

NOTICE OF PUBLIC HEARING
THE FREEPORT CITY COUNCIL
MONDAY, JUNE 2ND, 2014, 6:00 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
FREEPORT, TEXAS
AGENDA
FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the May 28, 2014 Council Minutes.
5. Attending citizens and their business.
6. Consideration of authorizing the City Secretary to correct the minutes of the May 5th, 2014 Council meeting to reflect that the City Manager was authorized to sign a lease purchase with Government Capital Corporation instead of Tyler Technologies to purchase two kiosks for the City of Freeport.
7. Consideration of approving a request from the Freeport Host Lions Club to sell alcohol, have public dance, erect a temporary fence and have a firework display at the Freeport Municipal Park/Fishing Fiesta Festival on July 2-6 2014.
8. Consideration of approving Skymark Development Company, Inc. – 380 agreement on the Urban Renewal Tract of 327 acres.

Work Session:

- A. Presentation by James Hollis Transportation Director, regarding the Gulf Coast Center/Connect Transit Services.

Executive Session:

Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters 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:

- Skymark Development Company, Inc.- 380 Agreement on the Urban Renewal tract of 327 Acres.
- Pending Contractual Lease Negotiation - Texas Gulf Bank

Adjourn

Items not necessary discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

In compliance with the Americans with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meeting. Please contact the City Secretary office at 979-233-3526.

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, May 30, 2014 at or before 5:00 p.m.

Delia Munoz - City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council met on May 28th, 2014 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: Mayor Norma M. Garcia
Councilman Larry L. McDonald
Councilman Fred Bolton
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Assistant City Manager
Delia Munoz, City Secretary
Wallace Shaw, City Attorney
Pat Taylor, Asst. City Attorney
Nat Hickey, Property Manager
Bob Welch, Finance Director
Brian Davis, Fire Chief
Dan Pennington, Police Chief

Visitors: Lance Reave, Reporter Jerry Meeks
Loren Hayes Eric Hayes
Roy Yates Nicole Mireles
Sam Reyna

Call to order.

Mayor Norma M. Garcia called the meeting to order at 6:00 p.m.

Invocation.

Mr. Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma M. Garcia led the Pledge of Allegiance.

Consideration of approving the May 19, 2014 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved the May 19, 2014 Council Minutes.

Attending citizens and their business.

There were none.

Consideration of approving an Earnest Money Contract and a Development Agreement to finalize the Skymark Development Company, Inc., proposal as awarded on Nov. 18, 2013 to facilitate development initiation on the 13 acre tract located on 1500 West 2nd Street.

Mr. Pynes spoke on behalf of the 13.1 acre tract, located on 1500 West 2nd Street. Council approved the bid proposal to Skymark Development Company to develop housing on November 18, 2013. Mr. Pynes reviewed the Development Agreement stated that the current Brazoria County Appraisal District value on the property is \$157,000.00. The new proposed completed development value is \$8,000,000. Projected new revenue to the City is \$87,000.00. An independent appraiser appraised the land value at \$227,000.

The agreement will state that if the developer fails to commence construction within a term of not more than 12 month, the City has the right to take the property back. The developer would have to comply with all the right-of-ways restrictions, greenbelts and all that currently exists on the property, pay the entire infrastructure related to the development. The developer agrees only Single Family Homes on any of the property located within (700 feet) of 2nd Street. He reviewed the details of a Single Family Residential and Multi-Family regulations.

Councilman McDonald asked who had offered the price of \$100,000. Mr. Pynes said the Developer.

Edward Garcia, Chairman of the Planning Commission expressed concerned that Council is overlooking the appraised value of the property. The bid can be rejected. He is not against the project. Another concern is that the same developer that purchased the Urban Renewal Tract has not started construction.

Councilman Bolton stated he is not against the project but would not sell anything less than \$227,000. He requested several changes to the proposed agreement:

- Page 1, 3rd paragraph, the word “either” removed.
- Page 2, 5th paragraph talks about the 100’ restrictive buffer reference, wants it stated. He wants the word “condominium” removed and that only Single Family Residential homes on any of the property located within 600 feet from 2nd street.
- Request “condominium “removed and leave townhomes.
- Councilman Bolton requests the agreement to state that at this time or at any distance future that Apartment Complexes not be allowed.
- Page 3 Single Family Residential change from a minimum of 1, 600 to 1,800 sq. ft of living improved space.
- Page 3 add having 50 % brick veneer on the Single Family Residential homes and Multi-Family Residential homes.
- Councilman Bolton stated that a discussion on lot sizes or restriction had not been discussed and was not familiar with lot sizes on the Single Family and the Multi-family homes.

- Pg. 4, No. 14 was explained by Mr. Shaw.

Councilman Bolton asked if Council had any say on the Builder that the Developer would employ. Mr. Pynes stated that they have to be licensed to be able to pull permits.

Councilman McDonald asked Mr. Shaw if he had reviewed the contract and asked for his opinion. Councilman McDonald said he was a big tax payer; all of us are tax payers and he felt the City was taken a beating on the developer's offer of \$100,000.

Roy Yates of 314 Mystery Harbor Lane is in favor of selling the property to Skymark Development, the City in the past has made bad deals and the property is worth what the developer is willing to pay.

Mr. Pynes will make another offer of \$157,000 to Skymark Development with the suggested changes.

This item was reagendaed.

Consideration of approving Skymark Development Company, Inc. - 380 Agreement on the Urban Renewal tract of 327 acres.

No action taken

Mayor Garcia opened the Executive Session at 6:29 p.m.

Executive Session:

Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters 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:

- Skymark Development Company, Inc.- 380 Agreement on the Urban Renewal tract of 327 acres.

No motion taken

Mayor Garcia reconvened the Formal Session at 6:59 p.m.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Mayor Norma Garcia adjourned the meeting at 6:59 p.m.

Mayor Norma M. Garcia
City of Freeport, Texas

City Secretary – Delia Munoz
City of Freeport, Texas



GOVERNMENT CAPITAL
CORPORATION

March 27, 2014

City of Freeport, TX.

Whom it may concern,

Thank you for the opportunity to proposed financing for City of Freeport, Texas. I understand you are acquiring two (2) new kiosk, and are interested in utilizing financing. I am submitting for your review the following proposed financing structure:

LENDER:	Government Capital Corporation
ISSUER:	City of Freeport, TX.
FINANCING STRUCTURE:	Tax Exempt Financing
EQUIPMENT COST:	\$50,006.00
INTEREST RATE:	4.247%
TERMS:	<u>60 Monthly Payments</u>
PAYMENTS:	\$926.52
FIRST PAYMENT DUE:	One month after signing documents.

The above terms are subject to qualifications under 265(b)3 of the Internal Revenue Code, underwriting approval and mutually acceptable documentation. Proposed funding considers the total cost of borrowing including escrow fees and issuance costs. Terms subject to change if funding occurs more than 14 days from proposal date.

If you have any questions regarding other payment terms, frequencies or conditions, please call me at (800)-883-1199.

Landon Newton
Government Capital Corp
817-421-5400

City Council Request

Council Meeting Date

Name of Organization

Name of Event

Date of Event

Type of Event

Freepart Host Lions Club
Freepart Fishin' Fiesta
July 2-6 2014
Fiesta / Cook-Off

On behalf of the organization I represent I
 am requesting your permission to allow
 us to do the following in Municipal Park:

The Parks Department has reviewed
 the noted requests.
 We forward our recommendations
 for your consideration and approval.

- Sell alcohol on specified date yes no
 security provided by: _____
- Have a public dance yes no
 Provide own agency to be used: _____
- Erect temporary fencing yes no
- Charge a general admission fee yes no
- Close or use lanes on streets within the City yes no
 (see map attached showing affected streets.)
- Have fireworks display yes no
- Other: BBQ Cook-Off yes no
- Other: Sponsor Dinner yes no

Thank you for your assistance.

Sincerely,

Kristle Kuster
 Organization Representative

5/28/14
 Date

Thank you.

Sincerely,

Amy Fisher
 Director-Parks & Recreation

5/28/14
 Date