

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Tuesday, June 2nd, 2009 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:

City Council: Larry L. McDonald
 Clan A. Cameron
 James W. Phillips
 Ron Wise
 Norma M. Garcia

Staff: Jeff Pynes, Acting City Manager
 Wallace Shaw, City Attorney
 Delia Munoz, City Secretary
 Nat Hickey, Property Manager
 Mary Stotler, Main Street Director
 B. R. Williams, Street Department
 Bob Welch, Finance Director

Visitors: Capt. Gus Flores Sgt. Juanita Cardozo
 Mike Jones Kenny Kouches
 Cele Damian Rene Damian
 Lila Lloyd Louie Jones
 Jerry Meeks Susie Wise
 Rosa McDonald Bobby Casale
 Diane Williams Patrick Gore
 Annett Sanford Mark Sanford
 Jim Pirrung Edna Allan
 Bobby Brown Angel Kant
 Judy Shaefer Larry Shaefer
 Alan Rodenstein Dennis Vandergriff

Call to order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of the approval of the May 18th, 2009 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved the May 18th, 2009 Council Minutes.

Attending Citizens and Their Business.

Jim Pirrung asked Council if they had decided to extend the hours during which beer and mixed beverages could be sold within said City and whether or not it was getting on the November ballot. He said voters had elected officials that could make important decisions and they should do the research for the City of Freeport rather than depend on the voters.

Mrs. Vicky Kelley of 327 W. 1st., is a Community Manager and is upset and disappointed that the City is failing and that she will not be intimidated because landlords are not doing criminal background checks on rental houses. She can not sit out in the porch without hearing obscene words all hours of the morning. She has called the Police Department and asked them to be consistent.

Angel Kant stated that she has been gone for 9 months and is proud to see the City cleaned up and improving. She walked into City Hall and felt welcomed.

Annette Sanford of 510 W. Broad concurs with Mrs. Vicky Kelley that teenagers are walking the streets with their pants below the waist. They are conjugating and smoking cigarettes in corner streets.

Bobby Casale of Bridge Harbor complained that their phone line was down for 5 days and power for 6 hours. Five to six street lamps were out. He asked the City Manager to look into CenterPoint's Performance and Service contract.

Presentation of American Recovery Reinvestment Act (ARRA) funding plan for transit pedestrian amenities for Freeport and the Southern Brazoria region by the Goodman Corporation.

Alan Rodenstein with A & R Consulting Solutions LLC updated council of studies and plans for the project that would create a bus system in Angleton, Clute, Lake Jackson and Freeport. Connect Transit is planning to implement fixed route bus service in Freeport and the Southern Brazoria area during Fiscal Year 2010 contingent upon community approval. The bus system would operate 12 hours a day on weekends and would cost riders \$1.00 per one way trip. Mayor McDonald said that students, seniors and people with disabilities with no transportation would use this service. The cost to the City of Freeport would be \$19,000.

Presentation by Thomas J. Hilton, president of Reef-Man, LLC the first company in the State of Texas formed for the purpose of manufacturing and deploying artificial reefs in Texas inshore and offshore waters.

Reagendaed

Consideration of the approval of Resolution No. 2009-2192 in support of the Reef-Man, LLC Artificial Reef Program.

Reagendaed

Consideration of the approval of a request by Eric Hayes to erect a 14 x 24 LED sign at the entrance of his property located on the east side of Hwy. 288 being lots 92 & 93, BCIC Division 14, A Calvit League Abstract 49 & J. F. Fields Survey, Abstract 62.

On a motion by Councilman Phillips, seconded by Councilman Wise, with all present voting 3 to 2, Council approved Councilman Phillips' recommendation to refer this to the Planning Commission agenda for discussion and to receive recommendations. Mayor McDonald and Councilman Cameron opposed.

Consideration of the approval of an Interlocal Agreement with the General Land Office and the City of Freeport regarding the removal of derelict vessels from the Brazos River.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved an Interlocal Agreement with the General Land Office and the City of Freeport regarding the removal of derelict vessels from the Brazos River.

Consideration of the approval of amending Chapter 71 of the Code of Ordinances to erect a 3-way stop sign at the intersection of Yellowstone and Ave. O and a 4- way stop sign at Skinner and O.

Councilwoman Garcia opposed the sign signs. She lives at the corner of Skinner and Ave. O. and has had two break-ins, in her vehicles and garage. A stop sign at that location would have access to her garage. She is more concerned because she has an elderly lady that lives with them and sits in the garage. She suggested installing a speed limit sign.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 4 to 1, Council approved Planning Commission, Diane Williams' recommendation to erect a 3-way stop sign at the intersection of Yellowstone and Ave. O. and a 4-way stop sign at Skinner and Ave. O. Councilwoman Garcia opposed.

Consideration of the approval of signing a replat of Lots 2 and 3, by relocating the lot line between lots 2 and 3, Kingfish Lane, Frederick J. Calvit League, Abstract 51, Bridge Harbor Subdivision, Freeport Texas.

On a motion by Councilman Wise, seconded by Councilman Phillips, with all present voting “aye”, Council unanimously approved signing a replat of Lots 2 and 3, by relocating the lot line between Lots 2 and 3, Kingfish Lane, Frederick J. Calvit League, Abstract 51, Bridge Harbor Subdivision, Freeport Texas.

Consideration of the approval of accepting the bids and awarding the contract for the Community Development Building Grant (CDBG) for Freeport Sewer Improvement Project.

Rene Damian of Damian Associates, Inc., reported that Uticon, Inc., the lowest bidder withdrew their bid on the Freeport Sewer Improvement project due to mathematical errors. He recommends Matula & Matula Construction, Inc. as the next lowest bidder.

Councilman Wise suggested on rebidding the project.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting “aye”, Council unanimously approved accepting the bids and awarding the contract to Matula & Matula Construction for \$454,540.42 to include a revised 18” pipe bedding detail.

Consideration of the approval of any action to be taken as a result of closed executive session.

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:

Acting City Manager – Jeff Pynes
City Manager – Applications

Jeff Pynes resigned as Police Chief from the Freeport Police Department. On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 3 to 2 Council approved Jeff Pynes as City Manager and authorized Mayor McDonald to negotiate a contract. Councilman Phillips and Councilwoman Garcia opposed.

Elected Officials Report

No reports.

Work Session

Bob Welch, Finance Director Reports on Financials – Quarter Ending in March 31, 2009.

Bob Welch, Finance Director reported on the financials on quarter ending March 31, 2009. Councilman Phillips had questions on the Waste Management contract. He was concerned that the City may be hit with a huge bill on September 2009, recommended the Council start negotiations now. Mayor McDonald agreed with Councilman Phillips, the contract will expire in November 2009.

Councilman Phillips questioned the miscellaneous expenditures such as furniture. He asked about furniture expenditures and that it appeared to be out of water fund. Mr. Welch said that it had. Councilman Phillips had an issue with that.

Discussion concerning the taxi cab and bus ordinance.

Mr. Shaw gave the City suggestions on how to amend the Taxicab Ordinance section concerning services offered by non-profit organizations. Mr. Pynes said the Texas Port Ministry is a non profit organization and requests donations, not fare for their transport services. Dennis Vandergriff, owner of Brazosport Yellow Cab said the Texas Port Ministry was offering a shuttle service without the required permits from the City. He said the Ministry has 3 buses making 5 trips to Lake Jackson and making \$3,000 per month. He complained that all non profit organizations can enter in the cab business without permits and that was illegal.

Councilman Wise said that if the Texas Port Ministry is operating with the ordinances, then they are within their rights.

Councilman Cameron stated that it was not established if the Texas Port Ministry was in violation or breaking any city codes.

Mayor McDonald suggested that the City look at other cities with taxicab ordinances and refer it to the Planning Commission for study. Diane Williams, Chairwoman of the Planning Commission said they would study the issue if directed by the City Council.

Mayor McDonald closed the work session and opened the Executive Session at 8:30 p.m.

Executive Session

A. 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 of Texas clearly conflicts with Chapter 551, Government Code, to wit;

Application of Section 133.02 (D) of the Code of Ordinance.

(No action)

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:

Acting City Manager – Jeff Pynes
City Manager – Applications

(action taken on open session # 14)

Adjourn

There being no further business to come before council, the meeting was duly adjourned by Councilman Cameron, seconded by Councilman Phillips at 10:10 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor

NOTE: ITEMS NOT NECESSARILY 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 American 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 meetings. Please contact the City Secretary office at 979.233.3526.

I, Delia Muñoz, City Secretary, City of Freeport, Texas, hereby 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 hour a day public access, 200 W. 2nd Street, Freeport, Texas, on May 28th, 2009, at or before 5:00 p.m.

Delia Muñoz
City Secretary

