

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport met with the Planning Commission in a Joint Public hearing on Monday, November 20, 2006 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: James W. Phillips  
Clan A. Cameron  
Jim Saccomanno  
John Smith, III  
Norma M. Garcia

Planning Commission: Diane Williams  
Abel Garcia  
Robert Leffingwell  
Linda Allen  
Roddy Mohler  
Mitchell Kent

Staff: Ron Bottoms, City Manager  
Wallace Shaw, City Attorney  
Delia Munoz, City Secretary  
Gary Beverly, Finance Director  
Larry Fansher, Public Works Director  
Doug Caffey, Building Official  
Nat Hickey, Property Manager  
Chris Motley, Fire Marshall  
Mary Stotler, Main Street Director  
Jeff Pynes, Police Chief  
Pinkey Hartline, Golf Course Director

Visitors: Edna Allan Judy Schaefer  
Larry Schaefer Patrick Gore  
Gary Bullard Aaron Santiago  
Barbara Mohler Lila Lloyd  
Tony Isacks Angel Kent  
Jerry Meeks Sandra Barnett  
Jim Barnett Dorothy Pirrung  
Jim Pirrung Pixie Floyd  
Joyce Adkins Joaquin Damian  
David Steadman

Call to Order

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

Invocation

Pastor Abel Garcia, from the First Baptist Church offered the invocation.

Pledge of Allegiance.

Mayor Phillips led the Pledge of Allegiance.

Approval of the November 20, 2006 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved the minutes of November 6, 2006.

Attending Citizens and Their Business.

Joaquin Damian of 915 W. 7<sup>th</sup> Street said he is moving from the City, but not due to problems that exist in the City. He has always tried to help the poor and oppressed and expressed that the City had no right to compete with private business. He invited everyone who came in peace to visit him in San Antonio, Texas.

**Public Hearing:** The City Council and the Planning Commission of said city will conduct a joint public hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance of said City codified as Chapter 155 of the Code of Ordinances of said City, changing the zoning classification of any and all of the land lying between the Mystery Harbor Subdivision and the Velasco Memorial Bridge and between the Old Brazos River and Mystery Harbor Lane and Front Street, as follows: all of such land presently zoned R-3 to a new zoning classification of W-1R and the land presently zoned W-1 to a new zoning classification of W-1R.

There being a quorum of the City Council and the Planning Commission, Mayor Phillips opened the public hearing at 6:08 p.m. He read out the proposed amendment to the Comprehensive Zoning.

Joyce Adkins said her mother owns property on 101 N. Front Street, and stated that the only reason zoning exists is to protect property rights. She stated that this property should remain residential, and does not want a six-pack business, leaving at 3 or 4 in the morning, involving 6 cars, and the streets they drive on. This rezoning would bring the City down. She opposed the city's rezoning, due to the request of one individual and the real estate business.

Tony Issac is the individual who asked for the rezoning. He stated that a six-pack business is very quiet and traffic is minimal and they are not there at 3:00 o'clock in the morning. He said his proposal would increase the value of everyone's property.

Mayor Phillips informed him that this was a public hearing for a rezoning, not for a six pack license. This rezoning would not guarantee his six-pack license.

Elton Black a new homeowner on Ave. A, asked how this rezoning would affect his property. Mr. Shaw stated to him that the rezoning is between the alley and the River, and would not affect his property.

A gentleman asked for the definition of W1R, and Mr. Shaw read it out to him.

Doug Caffey stated that the R-1 zoning to W1R would have very little impact, the R-3 would be affected the most.

Councilman Cameron opposed the rezoning, because residents in the R-3 zone would not be able to rebuild if 51% of their homes were damaged. It would be affecting their property rights.

Councilman Smith asked the Planning Commission what issues were addressed on the proposed rezoning.

Diane Williams, Chairwoman answered that the Planning Commission had observed the land as it lies, discussed setback, easements, utility lines, and being that Front Street is not a street. The front of the houses faces the river. She emphasize that the rezoning is not for one person but to benefit all on the water front, giving them more flexibility to utilize the land.

Diane Williams, Chairwoman of the Planning Commission recommended that the City change the zoning classification of any and all of the land lying between the Mystery Harbor Subdivision and the Velasco Memorial Bridge and between the Old Brazos River and Mystery Harbor Lane and Front Street, as follows: all of such land presently zoned

R-3 to a new zoning classification of W-IR and the land presently zoned W-1 to a new zoning classification of W-IR.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 4 to 1, Council instructed Mr. Shaw to prepare the zoning ordinance change. Councilman Cameron opposed.

There being no further questions or comments, Mayor Phillips closed the public hearing at 6:30 p.m.

Consideration of the approval of Ordinance No. 2006-2145 amending sections 155.022 and 155.030 of the Code of Ordinances of said City, to change the minimum lot area in the R-1 District, Single Family Residential from 7,500 square feet to 7,000 square feet.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved Ordinance No. 2006-2145 amending sections 155.022 and 155.030 of the Code of Ordinances of said City, to change the minimum lot area in the R-1 District, Single Family Residential from 7,500 square feet to 7,000 square feet.

Consideration of the approval of Ordinance No. 2006-2146 amending Division (B) of Section 97.04 of the Code of Ordinances of said City to add thereto a new item, to be known as item (5), to provide that the name of the roadway connecting FM 1495 with the City's Bryan Beach on the Gulf of Mexico, formerly known as County Road 750, shall be known as Bryan Beach Road.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Ordinance No. 2006-2146 amending Division (B) of Section 97.04 of the Code of Ordinances of said City to add thereto a new item, to be known as item (5), to provide that the name of the roadway connecting FM 1495 with the City's Bryan Beach on the Gulf of Mexico, formerly known as County Road 750, shall be known as Bryan Beach Road.

Consideration of the approval of Ordinance No. 2006-2147 providing that the prima facie speed limit for vehicles traveling in either direction on Bryan Beach Road between F.M Highway 1495 and the terminus of the said Bryan Beach Road at its entrance into Bryan Beach, shall be 30 miles per hour; providing for the posting of signs.

On a motion by Councilman Saccomanno, seconded by Councilwoman Smith, with all present voting "aye", Council unanimously approved Ordinance No. 2006-2147 providing that the prima facie speed limit for vehicles traveling in either direction on Bryan Beach Road between F.M Highway 1495 and the terminus of the said Bryan Beach Road at its entrance into Bryan Beach, shall be 30 miles per hour; providing for the posting of signs.

Consideration of the approval of an agreement with Waste Management regarding residential solid waste services.

On a motion by Councilman Smith, seconded by Councilman Cameron, with all present voting "aye", Council approved Mr. Bottoms' recommendation regarding a residential solid waste services agreement with Waste Management. Mr. Bottoms reviewed changes to the agreement. The main change was modifying the base rate from 30 days to 90 days. Mr. Bullard of Waste Management had no problems with the changes.

Consideration of the approval of Ordinance No. 2006-2148 to increase the charge and rate for containers and the collection and disposal of solid waste stored in such containers on residential premises within said City and the minimum charge and rate therefor on commercial or business premises within said City from thirteen and 32/100 (13.32) dollars to nineteen and 70/100 (\$19.70).

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved Ordinance No. 2006-2148 to increase the charge and rate for containers and the collection and disposal of solid waste stored in such containers on residential premises within said City and the minimum charge and rate therefore on commercial or business premises within said City from thirteen and 32/100 (13.32) dollars to nineteen and 70/100 (\$19.70).

Consideration of the approval of Resolution No. 2006-2026 setting two public hearings on proposed annexation of 122 acres of land adjoining the existing Bridge Harbor Subdivision and fronting on the Gulf Intracoastal Waterway.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 4 to 1, Council approved setting January 2, and January 16th, 2006, two public hearings on the proposed annexation of 122 acres of land adjoining the existing Bridge Harbor Subdivision and fronting on the Gulf Intracoastal Waterway.

Consideration of the approval of Resolution No. 2006-2027 approving the loan agreement between the City of Freeport and the Freeport Economic Development Corporation, and resolving other matters incident and related to the issuance of a note.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting 4 to 1, Council approved Resolution No. 2006-2027 approving the loan agreement between the City of Freeport and the Freeport Economic Development Corporation, and resolving other matters incident and related to the issuance of a note. Council Cameron opposed.

Consideration of the approval of selling the City's interest at Block 183, Lot 7, Freeport Townsite, (4201-1859-000) known as 1723-1725 West 8th Street.

This item reagendaed until the City meets tomorrow with Mike Darlow.

Consideration of the approval of selling the City's interest at Block 25, Lot 9, Freeport Townsite, (4200-00322-000) known as 230 E. 8th Street.

This item reagendaed until the City meets tomorrow with Mike Darlow.

Consideration of the approval of selling the City's interest at Block 28, Lots 16-thru 23 Velasco Townsite, (8110-0341-000) known as 503-517 South Ave. C.

This item was reagendaed until the City meets tomorrow with Mike Darlow.

Consideration of the approval of selling the City's interest at Block 28, Lot 19, Velasco Townsite, (8110-2902-000), known as 1113 North Ave. C.

This item was reagendaed until the City meets tomorrow with Mike Darlow.

#### Elected Official Report

Councilman Smith attended the Senior Citizens Thanksgiving Dinner at RiverPlace. Had a great turnout; the best he has seen. The police department helped serve at the event.

Councilman Cameron attended a play "Oklahoma" at the Brazosport High School. The drama department put on a good show. He congratulated the entire cast for a world class production.

Councilman Saccomanno also attended the Senior Citizens Thanksgiving Dinner at RiverPlace and a Main Street meeting on November 9, 2006.

Mayor Phillips attended a SPCA meeting today. Adoption rate is up; people are still dropping off animals at the shelter.

## **Work Session**

### Administration Report

Ron Bottoms reported that the CenterPoint service center is closing and moving to Houston. He is talking to other cities of their quality of service. A complaint will be filed with Public Utility Commission. The December 4, 2006 council meeting will be the only meeting in December due to the holidays. He was notified by Jim Ryan with the Brazoria Mosquito Control Department, that they are flying six Japanese Zeros over Bryan Beach on November 30, 2006 before sunrise. He attended a Public Transportation Meeting at RiverPlace on November 16, 2006. A mass transit feasibility study in Southern Brazoria County, on assessing needs. On November 10, 2006, the staff attended a Team Challenge Program in Bay City. The staff went through some physical obstacles. The exercises emphasizes team work, a lot more can be accomplished.

Chris Motley reported two new employees are on line, will be bringing to Council for introduction.

Mary Stotler working on a Mardi Gra Ball and parade. The fund raiser will be scheduled for February 16, and the parade on the 17<sup>th</sup> of February, 2006. She has started to work on next years, Summertime Blue Festival, with new ideas. She attended The Texas Downtown Association Annual Conference in San Angelo, where Freeport was recognized as a National Main Street City.

Chief Pynes had 9 new employees examination; everyone passed their written and physical tests. He had a good time at the Senior Citizens Thanksgiving Dinner. He thanked his officers, dispatchers and staff for contributing their time in assisting at the Senior Citizens Thanksgiving dinner.

Doug Caffey reported that American Rice is breaking ground on a big project. Lots of inquires and interest in the City. Two individuals have approached him with 12 sets of house plans, possibility after the New Year.

Larry Fansher preparing the Municipal Park for Holiday on the Brazos. The event is planned for December 7, 2006. The theme will be "Plantation on the River", encouraging all to come dressed in the 1800 era. City crews have started decorating all over the city for the upcoming holidays.

Gary Beverly met with outside auditors and all went well. A report will be ready the first part of the year.

### Update by David Steadman , President and CEO of the Economic Development Alliance for Brazoria County.

David Steadman updated Council on the Economic Development progress. Freeport has been focused and trying to grow, diversifying the economy by creating more jobs and capital investment broaden the tax base. The Marina project would provide a needed boost for the local economy and encourages new development along the Brazos River. Naming FLNG on line, Dow with 2 new projects, BASF has one, Port Freeport has brought in Turbana, and American Rice has new prospects. The characteristic of the Alliance is recruitment and the growth and diversification of the economy, retention and expansion of existing business, infrastructure, and quality of place. Things are looking good in Brazoria County. The Alliance supports the City of Freeport efforts.

### Discussion concerning leasing a portion of the Old Service Center, 510 S. A.

Mr. Bottoms discussed leasing a portion of the old service center between Broad and East 5<sup>th</sup>, next to Lincoln Park to Freeport Marina L.P., for marina operations. They will pay \$1,250 a year, on a 39 year lease. Freeport Marina L. P. will do some improvements on the property. Mr. Shaw was asked to review the lease agreement.

Mayor Phillips closed the work session and opened the executive session at 8:05 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) Marina
- (2) Western Seafood Company/Western Shellfish, et al.

Mayor Phillips reconvened the open session at 8:30 p.m.

Adjourn

On a motion by Councilman Saccomanno, seconded by Councilman Cameron, with all present voting “aye”, the meeting was adjourned at 8:30 p.m.

Attest:

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Delia Munoz  
City Secretary

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James W. Phillips  
Mayor