

State of Texas

County of Brazoria

City of Freeport, Texas

BE IT REMEMBERED, that the City Council of the City of Freeport met on Monday, June 18th, 2012 at 6:01 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: Norma Moreno Garcia
Michelle Kent
Fred Bolton
Sandra Loeza
Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Asst. City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Larry Fansher, Parks Director
Ty Morrow, Police Chief
Brian Davis, Fire Chief
Steve Epperley, Asst. Police Chief
Bob Welch, Finance Director
Kola Olayiwola, Building Official
Paul Rodriguez, Police Officer

Visitors:	Annette Sanford	Jerry Meeks
	Jim Pirrung	Dorothy Pirrung
	Jim Barnett, Jr.	Sandra Barnett
	Lila Lloyd	Shanna Doughtry
	Sandra Leavey	Glenda Fansher
	Kenny Kouches	Taryne Morrow
	Kylie Stuart	

Call to order.

Mayor Norma Garcia called the meeting to order at 6:01 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma Garcia led the Pledge of Allegiance.

Consideration on of approving the June 4th, 2012 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved the June 4th, 2012 Council Minutes.

Attending citizens and their business.

Mayor Garcia announced "KidFest" on Saturday, June 23, 2012 from 11:00 a.m. to 4:00 p.m., free hot dogs, drinks, snow cones, face painting, rock climbing wall at Memorial Park.

Proclamation: "Proclaiming the month of July as "Adopt a Shelter Animal Month"

Mayor Norma Garcia read the proclamation to the audience, proclaiming the month of July as "Adopt a Shelter Animal Month".

Mr. Jack Brown Executive Director of the Southern Brazoria County Animal Shelter was present and introduced Board Members Lee Anderson and Michelle Flanigan.

Consideration of the approving Ordinance No. 2012-2311 amending the Comprehensive zoning ordinance of the City, now codified as Chapter 155 of the Code of Ordinances of the City to add to Section 155.02 new definitions of "Marina" and "Marina related Business", to add thereto a new section 155.048 establishing a new zoning district and classification to be known as W- 4 Marina District, specifying the boundary thereof providing regulations therefor, and amending said comprehensive zoning ordinance to change the current classification of all property located within the boundary of such new district from its present zoning classification to such new zoning classification of W- 4; ratifying and confirming all actions previously taken by the Planning Commission of said city or the City Council, or both.

Beginning at the intersection of the north ROW line of West Second Street, at its intersection with the east ROW line of Cherry Street; thence north to the northern ROW line of the Freeport Townsite Levee; thence east to the extension of the eastern property line of Tract 1A, Thomas McKinney Survey, Abstract 87, Brazoria County, Texas; thence north along that extended line to the centerline of the Old Brazos River Channel; thence along the center line of that Channel east to the extension of the western property line of Tract B1A, S. F. Austin Survey, Abstract 28, Brazoria County, Texas; thence south along that extended line to the west ROW line of Spruce Street, and continuing along that line to its intersection with the north ROW line of East Second Street; then west along that line to the place of the beginning.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Ordinance No. 2012-2311 amending the Comprehensive Zoning ordinance of the City, now codified as Chapter 155 of the Code of Ordinances of the City to add to Section 155.02 new definitions of "Marina" and "Marina related Business", to add thereto a new section 155.048 establishing a new zoning district and classification to be known as W- 4 Marina District, specifying the boundary thereof providing regulations therefor, and amending said comprehensive zoning ordinance to change the current classification of all property located within the boundary of such new district from its present zoning classification to such new zoning classification of W- 4; ratifying and confirming all actions previously taken by the Planning Commission of said city or the City Council, or both.

Beginning at the intersection of the north ROW line of West Second Street, at its intersection with the east ROW line of Cherry Street; thence north to the northern ROW line of the Freeport Townsite Levee; thence east to the extension of the eastern property line of Tract 1A, Thomas McKinney Survey, Abstract 87, Brazoria County, Texas; thence north along that extended line to the centerline of the Old Brazos River Channel; thence along the center line of that Channel east to the extension of the western property line of Tract B1A, S. F. Austin Survey, Abstract 28, Brazoria County, Texas; thence south along that extended line to the west ROW line of Spruce Street, and continuing along that line to its intersection with the north ROW line of East Second Street; then west along that line to the place of the beginning.

Consideration of approving Ordinance No. 2012-2312 amending Chapter 110 of the Code of Ordinance of said city to add a new section 110.28 requiring the prominent display of the license required by section 110.25 of said chapter.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Ordinance No. 2012-2312 amending Chapter 110 of the Code of Ordinance of said city to add a new section 110.28 requiring the prominent display of the license required by section 110.25 of said chapter.

Consideration of approving Ordinance No. 2012-2313 amending the budget for fiscal year 2011-2012.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Ordinance No. 2012-2313 amending the budget for fiscal year 2011-2012.

Consideration of approving Ordinance No. 2012-2314 closing and abandoning the public roadway known as the South Levee Road from 1495 to the Department of Energy; Bryan Mound Facility.

This item was reagendaed.

Consideration of advertising for the trade of lots located within the Urban Renewal Project which are not owned by the City of Freeport, for the following lots which are owned by the City of Freeport but which are located outside of the Urban Renewal Project: Block 623 Lot 5, Block 729 Lot 19, Block 731 Lot 1, 2, 7, & 18, Block 744 Lot 16, Block 766 Lot 20, Block 787 Lot 10 & 13, all located in the Velasco Townsite of said City, according to the map or plat recorded in Volume 32, Page 14 of the Deed of Records of Brazoria County, Texas.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved advertising for the trade of lots located within the Urban Renewal Project which are not owned by the City of Freeport, for the following lots which are owned by the City of Freeport but which are located outside of the Urban Renewal Project: Block 623 Lot 5, Block 729 Lot 19, Block 731 Lot 1, 2, 7, & 18, Block 744 Lot 16, Block 766 Lot 20, Block 787 Lot 10 & 13, all located in the Velasco Townsite of said City, according to the map or plat recorded in Volume 32, Page 14 of the Deed of Records of Brazoria County, Texas.

Consideration of a request to close streets intersecting with East and West Park and Broad Street for the "Kids Festival 2012" from 11:00 a.m. to 4:00 p.m. on Saturday, June 23rd, 2012 at Memorial Park.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved a request to close streets intersecting with East and West Park and Broad Street for the "Kids Festival 2012" from 11:00 a.m. to 4:00 p.m. on Saturday, June 23rd, 2012 at Memorial Park.

Consideration of rejecting the bids from Toyota Lift of Houston and Wiggins Marina Bull and authorizing the City Manager to purchase from the H-GAC Buy Board to purchase a forklift for the Freeport Marina located at 202 East Second Street.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved to reject the bids from Toyota Lift of Houston and Wiggins Marina Bull and authorize the City Manager to purchase from the H-GAC Buy Board to purchase a forklift for the Freeport Marina located at 202 East Second Street.

Consideration of selling the City's interest in Block 663, Lots 13 thru 18, known as 901-911 North Ave. F., Velasco Townsite, Tx. Id No. 8110-2618-000.

This item was reagendaed.

Consideration of approving a Memo of Understanding with the Village of Surfside and the City of Freeport to jointly purchase a beach cleaning rake.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting 4 to 1, Council approved a Memo of Understanding with the Village of Surfside and the City of Freeport to jointly purchase a beach cleaning rake for approximately \$55,000. Councilman Bolton opposed.

Requesting the City Council of the City of Freeport, Texas, (“the City”) to authorize the City Manager to advertise for sealed bids or proposals, addressed to the City Council of the City of Freeport, Texas, (“the City”) to be received by the City Manager at the City Hall, located therein at 200 West Second Street, Freeport, Texas 77541, for the demolition of “City in Trust” structure located on Lot 13, Block 48, Velasco Townsite, known as 523 South Ave. G., Velasco Townsite, of the City of Freeport, Brazoria County Official. Authorizing to waive informalities and to award the bid to the bidder who provides the best value for the City.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting “aye”, Council approved to authorize the City Manager to advertise for sealed bids or proposals, addressed to the City Council of the City of Freeport, Texas, (“the City”) to be received by the City Manager at the City Hall, located therein at 200 West Second Street, Freeport, Texas 77541, for the demolition of “City in Trust” structure located on Lot 13, Block 48, Velasco Townsite, known as 523 South Ave. G., Velasco Townsite, of the City of Freeport, Brazoria County Official. Authorizing to waive informalities and to award the bid to the bidder who provides the best value for the City.

Appointing qualified person(s) to the following boards and commissions:

Planning Commission – On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Edward T. Garcia, Reuben Cuellar, Jesse Aguilar to the Planning Commission.

Library Board - On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “aye”, Council unanimously approved Rita Angel Cundieff to the Library Board.

Board of Adjustments – On a motion by Councilman Bolton, seconded by Councilman Kent, with all present voting “aye”, Council unanimously approved Loren S. Hayes and Raul Ramirez, to the Board of Adjustments.

Urban Renewal Board – On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting “aye”, Council unanimously approved Guadalupe Gonzalez to the Urban Renewal Board.

Beautification Parks & Recreation Committee – On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting “aye”, Council approved Rosemary Bravo, Eve Thompson, Chris Kozak and Michael Dohle to the Beautification Parks & Recreation Committee.

Economic Development Inc. – On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting 3 to 2, Council approved Brooks Bass, James A. Barnett, Jr., Kenny Kouches to the Economic Development. Councilwoman Barbree and Councilwoman Kent opposed.

Economic Development Inc. - On a motion by Councilman Bolton, seconded by Mayor Garcia, with all present voting 2 to 3, motion failed to nominate Robert James to the Economic Development. Councilwoman Loeza, Councilwoman Barbree, Councilwoman Kent opposed.

Economic Development Inc. – On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Roy Yates to the Economic Development Inc.

Freeport Historical Board & Main Street Advisory Board – On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “aye”, Council unanimously approved Marty Deleon, Nat Hickey, Marjorie Clark, Angela Fisher, Belinda Norris to the Freeport Historical Board & Main Street Advisory Board.

Senior Citizens Commission- On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting “aye”, Council unanimously approved Carol Rangel, Dorothy Pirrung, and Mary K. Talbert to the Senior Citizens Commission.

Appointing City Council liaison(s) to the following Boards and Commissions:

- Planning Commission- Councilwoman Kent
- Library Board – Councilman Bolton
- Board of Adjustments- As called
- Urban Renewal Board – Mayor Garcia
- Beautification Parks & Recreation Committee- Councilwoman Loeza
- Economic Development – Councilman Bolton
- Freeport Historical Board & Main Street Advisory Board- Councilwoman Barbree
- Charter Review Commission-As called
- Senior Citizens Commission – Mayor Garcia

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council unanimously approved the liaison(s) to the Boards and Commissions.

Work Session:

Discussion regarding the Annual Financial Report ending September 30, 2011 by Kennemer, Masters & Lunsford.

Kevin Cadenhead CPA with Kennemer, Masters & Lunford reported on the City of Freeport financial audit for the year ending September 30, 2011. He stated that the audit was late due to the City losing sufficient amount of data. Bob Welch Finance Director and his staff did an unbelievable amount of work and found no errors in the data entries back to the system. He commended Bob Welch and his staff. He discussed options of the ownership of the Freeport Marina. Analysis or study needs to be done on what is the market value of the marina. An option is to have the EDC transfer the marina to the ownership of the City, have the City release the dept then transfer the ownership.

He reviewed the net assets, statement of activities, governmental funds.

Discussion regarding the request of the Velasco Drainage District to abandoned and close the South Levee Road from FM 1495 to Department of Energy property.

This item was reagendaed.

Discussion amending the ordinance limiting the number of dogs.

Chief Morrow and Animal Control Kylie Stuart recommended amending the ordinance from 3 to 4 dogs.

Councilwoman Kent, Councilwoman Loeza, Councilman Bolton recommended keeping the number of dogs to 3. Councilwoman Kent stated that the problem is not the number of dogs but keeping them behind fences.

Discussion implementing a new ordinance on limiting the number of cats.

Kylie Stuart recommended no more than 4 cats on their property. At the present time there is no cat ordinance; Chief Morrow will come back with a recommendation on cats.

Mayor Garcia closed the Formal Session and opened the Executive Session at 7:18 p.m.

Executive Session:

Section 551.71, Government Code:

Consultation with City Attorney concerning pending or contemplated litigations 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:

- Pending contractual negotiations.

Adjourn

Mayor Garcia reconvened the formal session to adjourn.

On a motion by Councilman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council adjourned the meeting at 7:21 p.m.

Mayor Norma Moreno Garcia
City of Freeport, Texas

City Secretary Delia Munoz
City of Freeport, Texas