

State of Texas

Brazoria County

City of Freeport

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, December 3rd, 2007, at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport, Texas 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 : Gary Beverly, Acting City Manager
 Wallace Shaw, City Attorney
 Delia Munoz, City Secretary
 Larry Fansher, Public Works Director
 Doug Caffey, Building Inspector
 Nat Hickey, Property Manager
 John Stanford, Fire Chief
 Jeff Pynes, Chief of Police
 Pinky Hartline, Golf Course Director

Visitors: Roddy Mohler Barbara Mohler
 Wright Gore Patrick Gore
 Jim Pirrung Dorothy Pirrung
 Tobey Davenport Bill Rains
 Abel Garcia Eric Hayes
 Lila Lloyd Jerry Meeks
 Jim Barnett George Elizondo
 Joyce Adkins Bobby J. Casale
 Elliott Cundieff Bill DeMain
 Ernest Rowden

Call to Order.

Mayor McDonald called the meeting to order at 6:00 p.m.

Invocation.

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

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of the approval of the November 19th, 2007 Council Minutes.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved the November 19th, 2007 Council Minutes.

Attending Citizens and Their Business.

Wright Gore, III, talked about the Supersedeas Bonds, on the November 19th, 2007 agenda, complained that the City had not posted the bonds as required to satisfy the judgments with Western Seafood/Western Shellfish. He warned and put the City on notice that the City would face more drastic actions if he bonds are not posted next week.

Abel Garcia, 1751 W. 9th Street, as Citizen and Pastor hoped that Freeport would strengthen the code requirements on games rooms. The games rooms fostered a negative attitude.

Bobby Casale objected to so much religion into City Council, there is a separation of church and state.

Lila Lloyd of 1620 N. Ave. T., stated that for the past five years, she has taken recyclable items to the Service Center on South Ave. A.

Consideration of receiving a final report from the Charter Review Commission for 2007-2008.

Mr. Bill Rains, Chairman of the Charter Review Commission read out their final draft of their recommendations to Council for 2007-2008. Consideration of the purpose items will be on the next agenda.

Consideration of the approval of setting a Special Joint Public Hearing with the Planning Commission regarding the proposed rezoning of the following parcels of land within the City of Freeport, Brazoria County, Texas:

- A. Brazos Coast Investment Company Subdivision, Division 8, Lots 3, 4, & 5A, from M-1 to W-2.
- B. Brazos Coast Investment Company Subdivision, Division 8, Lot 19, from R-2 to W1R.
- C. Brazos Coast Investment Company Subdivision, Division 8, Lot 31, from R-2 to W-3.
- D. Bridge Harbor Subdivision, Lots 1-7, from PUD to W-2.
- E. Bridge Harbor Subdivision, Lots 8, 17, 18, 19, 20, 21, 22-23, 24-25, 27, 28-29, 30-31(S/2), 31(S/2), 32(N/2), and 33 from W-2 to W-1R.
- F. Bridge Harbor Subdivision, Lot 9, from PUD to W-1R.
- G. Bridge Harbor Subdivision, Lots 10-12, re-platted to Lot 1 thru 3, and 13-16 from C-2 to W-1R.
- H. Bridge Harbor Subdivision, Lots C-C1-C3, Bldg. A, Unit 101, Bldg. A, Unit 102, Bldg. A, Unit 103, Bldg. B, Unit 104, Bldg. B, Unit 106, Bldg. B, Unit 107 Bldg. B, Unit 108, Bldg. B, Unit 109, Bldg. B, Unit 110 Bldg. D, Unit 112, Bldg. D, Unit 113, Bldg. D, Unit 114 Bldg. D, Unit 115, Bldg. D, Unit 116, Reserve A1-B Condo Bldg. Tr E-F, Reserve Pt A-Boat Basin, and E-Boat Basin-Adj, Condo-Boat Docks, from PUD to W-2.
- I. Bridge Harbor Subdivision, Replat Building D, Unit 111 from PUD to W-3.
- J. Land annexed by Ordinance No. 2007-2152, dated February 5, 2007, 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, located North of the Bridge Harbor Subdivision and West of the Gulf Intracoastal Waterway, from R-1 to W-2.
- K. Land annexed by Ordinance No. 2007-2164, dated May 5, 2007, and being out of Tract 9 out of the Branch T. Archer League, Abstract 9, and a portion of Tracts 24, 25, 26, & 27 out of the John Martin League, Abstract 331 and located North of the land described in Item J above, from R-1 to W-2.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting 4 to 1, Council approved to set a joint public hearing for January 14th, 2007 at 6:00 p.m., River Place regarding the proposed rezoning of the following parcels of land within the City of Freeport, Brazoria County, Texas. Councilman Cameron opposed.

Consideration of the approval of canceling December 17th, 2007 city council meeting and rescheduling January 21st, 2008 to January 22, 2008 due to the holidays.

On a motion by Councilwoman Garcia, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved canceling December 17th, 2007 city council meeting and rescheduling January 21st, 2008 to January 2nd, 2008 due to the Holidays.

Consideration of the approval of selling the City's interest at Block 1 thru 4, Bridge Harbor Subdivision, 47 Lots, West of Marlin, Tax Account 2190.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved Mr. Nat Hickey's recommendation to sell the City's interest at Block 1 thru 4, Bridge Harbor Subdivision, 47 Lots, West of Marlin, Tax Account 2190.

Consideration of the approval of selling the City's interest at Block 5, Lot 1, Victory Subdivision, known as 1213 W. 10th Street, Acct. No. 8125-0038-000.

On a motion by Councilwoman Garcia, seconded by Councilman Smith, with all present voting 3 to 2, Council approved Nat Hickey's recommendation to deny selling the City's interest at Block 5, Lot 1, Victory Subdivision, known as 1213 W. 10th Street, Acct. No. 8125-0038-000. Mayor McDonald and Councilman Cameron opposed.

Consideration of the approval of selling the City's interest at Block 70, Lot 3, Freeport Townsite, known as 423 W. 7th Street, Acct. No. 4200-0648-000.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council approved Nat Hickey's recommendation to sell the City's interest at Block 70, Lot 3, Freeport Townsite, known as 423 W. 7th Street, Acct. 4200-0648-000.

Consideration of the approval of selling the City's interest at Block 774, Lot 21, Velasco Townsite, known as 1617 N. Ave. M., Acct. No. 8110-3786-000.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 3 to 2, Council approved Mr. Nat Hickey's recommendation to deny selling the City's interest at Block 774, Lot 21, Velasco Townsite, known as 1617 Ave. M, Acct. No. 8110-3786-000. Mayor McDonald and Councilman Cameron opposed.

Consideration of the approval of selling the City's interest at Block D, Lot 23, Velasco Townsite, known as 1826 Zapata Street, Acct. No. 8115-0058-000.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 4 to 1, Council approved Mr. Nat Hickey's recommendation to deny selling the City's interest at Block D, Lot 23, Velasco Townsite, known as 1826 Zapata Street, Acct. No. 8115-0058-000. Councilman Cameron opposed.

Consideration of the approval of selling the City's interest at Block 50, Lot 14, Velasco Townsite, known as 421 South Ave. F., Acct. No. 8110-0484-000.

On a motion by Councilwoman Garcia, seconded by Councilman Saccomanno, with all present voting 3 to 2, Council approved Mr. Nat Hickey's recommendation to deny selling the City's interest at Block 50, Lot 14, Velasco Townsite, known as 421 South Ave. F., Acct. No. 8110-0484-000. Mayor McDonald and Councilman Cameron opposed.

Consideration of the approval of selling the City's interest at Block 4, Lot 4, Velasco Townsite, known as 8 South Ave. C., Acct. No. 8110-0040-000.

On a motion by Councilwoman Garcia, seconded by Councilman Smith, with all present voting 3 to 2, Council approved Mr. Hickey's recommendation to deny selling the City's interest at Block 4 Lot 4, Velasco Townsite, known as 8 South Ave. C., Acct. No. 8110-0040-000. Mayor McDonald and Councilman Cameron opposed.

Consideration of the approval of selling the City's interest at Block 84, Lot 1 thru 8, Velasco Townsite, known as 102-116 South Ave. F. Acct. No. 8110-0849-000.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Mr. Nat Hickey's recommendation to sell the City's interest at Block 84, Lot 1 thru 8, Velasco Townsite, known as 102-116 South Ave. F., Acct. No. 8110-0849-000.

Consideration of the approval of selling the City's interest at Block 757, Lot 20, 21, 22, Velasco Townsite, known as 1515-1519 North Ave. O, Acct. No. 8110-3580-000.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved Mr. Nat Hickey's recommendation to sell the City's interest at Block 757, Lot, 20, 21, 22, Velasco Townsite, known as 1515-1919 North Ave. O., Acct. 8110-3580-000.

Consideration of the approval of signing a replat on Block 528, Lots 22 thru 24, Velasco Townsite, Tax No. 8110-1251-000.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved signing a replat on Block 22 thru 24, Velasco Townsite, Tax No. 8110-1251-000.

Consideration of the approval of selling parts of City's Right-of-Way on Beech Street & Brazos Boulevard and signing a replat to the Cundieff Family Partnership.

On a motion by Councilwoman Garcia, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved selling parts of City's Right-of-Way on Beech Street & Brazos Boulevard and signing a replat to the Cundieff Family Partership.

Consideration of the approval of authorizing the City Attorney to prepare a resolution adding tanning beds to the C-1, Zoning District permitted uses as recommended by the Planning Commission.

On a motion by Councilman Saccomanno, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved authorizing the City Attorney to prepare a resolution adding tanning beds to the C-1, Zoning District permitted uses as recommended by the Planning Commission.

Consideration of the approval of Ordinance No. 2007-2183, establishing a moratorium on issuances of building permits, certificates of occupancy and other permits for premises to be used or which may be used as the location of a game room for coin operated machines.

After a discussion, on the Work Session, Councilman Saccomanno motion to approve Ordinance No. 2007-2183, the motion failed due to lack of second.

Elected Official Report

Councilman Smith attended a meeting with Texas Department of Transportation (TxDot), contractors, and City concerning Phase II, Landscaping on 2nd Street.

Councilwoman Garcia attended the Boys and Girls Annual Gala, fund raiser at River Place on December 1, 1007. Well attended event.

Councilman Saccomanno attended "Lee's Jewelry" ribbon cutting on November 30th, 2007.

Mayor McDonald attended the Fire Department's open house on December 1, 2007. He also attended a Planning Commission meeting regarding a proposed rezoning to Bridge Harbor.

Work Session

Administration Report

Gary Beverly attended the Freeport's Fire Department open house. He commended the the Fire Department for an excellent open house. The department had a helicopter to show; checked for high blood pressure and offered hot dogs to visitors. He attended a champion ship boxing match, and Lee's Jewelry ribbon cutting. TxDot will start their seven month project on Phase 2 Landscaping in Freeport, said to expect some lanes closures during the construction. The city department will start work on Ave. H. Holiday on the Brazos event is on December 6, 2007. The City's Christmas party is scheduled for December 7, 2007.

Chief Pynes implemented a program to deal with first time offenders on loud noise. The program is to teach offenders about the law on noise. First time offenders could choose to attend the training instead of paying a fine. The class is scheduled for the 1st Saturday of every month.

Discussion concerning, Chapter 115, Eight Liners.

Gary Beverly explained Chapter 115, Eight Liners. Current ordinance defines a game room, one part defines location, and another describes what a game room is. He asked for clarification on the Council consensus in reference to game rooms in the City. He emphasizes that a game room cannot be denied if they rent twice the square footage

Joyce Adkins stated that the eight liners is not a religious or a moral issue. Neither one can not be regulated.

Gail Pate, owner of the "Queen Bee" game room said that competition is good, and that she provides a form of entertainment. She has followed the City codes accordingly and pays license fees, county tax, state tax, income tax, and inventory taxes.

Mayor McDonald agrees with Ms. Pate, that competition is good. There are current rules and ordinances in place to monitor and control the game rooms. He does not agree with a moratorium at this time.

Councilman Cameron feels that we are targeting one business in town and does not agree with a moratorium.

Mr. Casale asked if the City had a policy in place to audit the 51% of a game room.

Councilman Smith stated that it was not intended to police adults, but there was laws and ordinances in place to regulate and control games rooms if needed.

Mayor McDonald closed the work session and opened the Executive Session at 8:05 p.m.

Executive Session:

A. Section 551.071 Government Code

Consultation with the 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 of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- (1) Interpretation of HB 1311, regarding the annexation of land owned by Port Freeport

Adjourn

On a motion by Councilman Saccomanno, seconded by Councilman Cameron, with all present voting “aye”, the meeting was adjourned at 8:57 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor