

State of Texas

County of Brazoria

City of Freeport, Texas

BE IT REMEMBERED, that the City Council of the City of Freeport met on Tuesday, September 7th, 2010 at 6:15 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: Larry L. McDonald
Michelle Kent
Fred Bolton
Nicole Mireles
Norma Garcia

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Administrative Asst.
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Tyrone Morrow, Police Chief
Gary Pohl, Marshal
Larry Fansher, Parks Director
Bob Welch, Finance Director

Planning Commission: Diane Williams
Edward Garcia
Tobey Davenport
Reuben Cuellar

Visitors:	Rosa McDonald	Eric Hayes
	Lila Diehl	Clan Cameron
	Carlene Wood	Lila Lloyd
	Dorothy Pirrung	Jim Pirrung
	Dave Knuckey	Sam Reyna
	Jim Barnett	Sandra Barnett
	Glenda Fansher	Joyce Adkins
	John Stanford	Jerry Meeks
	Loren Hayes	Louie Jones
	Manning Rollerson	Marjorie Clark
	Sandra Barbree	Sandra Leavey

Call to order.

Mayor McDonald called the meeting to order at 6:15 p.m.

Invocation.

Wallace Shaw, City Attorney offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of approving the August 26th, 2010 Council Minutes.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved the August 26th, 2010 Council Minutes.

Attending citizens and their business.

Loren Hayes asked Council to display the American Flag on the City's poles that have lights and to have them displayed all year long.

Joyce Adkins commented that Council has no city planning in place nor a master plan, Council should not be approving any thing until they have something in place. She is not against churches, but they are situated in commercial building on every other block. It could be a problem for clubs and restaurants to sell alcohol.

Manning Rollerson spoke on issues still existing at Villa Brazos Apartment. He thanked Council for their help in the past, but they are still people living in bad conditions at the apartments and some do not have air condition.

Mayor McDonald introduced Mr. Brian Davis, the new Fire Chief.

He commended the Main Street Committee and all the volunteers for a "successful event" of the 6th Annual Summertime Blues festival.

Joint 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 (and map) of said City, codified as Chapter 155 of the Code of Ordinances of said City, granting to Capitol Telecom a specific use permit to erect and operate a 120 foot communication antennae on a 50 ft. by 50 ft. parcel of land out of Lot 1, Freeport Properties Subdivision, known as 1744 W. 4th Street, within the corporate limits of said City.

Mayor McDonald opened the Public Hearing at 6:25 p.m.

Louie Jones, owner of Latigo Land Company, 1744 W. 4th Street asked Council to grant Capital Telecom a specific use permit to erect and operate a 120 foot communication antenna on a 50 ft. by 50 ft. parcel of land. Mr. Jones said this was another small business for the City of Freeport; it would bring in tax money and would not interfere with other existing business.

Councilman Bolton asked what kind of study was done on being an optimum location of the tower. A designer with Capital Telecom said the first optimum location was prohibited by a church. This was the seconded optimum location.

Councilwoman Mireles asked if there any future plans to add to the tower. Mr. Jones said no.

Loren Hayes's concern is Life Flight lands at the Brazosport High School and asked if the antenna tower had lights. Mr. Jones said that FFA did not require lights, but it could be provided.

Diane Williams, Chairperson for the Planning Commission said they discussed the proposed communication tower and recommended the specific use permit be issued.

Sandra Barnett stated that an antenna in place would detract a potential business developer. She suggested the tower be installed outside the city limits.

Larry and Glenda Fansher of 1630 W. 10th, expressed their opposition to the cell phone tower. The City with federal funding has spent millions of dollars to enhance the State's thorough fare along Hwy. 288 and Brazosport Independent School District has spent millions of dollars upgrading its school.

Eric Hayes and Clan Cameron opposed the proposed communication tower.

There being no further comments or questions, Mayor McDonald closed the Public Hearing at 7:10 p.m.

Joint Public Hearing: The City Council and the Planning Commission of said City will conduct a joint public hearing to consider granting to Abundant Life Church a specific use permit to operate a church on Lot 10 & SW/2 Lot 11, Block 600, Velasco Townsite, known locally as 606 North Gulf Boulevard, within the corporate limits of said City.

Mayor McDonald opened the Joint Public Hearing at 7:11 p.m.

Eric Hayes opposed Council granting a specific use permit to Abundant Life Church. He felt they should not be situated in commercial businesses.

Joyce Adkins said the church would have parking problems.

There being no further comments or questions, Mayor McDonald closed the Public Hearing at 7:12 p.m.

Public Hearing: Proposed budget for the fiscal year 2010-2011.

Mayor McDonald opened the Public Hearing at 7:13 p.m.

Mr. Pynes reviewed the Council's recommendation on the proposed budget. He reduced the budgets of some departments, festivals and its contingency fund to avoid job cuts.

Mr. Pirrung asked if maintenance was cut back at the Golf Course. Mayor McDonald said no.

Councilwoman Mireles stated the Visitors Information Center was getting a part time employee.

There being no further comments or questions, Mayor McDonald closed the Public Hearing at 7:19 p.m.

Consideration of approving Ordinance No. 2010-2257 adopting a budget for fiscal year 2010-2011 for the City of Freeport.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved Ordinance No. 2010-2257 adopting a budget for fiscal year 2010-2011 for the City of Freeport.

Consideration of approving the advertising and resetting a bid date for mowing services.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved setting October 4th, 2010, a bid date for mowing services.

Consideration of untabling and adopting or rejecting Resolution No. 2010-2243 approving an amendment to the Urban Renewal Plan of said City.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved to untable Resolution No. 2010-2243.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously rejected Resolution No. 2010-2243 an amendment to the Urban Renewal Plan of said City.

Consideration of approving Resolution No. 2010-2244 appointing a representative for the Brazosport Water Authority to serve a two year term.

This item was reagendaed.

Consideration of approving Ordinance No. 2010-2258 enacting and adopting a supplement (S-14) to the Code of Ordinances of the City of Freeport.

On a motion by Councilwoman Kent, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved Ordinance No. 2010-2258 enacting and adopting a supplement (S-14) to the Code of Ordinance of the City of Freeport.

Consideration of the approval of designating a city representative and an alternate to the Houston Galveston Area Council General Assembly.

On a motion by Mayor McDonald, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved designating Jeff Pynes to the General Assembly of the Houston-Galveston Area Council for the year 2011 and Gilbert Arispe as alternate.

Consideration of selling the City’s interest on Block 7, Lot 15, Freeport Townsite, known as 814 E. 8th Street, Tax Id. 4200-0129-000.

On a motion by Councilwoman Mireles, seconded by Councilwoman Garcia, with all present voting 2 to 3, motion failed to sell the City’s interest on Block 7, Lot 15, Freeport Townsite, known as 814 E. 8th Street, Tax Id. 4200-0129-000. Mayor McDonald, Councilwoman Kent, and Councilman Bolton opposed.

Consideration of extending the Texas Gulf Bank, N.A. 200 West 2nd Street, Freeport Texas, lease agreement for a period of five (5) years beginning September 1, 2010 and ending August 31st, 2015.

This item was reagendaed.

Consideration of authoring the Mayor to sign an Interlocal Agreement between Brazoria County and the City of Freeport for road construction.

On a motion by Councilwoman Garcia, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved authorizing the Mayor to sign an Interlocal Agreement between Brazoria County and the City of Freeport for road construction.

Mayor McDonald closed the formal agenda and opened the Executive Session at 7:33 p.m.

Executive Session:

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:

City Manager
(no action taken)

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 or Texas clearly conflicts with Chapter 551, Government Code , to wit:

Industrial District Contract
(no action taken)

Adjourn

Mayor McDonald closed the Executive Session and reconvened the formal agenda at 8:05 p.m.

On a motion by Councilwoman Kent, seconded by Councilwoman Garcia, with all present voting "aye", Council adjourned the meeting at 8:06 p.m.

Larry L. McDonald
Mayor

Delia Munoz
City Secretary