C., Freeport, Texas.

On a motion by Councilwoman Garcia, seconded by Councilwoman Mireles, with all voting “aye”, Council unanimously approved November 15th, 2010 for a 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(s) thereof granting a tax abatement and instructing the City Attorney to prepare the necessary documents; Block 633, Lot 21 & 22, Velasco Townsite, Norma and Julio Molina, 821 North Ave. C., Freeport, Texas.

Consideration of approving Ordinance No. 2210-2266 granting a Specific Use Permit to Capital Telecom to erect and operate 120 foot communication antennae on a 50 foot by 50 foot, parcel of land out of Lot 1, Freeport Properties Subdivision, known as 1744 W. 4th Street.

Louie Jones said the communication tower would be installed in a commercial area. He asked Council to vote for progress and modernization.

Eric Hayes submitted a petition with 110 signatures of residents in Ward B that are opposed to the communication tower. They are against the location of the tower. He asked Council to represent the residents and to oppose the communication tower. He asked if they could look for another suitable area.

Sandra W. Wicke stated that residents are not against the communication tower but oppose the location. She asked Council not to approve a specific use permit and to place a moratorium on towers. It makes no senses for the City to spend millions of dollars on beautification efforts then to allow communication towers.

Scott Von Rein representing Capital Telecom stated that this was the chosen location for the proposed tower. The Federal Government says that a jurisdiction can not make a determination on cell towers health and safety issues. He addressed Council on tower design codes and practices as they relate to the tower in Freeport.

Ed Garcia of the Planning Commission advised Council that the communication tower was unanimously approved by their committee. He stated that he had not received any opposition to the proposed tower from any adjacent neighbors. He asked Council to approve the Specific Use Permit to Capital Telecom.

Diana Jones a business owner on Gulf Boulevard said that she was involved with Eric Hayes in a lawsuit and knew him to be unethical. She asked Council to question the signatures on the petition.

David Jones a business owner said he had counted 18 tall poles in the City. The more tax money the City receives, more infrastructure is built.

Diane Williams said that technology is moving very fast. The Planning Commission met and did recommend the Specific Use Permit for the communication tower. Letters were sent to any land located within two hundred (200) feet to all inhabitants and land owners of and in the City of Freeport.

Larry Fansher is not anti business, but feels that aesthetic is important, the City and Brazosport Independent School District has spent a lot of money on improving infrastructure. He asked the City to look at the design more and maybe another option could be considered if another location could not found.

Paula O'Quinn of 1523 W. Broad said that a lot of kids walked that property where the tower is to be erected.

Mayor McDonald stated that a 8 ft. fence could be erected around the tower.

On a motion by Councilwoman Mireles, seconded by Councilwoman Garcia, with all present voting 3 to 2, Council granted a Specific Use Permit to Capital Telecom to erect and operate 120 foot communication antennae on a 50 foot by 50 foot, parcel of land out of Lot 1, Freeport Properties Subdivision, known as 1744 W. 4th Street. Councilman Bolton and Councilwoman Kent opposed.

Consideration of authorizing the City Manager to sign the WEBQA Service Agreement for processing the building, code enforcement and inspection activities for the City.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved to table this item to a work session.

Consideration of selling the City's interest on Block 183, Lot 7, Freeport Townsite, known as 1725 West 8th Street.

On a motion by Councilwoman Garcia, seconded by Councilwoman Nicole, with all present voting "aye", Council unanimously approved selling the City's interest on Block 183, Lot 7, Freeport, Townsite, known as 1725 West 8th Street.

Consideration of approving Resolution No. 2010-2247 notice of denial of CenterPoint's intent to increase rates submitted on or about June 30th, 2010.

On a motion by Councilman Bolton, seconded by Mayor McDonald, with all present voting 'aye", Council unanimously approved Resolution No. 2010-2247 to deny CenterPoint's intent to increase rates submitted on or about June 30th, 2010.

Consideration of setting November 9th, 2010 for a bid date for landscaping, grounds care and mowing services for portions of the City's right-of-ways and parks areas.

On a motion by Councilwoman Garcia, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved November 9th, 2010 as a bid date for landscaping, grounds care and mowing services for portions of the City's right-of-ways and park areas.

Mayor McDonald opened the Work Session at 7:40 p.m.

Work Session:

Update regarding the Gulf Boulevard Motel, 119 South Gulf Boulevard, Freeport Texas.

Gilbert Arispe reported that as of October 15th, 2010 demolish date on the motel expired. The Veterans of Foreign Wars Post 4341, 108 South S. Ave. D. is negotiating to buy the (119 South Gulf Blvd) property. Louis Barrientes, Quarter Master with the VFW # 4341 reported that an earnest money contract was signed and December 1, 2010 was the deadline to get a clear title and deed of the property. He also reported that they are also in the process of building a new facility on the property on South Ave. D.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", the meeting adjourned at 7:49 p.m.

Mayor Larry L. McDonald

Delia Munoz-City Secretary