

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport met on Monday, June 7th, 2010 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: Larry L. McDonald
Michelle Kent
James W. Phillips
Nicole Mireles
Norma M. Garcia

Economic Development Corp. Dan Tarver
Clan A. Cameron
Larry Shaefer
Lila Diehl
Sandra Wood-Wicke
Jack Taylor

Staff: Jeff Pynes, City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Gilbert Arispe, Administrative Asst.
Nat Hickey, Property Manager
Bob Welch, Finance Director
Tyrone R. Morrow, Chief of Police
John Cook, Interim Fire Chief
Larry Fansher, Parks Director
Brian Dybala, Golf Course Director
Chris Motley, Fire Marshall

Visitors: Mark Cameron Brian Bagley
Nat Lukefahr Allen Rodenstein
Richard Rangel Judy Shaefer
Annette Sanford Gloria Millsap
Jim Adkins Joyce Adkins
Tobey Davenport Rosa McDonald
Sam Reyna Mike Jones
Jim Barnett Sandra Barnett
Jim Pirrung Dorothy Pirrung
Kenny Kouches Ron Damian
Cele Damian Nick Aluizo
Estella Aluizo Lila Lloyd

John Stanford	Sandra Leavey
Eric Hayes	Loren Hayes
Cindy Miller	Milam Miller
Pixie Floyd	Allan Lawson
Manning Rollerson	Edna Allan
Roy Yates	Peggy Yates

Call to order.

Mayor Pro Tem Norma Garcia called the meeting to order at 6:00 p.m.

Invocation.

Pastor Abel Garcia from the First Baptist Church offered the invocation.

Pledge of Allegiance.

Mayor Pro Tem Norma Garcia led the Pledge of Allegiance.

Consideration of approving the May 17th, 2010 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved the May 17th, 2010 Council Minutes.

Attending citizens and their business.

Abel Garcia, President of the Soccer Club invited all to their games, and has British friends helping out in Soccer Clinics.

Manning Rollerson asked the City to get in contact with the owners of Villa Brazos Apartments. The owners of the apartments need to know that they are roach infested, no hot water, wires exposed , and has become a crime environment. There are Senior Citizens and children living at the apartments.

Proclamation: Apostle Andrew Scott Johnson, Jr.

Mayor Pro Tem Norma Garcia read out the proclamation, proclaiming June 12th, 2010 as Apostle Andrew Scott Johnson, Jr. Day in the City of Freeport.

Consideration of approving Ordinance No. 2010-2250 amending Chapter 32 of the Code of Ordinances of said City to add a new section 32.00.5 specifying the term of office of the members of the Planning Commission.

Mr. Shaw explained that this was a Charter Review recommendation that was on the ballot on May 8th, 2010. The Planning Commission Committee will consist of 5 members instead of 6.

On a motion by Councilman Phillips, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Ordinance No. 2010-2250 amending Chapter 32 of the Code of Ordinances of said City to add a new section 32.00.5 specifying the term of office of the members of the Planning Commission.

Consideration of approving Ordinance No. 2010-2251 amends the budget for Fiscal Year 2009-2010.

Councilman Phillips questioned the Donation–Misc., Item 3, 4, 5. Mr. Welch explained Item 13 is the Marina operations budget for fund 16.

On a motion by Councilman Phillips, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Ordinance No. 2010-2251 amending the budget for Fiscal Year 2009-2010.

Consideration of approving Resolution No. 2010-2228 nominating, constituting and appointing qualified person(s) for expired terms to the Planning Commission of the City.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting 3 to 1 Council approved Resolution No. 2010-2228 appointing, Tobey Davenport and Mike Jones to a 1 year term (2011) and Ed Garcia, Ruben Cuellar and Diane Williams to a 2 year term (2012), to the Planning Commission of the City. Councilman Phillips opposed.

Consideration of approving Resolution No.2010-2229 nominating, constituting and appointing a qualified person to be an associate Judge of the Municipal Court of the City.

On a motion by Councilman Phillips, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Resolution No. 2010-2229, appointing Milam Miller as the associate Judge of the Municipal Court of the City.

Consideration of approving Resolution No. 2010-2209 requesting the Texas Department of Transportation to post signs at the entrance to each school crossing zone on state highways within the City prohibiting drivers from using wireless communication devices while operating a motor vehicle within such zone and authorizing and directing the City Manager to post signs.

Mayor McDonald resumed his responsibilities at 6:45 p.m.

On a motion by Councilwoman Kent, seconded by Councilman Phillips, with all present voting “aye”, Council unanimously approved Resolution No. 2010-2209 requesting the Texas Department of Transportation to post signs at the entrance to each school crossing zone on state highways within the City prohibiting drivers from using wireless communication devices while operating a motor vehicle within such zone and authorizing and directing the City Manager to post signs.

Consideration of approving Resolution No. 2010-2230 nominating, constituting and appointing qualified person(s) for expired terms to the Economic Development Corporation.

On a motion by Councilman Phillips, seconded by Councilwoman Kent, with all present voting “aye”, Council approved Resolution No. 2010-2230 nominating Kenny Kouches, James A. Barnett Jr., and Elliot Cundieff to the expired terms of the Economic Development Corporation.

Consideration of approving an agreement between the City of Freeport and Intermedix Technologies, Inc., for rescue ambulance billing & related professional services.

On a motion by Councilwoman Garcia, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Mr. Motley’s recommendation to approve an agreement between the City of Freeport and Intermedix Technologies, Inc., for rescue ambulance billing & related professional services.

Consideration of authorizing the restriction of Bryan Beach vehicular traffic to pedestrian only from FM 1495 main Bryan Beach access for .8 miles to the alternative County Rd. 723/County Rd. 241 beach access road to secure a pedestrian and attendee safety zone related to the Bryan Beach Bash on June 12th, 2010.

On a motion by Councilman Phillips, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved the restriction of Bryan Beach vehicular traffic to pedestrian only from FM 1495 main Bryan Beach access for .8 miles to the alternative County Rd. 723/County Rd. 241 beach access road to secure a pedestrian and attendee safety zone related to the Bryan Beach Bash on June 12th, 2010.

Consideration of approving a request from the Freeport Host Lions Club to waive permit fees, sell alcohol, have a public dance, erect temporary fencing, and have fireworks display in conjunction with the 63rd Annual Fishing Fiesta on June 30th thru July 4th, 2010.

On a motion by Councilman Phillips, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved a request from the Freeport Host Lions Club to waive permit fees sell alcohol, have a public dance, erect temporary fencing, and have fireworks display in conjunction with the 63rd Annual Fishing Fiesta on June 30th thru July 4th, 2010.

Consideration of approving a request from Habitat for Humanity of Southern Brazoria County to waive permit fees and tap fees on Block 183, Lot 8, known as 1721 W. 8th Street, Tx., Id 4201-1860-000.

Mary-Ellen Thomas, Executive Director thanked the Council for donating the property to Habitat for Humanity and announced that this is the 21st house built in Freeport.

On a motion by Councilman Phillips, seconded by Mayor McDonald, with all present voting “aye”, Council approved a request from Habitat for Humanity of Southern

Brazoria County to waive permit fees and tap fees on Block 183, Lot 8, known as 1721 W. 8th Street, Tx., Id 4201-1860-000.

Consideration of approving a date for a Joint Public Hearing with the Planning Commission to consider rezoning lots 65A, 65A1, 65A1A, 65B, 65C, J. F. Fields Survey Abstract 62, Brazoria County, Texas from an R-3 (Residential) Zoning District to a C-2 (Commercial) Zoning District and have Planning Commission make a recommendation to Council to have Section 155.023 (I) 10) back in the Code of Ordinances as originally written.

This item was reagendaed.

Consideration of approving the Chief of Police to utilize seize funds to purchase tasers for the Police Department.

On a motion by Councilman Phillips, seconded by Councilwoman Nicole, with all present voting “aye”, Council unanimously approved Chief Morrow’s recommendation to utilize seize funds to purchase 8 tasers for the Police Department.

Consideration of selling the City’s interest on Block 2, Lot 12 & 13, Freeport Townsite, known as 530 East Broad, Tx. Id. 4200-0040-000.

On a motion by Councilman Phillips, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved selling the City’s interest on Block 2, Lot 12 & 13, Freeport Townsite, known as 530 East Broad, Tx. Id. 4200-0040-000.

Consideration of selling the City’s interest on Block 7, Lot 11, Freeport Townsite, known as 715 W. 11th, Tx. Id 7750-0154-000.

On a motion by Councilman Phillips, seconded by Mayor McDonald, with all present voting “aye”, Council unanimously approved selling the City’s interest on Block 7, Lot 11, Freeport Townsite, known as 715 W. 11th, Tx. Id 7750-0154-000.

Consideration of selling the City’s interest on Block 62, Lot 12, Velasco Townsite, known as 324 S. Ave. I., Tx. Id 8110-0601-000.

On a motion by Councilman Phillips, seconded by Councilwoman Kent, with all present voting 4 to 1, Council approved selling the City’s interest on Block 62, Lot 12, Velasco Townsite, known as 324 S. Ave. I., Tx. Id 8110-0601-000. Councilwoman Garcia opposed.

Consideration of selling the City’s interest on Block 86, Lot 12, Freeport Townsite, known as 614 W. 6th Street, Tx. ID 4200-0850-000.

On a motion by Councilman Phillips, seconded by Mayor McDonald, with all present voting 2 to 3, Council declined selling the City’s interest on Block 86, Lot 12, Freeport Townsite, known as 614 W. 6th Street, Tx. Id 4200-0850-000. Councilwoman Garcia, Councilwoman Kent, and Councilwoman Mireles opposed.

Consideration of selling the City's interest on Block 692, Lot 3, Velasco Townsite, known as 1120 North Ave. O., Tx. Id. 8110-2871-000.

On a motion by Councilman Phillips, seconded by Mayor McDonald, with all present voting 2 to 3, Council declined selling the City's interest on Block 692, Lot 3, Velasco Townsite, known as 1120 North Ave. O., Tx. Id. 8110-2871-000. Councilwoman Garcia, Councilwoman Kent, and Councilwoman Mireles opposed.

Consideration of selling the City's interest on Block 774, Lot 21, Velasco Townsite, known as 1617 North Ave. M., Tx. Id 8110-3786-000.

On a motion by Councilwoman Garcia, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved selling the City's interest on Block 774, Lot 21, Velasco Townsite, known as 1617 North Ave. M., Tx. Id. 8110-3786-000.

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

Work Session:

Presentation by Alan Rodenstein with the Texas Gulf Coast Center/Connect Transit operating a local bus service in the City of Freeport.

The Southern Brazoria County Transit System services started on June 1st, 2010. Alan Rodenstein displayed bus routes that will run in Freeport. The buses are provided through a partnership of area cities: Clute, Freeport, Lake Jackson, Angleton, and Brazosport College. The service will run from 6:00 a.m. to 6:00 p.m., Monday through Friday. Route stops include the Brazosport College, Brazos Mall, grocery stores, hospitals. Once they determine where the majority of people are using the route, they will install bus shelters, and benches. The fare is free until August 1, 2010. Mr. Rodenstein encourages all to ride the buses. The buses are scheduled to stop every 3 to 4 blocks. The cost will be \$1.00 for adults and .50 for senior citizens/students/children younger than 5 years ride free.

Update on the Marina project by President Dan Tarver, Economic Development Corporation.

Mr. Tarver thanked the council for giving him the opportunity to clear up some facts. He introduced Lawrence J. Fossi and Karen Jewell of Fossii & Jewell LLP their legal counsel, hired by the Economic Development Corporation. Mr. Fossi updated council on the lawsuits filed on the marina developer, Walker Royall and engineers, Damian and Associates.

Consider and review new City Council Rules & Procedures.

Mr. Pynes updated and read out the proposed City Council Rules & Procedures. It is Council's consensus to have this item on the next subsequent meeting.

Mayor McDonald opened the Executive Session at 8:50 p.m.

Executive Session:

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:

Review Existing Litigation
(no action taken)

Section 551.073, Government Code

Deliberations concerning a negotiated contract for a prospective gift or donation to the City when deliberation in open meeting might have a detrimental affect on the position of the City in negotiations with a third person, to wit:

Land for Expanded Recreational Use/Development
(no action taken)

Section 551.074, Government Code

Deliberations concerning the appointment, employment, evaluation, reassignment and duties of a public officer or employee, to wit:

John Cook - Interim Fire Chief
Jeff Pynes – City Manager
(no action taken)

Adjourn

Mayor McDonald closed the Executive Session and reconvened in open session at 10:02 p.m..

On a motion by Councilman Phillips, seconded by Councilwoman Mireles, with all present voting “aye”, Council adjourned the meeting at 10:02 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor