

STATE OF TEXAS

COUNTY OF BRAZORA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, August 21, 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 - absent
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
Doug Caffey, Building Official
Mary Stotler, Main Street Director
Nat Hickey, Property Manager
Pinkey Hartline, Golf Course Director
John Stanford, Fire Chief
Jeff Pynes, Police Chief

Planning Commission: Diane Williams
Michelle Kent
Robert Leffingwell
Linda Allen
Roddy Mohler
Abel Garcia – absent

Visitors: Larry Schaefer Judy Schaefer
Paula Frugia Grady Pennington
Sandra Leavey Faia DeMain
Frank Leavey Rosa McDonald
Larry McDonald William DeMain
Wright Gore, III Skip Pratt
Chris Moore Eric Hayes
Robert Bass Cathy Williams
Joyce Adkins Louie Jones
Cyril Wilcox Sherry Bonner
Lila Lloyd Kenny Kouches
Jim Pirrung Dorothy Pirrung
Jerry Meeks Beverly Nixon
Sandra Barnett Alma Mata
Denise Harper Guadalupe Chavez
Elida Cameron Edna Allan
Angel Kant Marie Bogan
Ken Vacek Danny Bruce
Jeannie Bruce Jim McEntire
Joaquin Damian

Call to Order.

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

Invocation.

Chris Moore of the Velasco Baptist Church offered the invocation.

Pledge of Allegiance.

Mayor Phillips led the Pledge of Allegiance.

Approval of the August 7, & August 10, 2006 City Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved the minutes of August 7, 2006 and August 10, 2006 as amended.

Attending Citizens and Their Business.

Jim Pirrung of 101 Dolphin Lane said he had a casual conversation with a neighbor who has their house for sell on Redfish Lane. They had two acceptable offers but were withdrawn because they could not get their boat up the canal. He suggested the City get a dredging program started.

Joaquin Damian of 915 West 7th Street, had concerns about Waste Management and the new post office. He asked to speak on these items on the agenda.

Skip Pratt of 1027 West 8th Street said that parking on the street has gotten worse. Vehicles parked along the street leaving only one lane open. He suggested installing no parking signs.

Robert Bass of 224 W. Park thanked the City official for their hard work and positive improvements through out the City. He said that Councilman Cameron representing Ward A should be behind the City projects and not vote on his personal opinions.

Joyce Adkins of 102 N. Ave. C. said that people vote for Council for many reasons. They need to talk to their constituents to see what they want. It is unfair to allow one Councilman to be criticized. She said the people never signed on to finance a marina.

Pixie Floyd of 832 Leder Street asked how much each election was costing the City. Mr. Bottoms said it was \$7,000 to \$10,000.

Angel Kant of 115 West Broad said there have been cases where the City had violated the Texas Open Meeting Act. She passed out a 2006 Open Meeting Act book to all of the Councilman to read. She thanked Councilman Cameron for being prompt when she had questions.

Cathy Williams of 112 Brazos Landing Court asked how the City planned to get land from Walker Royal if the City builds the marina. Mayor Phillips stated that the question had not been addressed.

Faia DeMain of 1707 W. 11th Street, said every time something positive happens in the City, the negative issues arises.

Wright Gore, III, asked if the City would consider publishing the Municipal Codes and the Home Rule Charter on the City's website.

Pastor Chris Moore of 1867 Acacia Circle, asked that this generation not be selfish and plan positively for our next generation.

Public Hearing: Joint Public Hearing with the Planning Commission to consider Granting a specific use permit to the United States Postal Service to construct and operate a new post office on Lots 1-24, Block 662, Velasco Townsite, within the corporate limits of said city, known as 924 North Ave. F.

There being a quorum with the City Council and the Planning Commission, Mayor Phillips opened the public hearing at 6:35 pm.

Joaquin Damian said that Specific User Permits were abused and did not think the City should be issuing Specific Use Permits to the Post Office. He asked how much had the City spend on demolishing and how much property had we given away to the post office.

Angel Kant asked how large the new post office facility would be. Mayor Phillips stated that he did not have the measures but thought it was like Clute's post office.

Beverly Nixon asked for the present zone for the new Post Office. Mr. Shaw answered R-3.

Skip Pratt asked what would happen to the old post office building. Mayor Phillip said the building belonged to a private individual.

Joyce Adkins asked if the City had plans on re-figuration on the streets. Mayor Phillips said the Planning Commission would be reviewing the plans.

Diane Williams, chairman of the Planning Commission recommended that the City issue the Specific Use Permit for the new Post Office.

There being no further questions or comments, Mayor Philips closed the public hearing at 6:47 p.m.

Consideration of the approval of Ordinance No. 2006- 2129 granting a Specific Use Permit to the United States Post Office, locally as 924 North Ave. F.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Ordinance No. 2006-2129 granting a Specific Use Permit to the United States Post Office, locally known as 924 N. Ave. F.

Consideration of the approval of Ordinance No. 2006-2130 amending Chapter 119 of the Code of Ordinance of said City regulating Taxicab.

On a motion by Councilman Smith, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved Ordinance No. 2006-2130 amending Chapter 119 of the Code of Ordinance of said City regulating Taxicabs.

Consideration of the approval of Ordinance No. 2006-2131 amending sections 94.03 and 94.05 of the Code of Ordinance to conform the same to the applicable provisions of the Junk Vehicle law now contained in subchapter E of Chapter 683 of the Texas Transportation Code.

Mr. Shaw recommended that Council amend the junk vehicle law to conform to State Law requiring an administrative hearing.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Ordinance No. 2006-2131 amending sections 94.03 and 94.05 of the Code of Ordinance to conform the same to the applicable provisions of the Junk Vehicle Law now contained in subchapter E of Chapter 683 of the Texas Transportation Code.

Consideration of the approval of Ordinance No. 2006-2132 adding a chapter 37 to Title III: Administration within the Municipal Code of the City of Freeport, Texas, to prohibit the use or authorization of loans involving public funds to a private business.

Wright Gore III, asked if the proposed ordinance was written as presented. City Secretary said it was. He asked if he could have a certified copy if it passed. Mr. Phillips said he could as soon as he signed the ordinance. Mr. Shaw explained that he could not support this ordinance, because it was against the City Charter and did not approve the form.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved Ordinance No. 2006-2132 adding a chapter 37 to Title III: Administration within the Municipal Code of the City of Freeport, Texas, to prohibit the use or authorization of loans involving public funds to a private business.

Consideration of the approval of Ordinance No. 2006-2133 amending the budget for fiscal year 2005-2006.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting 3-1, Council approved Gary Beverly's recommendation to approve Ordinance No. 2006-2133 amending the budget for fiscal year 2005-2006. Councilman Cameron opposed.

Consideration of the approval of a request by Main Street for street closures to hold Summertime Blues Festival on September 1st, 2nd, 3rd, 2006 and Summertime Blue Sprint Triathlon to take place on Sunday, September 3, 2006.

On a motion by Councilwoman Garcia, seconded by Councilman Smith, with all present voting "aye", Council approved Mary Stotler request for street closures to hold Summertime Blues Festival on September 1st, 2nd, 3rd, 2006 and Summertime Blue Sprint Triathlon to take place on Sunday, September 3rd, 2006.

Consideration of the approval of authorizing the Mayor to sign an agreement with CenterPoint for an easement for a new transmission line along FM 1495.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved the Mayor to sign an agreement with CenterPoint for an easement for a new transmission line along FM 1495.

Consideration of the approval of the need to levy tax rate in excess of the effective tax rate of 0.622612 for the 2006 tax year and setting the dates for the required public hearings.

On a motion by Councilwoman Garcia, seconded by Councilman Smith, with all present voting: Record Vote: Councilman Smith "aye",
Councilwoman Garcia, "aye"
Mayor Phillips "aye",
Councilman Cameron "nay"

To cancel the September 4, 2006, meeting due to Labor Day Holiday and schedule two budget public hearing dates for September 11th and 18th and one for adopting the tax rate on September 25, 2006. Councilman Cameron opposed.

Consideration of the approval of setting a date on adopting the budget for fiscal year 2006-2007.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved setting September 18, 2006 for a budget hearing for fiscal year 2006-2007.

Consideration of the approval of setting a date for rebidding Residential Solid Waste Services.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council approved Mr. Shaw recommendation to have the City Manager negotiate with a contract for Residential Solid Waste Services.

Elected Official Report

On August 18, 2006, Councilman Smith and Councilwoman Garcia attended a Mariachi Concert at the Brazosport High school, sponsored by St. Mary Star of the Sea Church. Mayor Pro Tem, John Smith, read out a proclamation to the audience.

Mayor Phillips attended the Brazoria County Alliance meeting. A new company, not yet named is moving to Angleton, hiring around 300 people. The SPCA agreed to take in domestic animals and other road kills. The shelter is operating at 98% capacity, good time to adopt.

Work Session

Administration Report

Pinkey Hartline reported the golf course in great shape. A few tournaments lined up this month.

Chief Pynes very busy at the Police Department. Significant progress on the shooting of a shrimper aboard an abandoned boat. He will be attending meeting on cold cases in Austin, Texas.

Jerry Meeks working on Yellowstone manholes and going towards Ave. H. Working on water leaks, sludge backing up due to rain.

John Stanford, busy preparing for Labor Day Holiday. He has applied for another grant, called ORCA , Office of Rural Community Assistance.

Mary Stotler submitting a \$25,000 grant from HGAC, well be used for furniture for the Memorial Park.

Larry Fansher reported on the Annual Rotary Shrimp Boil event scheduled on August 19, 2006. A very organized and well attended event, held at Freeport Municipal Park. He received numerous compliments on RiverPlace.

Discussion concerning RiverPlace decking and fountain plans.

Mr. Bottoms discussed the decking and fountain plans for the RiverPlace. A deck extending over the entire length of the RiverPlace building and a lighted fountain in the river. The City will find out in September if grants will be available.

Discussion concerning moving from privatization of Water & Sewer and Solid Waste to Municipal Services.

Mr. Bottoms said the City is looking at an increase of water & sewer and solid waste. Looking at all the options, providing a service and better rates. He believes the City could provide these services at a lower rate.

Discussion concerning Exporter Drive.

Mayor Phillips said it was a good idea to name the road that goes to the girl's softball field "Exporter Drive". Every city had a road named after their High School mascot. He asked for this item to be on the next agenda for action.

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

B. Section 551.074, Government Code

Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee, to wit;

(1) City Manager

Mayor Phillips reconvened the open session at 8:47 p.m.

Adjourn

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all presenting voting “aye”, the meeting was adjourned at 8:47 p.m.

Attest:

Delia Munoz
City Secretary

James W. Phillips
Mayor

