

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, June 4, 2007, 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  
  Clan A. Cameron  
  Jim Saccomanno  
  John Smith, III  
  Norma M. Garcia

Staff:                                Ron Bottoms, City Manager  
  Wallace Shaw, City Attorney  
  Delia Munoz, City Secretary  
  Gary Beverly, Finance Director  
  Larry Fansher, Public Works Director  
  Nat Hickey, Property Manager  
  Jeff Pynes, Police Chief  
  John Stanford, Fire Chief  
  Billy Wayne Shoemaker, Fire Capt.  
  Mary Stotler, Main Street Director

Visitors:                         Rosa McDonald                    Carol Rangel  
  Richard Rangel                    Abel Garcia  
  V. L. Scott                         Carmen Bottoms  
  Don Gibson                        Cele Damian  
  Angel Kant                         Ben Kant  
  Joyce Adkins                       Cathy Williams  
  Gary Phol                          Chip Gentry  
  Roy Yates                         Peggy Yates  
  Barbara Mohler                    Roddy Mohler  
  Dorothy Pirrung                   Jim Pirrung  
  Darrell Vandergrift              Grady Pennington  
  Diane Williams                   Margie Clark  
  Mitchell Kent                     Larry Schaefer  
  Judy Schaefer                     Lila Lloyd  
  Pixie Floyd                        Jerry Meeks  
  Paula Frugia                       Sandra Wood-Wicke  
  Sandra Barbree                    Mike Jones

Kenny Kouches  
Jack Tate  
Ernest Rowden  
Bill Leitch

Jason Ard  
Ron Damian  
Denise Leitch  
Phil Elam

Call to Order.

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

Invocation.

Invocation by Pastor Don Gibson with the First Assembly of God Church.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Approval of the May 21, 2007 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved the minutes of May 21, 2007.

Attending Citizens and Their Business.

Pixie Floyd of 832 Leder Street, Clute stated that very few flags were displayed in the commemoration of Memorial Day weekend in Freeport. She encouraged all to hang more flags on Flag Day on June 14, 2007. She encouraged people to be volunteers for the Main Street Advisory Board.

Larry Schafer of 409 E. 5<sup>th</sup> Street conducted an auction of surplus vehicles and equipment for the City, collecting \$14,806.00.

Abel Garcia of 1751 West 9<sup>th</sup> Street, a proud citizen of Freeport, stated he had met with several out of town visitors and they complemented the Municipal Park and the beauty of the Old Brazos River. Their youth group has volunteered to paint the Mystery Boat on Brazosport Boulevard.

Consideration of the approval of a request from Seitel Data, Ltd. to conduct a seismic survey and temporary install cable along the City’s right of way.

On a motion by Councilman Smith, seconded by Councilman Cameron, with all present voting “aye”, Council unanimously approved a request from Seitel Data, Ltd to conduct a seismic survey and temporary install cable along the City’s right of way, as long as Seitel Data continues to maintain a certificate of insurance.

Consideration of the approval of a request from Avera Development for a proposed 144 unit apartment complex.

Phil Elam, Project Developer reviewed the request items for the proposed 144 unit apartment complex, Seaside Phase 1.

- 100 % abatement from City of Freeport taxes for a period of ten years.
- Utility assistance with City electric in relocating overhead utility lines to underground, provide infrastructure improvements as necessary, assist in seeking the abandonment of any unused utility easements.
- Request closing and selling the Broad Street right-of-way between Yaupon and Arbutus Streets. Allow parking curb cuts along perimeter of property within right of way, with the exception of Second Street.
- Waiving permit and inspection fees; expedite subdivision process for the Brazosport College parcel.
- Reimbursement of demolition fees of \$115,200 or EDC assistance in lieu of reimbursement.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all voting “aye”, Council approved to table this item for further study and consideration.

Consideration of the approval of a request from Pastor, Behling & Wheeler, LLC to place a 8’x 24’ temporary field trailer at 906 Marlin Lane for storage, former Gulfco Marine Maintenance Superfund site for 12 months.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved a request from Pastor, Behling & Wheeler, LLC to place a 8’x 24’ temporary field trailer at 906 Marlin Lane for storage, former Gulfco Marine Maintenance Superfund site for another 12 months.

Consideration of the approval of Ordinance No. 2007-2165 amending Chapter 32 to combine the Historical Commission and the Main Street Advisory Board.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting 3 to 2, Council approved Ordinance No. 2007-2165 amending Chapter 32 to combine the Historical Commission and the Main Street Advisory Board. Mayor McDonald and Councilman Cameron opposed.

Consideration of the approval of Resolution No. 2007-2138 appointing for a one (1) year term: Sandra Shaw, Marjorie Clark, Pixie Floyd and Sandra Wood-Wicke and appointing for a two (2) year term Sandra Barbree, Janice Goines and Sandra Leavey to the Historical Commission and Main Street Advisory Board of the City.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting 3 to 2, Council approved Resolution No. 2007-2138 appointing for a one (1) year term: Sandra Shaw, Marjorie Clark, Pixie Floyd and Sandra Wood-Wicke and appointing for a two (2) year term Sandra Barbree, Janice Goines and Sandra Leavey to the Historical Commission and Main Street Advisory Board of the City. Mayor McDonald and Councilman Cameron opposed.

Consideration of the approval of selling the City's interest in Tract J4, Abstract 0089, Austin Road, Slaughter Road area, # 0089-0033-000.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved Mr. Hickey's recommendation to sell the City's interest in Tract JA, Abstract 0089, Austin Road, Slaughter Road area, # 0089-0033-000.

Consideration of the approval of selling the City's interest in Tracts 133 and 134, BCIC 9, Abstract 51.

On a motion by Councilman Smith, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved Mr. Hickey's recommendation to sell the City's interest on Tract 133 and 134 BCIC, Abstract 51 and setting July 16, 2007 to advertise the properties for sale. The minimum bid is \$3000.00 per 5 acre tract plus advertising cost.

Consideration of the approval of accepting property from Dow Chemical regarding the West Off Ramp at FM 1495 and the Pine Street Bridge.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council approved Mr. Bottoms' recommendation to accept the property from Dow Chemical regarding the West Off Ramp at FM1495 and the Pine Street Bridge.

Consideration of the approval of appointing qualified person(s) and Council liaison(s) to the following boards and commissions.

- Planning Commission
- Library Board
- Historical Commission & Main Street Advisory Board
- Board of Adjustment
- Urban Renewal Board
- Beautification/Parks & Recreation Committee
- Economic Development Corporation
- Senior Citizens Commission
- Charter Review Commission

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting “aye”, Council approved to table this item until an advertisement is published in the local newspaper.

Consideration of the approval of appointing the Mayor to the following boards/committees:

- Houston Galveston Area Council- H-GAC Representative
- Southern Brazoria County Animal Shelter – Board Member
- Brazoria County Community Development Board (CDBG) – Liaison
- Brazoria County Economic Alliance – Liaison

On a motion by Council Smith, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved appointing Mayor McDonald to the following boards/committees. Councilman Smith will be alternate to the Houston - Galveston Area Council-(H-GAC) representative.

Elected Official Report

Councilwoman Garcia announced a Fish Fry Fundraiser on July 14, 2007 hosted by the Veteran of Foreign Wars Post # 4341 and Freeport’s Parks & Recreation Department.

Councilman Saccomanno attended the Urban Renewal Board meeting on May 23, 2007. Mr. Shaw and 17 attorneys were present, managed to resolve 53 properties and 14 properties remained. The lots sold for \$500.00

Councilman Cameron thanked the First Assembly Church and the citizen’s prayers for his wife.

Mayor McDonald attended the Planning Commission meeting on May 29, 2007, discussed the Methodist Church sign on 2<sup>nd</sup> Street, permit protocol which they will review further. They will also review ordinances on fencing, carports, and sidewalk sales. He missed the Southern Brazoria County Animal Shelter board meeting.

Mayor McDonald closed the formal session and opened the work session at 7:31 p.m.

**Work Session**

Administration Report

Mr. Bottoms’ reported that the Municipal Park and swimming pool is open and heavily utilized. The police department received \$110,000.00 from a grant to replace the dispatcher’s console, also will participate in the Juneteenth parade in Angleton. The police department will hire 4 young adults through the Work Source program. The Fire Department conducting employee testing. Finally after 50 years the Urban Renewal tract is nearing completion with approximately 15 addition ownership to be acquired.

Chief Stanford's annual report on Freeport Fire Department & EMS operations.

Chief Stanford presented the Fire/EMS and Emergency Management operations annual report. His report included, EMS calls, fire calls and Enterprise Fund Budget Review, 2006-2007 budget, and coverage area for fire/EMS. He also presented Emergency Management concerning Hurricane Preparedness. The city's Fire & EMS chief serves as the Emergency Management Coordinator. The City of Freeport has adopted the National Incident Management System (NIMS) and has participated with other communities throughout the county and state reviewing their emergency management plans. The city was awarded federal funding through two grants and to provide hurricane shutters for the fire and police department. These shutters will provide protection for the crews remaining in Freeport in the event of a hurricane threat. The number 979-233-know or 979-233-5669 has been set up to play during a storm event to update the citizens of Freeport. The other number is 211, for special needs.

Discussion concerning Hurricane Preparedness.

This item discussed with Chief Stanford's annual report on Freeport Fire Department & EMS operations.

Discussion concerning the approval of a request from Brazosport Yellow Cab to increase the rates.

Darrell Vandergriff requested council to approve a raised drop fee of \$0.25 for the Brazosport Yellow Cab. Mr. Shaw was asked to prepare a resolution for the drop fee.

Discussion concerning Chapter 111, mobile food vendors.

Ron Bottoms' discussed Chapter 111.09, concerning mobile food vendors. The city received a request from Angela Kant to operate a snow cone business out of a trailer pulled by a vehicle. Mr. Bottoms' expressed concerns about vendors setting up at the beach. Currently, Chapter 111.09 allows operation as long as vendor is moving, not stationary. Mr. Bottoms suggested an amendment to 111.09 B to allow Angela Kant to operate her snow cone business. This will also open the doors to other vendors to participate. Mr. Shaw was asked to prepare the amendment to section 111.09 B.

Mayor McDonald closed the work session and opened the executive session at 8:45 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) Port Freeport

Mayor McDonald reconvened the open session at 9:41 p.m.

**Adjourn**

On a motion by Councilman Saccomanno, seconded by Councilman Cameron, with all present voting “aye”, the meeting was adjourned at 9:41 p.m.

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Delia Munoz  
City Secretary

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Larry L. McDonald  
Mayor