

State of Texas

County of Brazoria

City of Freeport, Texas

BE IT REMEMBERED, that the City Council of the City of Freeport met on Wednesday, July 7, 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 – absent

Staff: Jeff Pynes, City Manager
 Wallace Shaw, City Attorney
 Delia Munoz, City Secretary
 Gilbert Arispe, Administrative Asst.
 Nat Hickey, Property Manager
 Gary Pohl, Marshal
 Tyrone Morrow, Chief of Police

Visitors: Estella Aluizo Celestino Damian
 Clan Cameron Bryan Begle
 John Stanford Annette Sanford
 Judy Shaefer Larry Shaefer
 Kenny Kouches Mike Jones
 Diane Williams Sandra Barnett
 Dorothy Pirrung Jim Pirrung
 Joyce Adkins Jerry Meeks
 Pixie Floyd

Call to order.

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

Invocation.

Mr. Wallace Shaw City Attorney offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of approving the June 21st, 2010 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved the June 21st, 2010 Council Minutes.

Attending citizens and their business.

Forms for Attending Citizens Comments Registration were available to audience.

There were none.

Consideration of Resolution No. 2010-2237 nominating, constituting and appointing a qualified person(s) to an unexpired term of the Beautification/Parks & Recreation Committee.

On a motion by Councilman Phillips, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Resolution No. 2010-2237 nominating and appointing Eve Thompson to an unexpired term of the Beautification/Parks/ & Recreation Committee.

Consideration of selling the City's interest on Block 752, Lot 10 thru 12, Velasco Townsite, known as 420 S. Ave. G, Tx. Id 8110-0509-000.

This item was reagendaed.

Consideration of selling the City's interest on Block 729, Lot 3 & 4, Velasco Townsite, known as 1318-1320 North Ave. L, Tx. Id 8110-3227-000.

On a motion by Councilman Phillips, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved selling the City's interest on Block 729, Lot 3 & 4, Velasco Townsite, known as 1318-1320 North Ave. L., Tx. Id 8110-3227-000.

Consideration of selling the City's interest on Block 71, Lot 7, Velasco Townsite, known as 214 South Ave. I, Tx Id 8110-0703-110.

On a motion by Councilman Phillips, seconded by Councilwoman Kent, with all present voting 3 to 1, Council approved selling the City's interest on Block 71, Lot 7, Velasco Townsite, known as 214 South Ave. I, Tx. Id 8110-0703-110. Councilwoman Mireles opposed.

Consideration of signing a replat of Block 502, Lot 15 thru 18, Velasco Townsite 5-Broad Subdivision, known as 5 North Ave. B.

On a motion by Councilman Phillips, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved signing a replat of Block 502, Lot 15 thru 18, Velasco Townsite 5-Broad Subdivision, known as 5 North Ave. B.

Consideration of signing a replat of Block 6, Lots 7 thru 12, Velasco Townsite, Freeport VFW Post No. 4341 Subdivision, known as 108 South Ave. D.

On a motion by Councilman Phillips, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved signing a replat of Block 6, Lots 7 thru 12, Velasco Townsite, Freeport VFW Post No. 4341 Subdivision, known as 108 South Ave. D.

Consideration of calling a Public Hearing on the proposed amendment to the Urban Renewal Plan of the City of Freeport, Texas.

On a motion by Councilman Phillips, seconded by Councilwoman Kent, with all present voting 3 to 1, Council approved August 16th, 2010 calling a Public Hearing on the proposed amendment to the Urban Renewal Plan of the City of Freeport, Texas. Councilwoman Mireles opposed.

Consideration of the setting a date for the City Council to sit as the Board of Adjustments and Appeals under the Standard Unsafe Building Abatement Code, to consider whether or not the building(s) or structure(s) located at 119 South Gulf Blvd. are unsafe.

On a motion by Councilwoman Kent, seconded by Councilman Phillips, with all present voting “aye”, Council unanimously approved August 2nd 2010 for a Public Hearing to sit as the Board of Adjustments and Appeals under the Standard Unsafe Building Abatement Code, to consider whether or not the building(s) or structure(s) located at 119 South Gulf Blvd. are unsafe.

Consideration of a request from Abel Garcia from First Baptist Church to close 4th St. from Oak to Ash Street on July 11th through the 15th, 2010 from 5:00 p.m. to 9:00 p.m. for Vacation Bible School activities.

On a motion by Councilman Phillips, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved a request from Abel Garcia from First Baptist Church to close 4th Street, from Oak to Ash Street on July 11th through 15th, 2010 from 5:00 p.m. to 9:00 p.m. for Vacation Bible School activities.

Consideration of the approval of any action to be taken as a result of closed Executive Session.

Mayor McDonald reconvened the formal session at 7:02 to take action on an Executive item.

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:

- Civil Action No. 3:00-cv-00098: Richard Steven Miller, Vincent Garcia, John R. Newton, Abby Webster, and Kristy Lynn Mercado.

On a motion by Councilman Phillips, seconded by Councilwoman Mireles, with all present voting “aye”, Council approved to settle the lawsuit for the sum of \$100,000.00 inclusive of attorney fees, back pay, and other associated expenses.

Mayor McDonald opened the Work Session at 6:13 p.m.

Work Session:

Report from Jerry Meeks of Veolia Water on the 2009 Annual Drinking Water Quality Report.

Jerry Meeks discussed the 2009 Annual Drinking Water Quality Report. The residents in the City were mailed a Consumer Confidence Report. He asked council and the audience if they had any questions or comments. Councilwoman Mireles asked who did the testing for the City. Jerry Meeks answered “the state”. The tests showed no iron in the water and it meets the state’s standards.

Mayor McDonald closed the Work Session and Opened the Executive Session at 6:15 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:

- Civil Action No. 3:00-cv-00098: Richard Steven Miller, Vincent Garcia, John R. Newton, Abby Webster, and Kristy Lynn Mercado.
(action taken)
- Discuss legal qualifications for members of the Planning Commission.
(no action taken)

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 Attorney
(no action taken)

Adjourn

On a motion by Councilman Phillips, seconded by Councilwoman Mireles, with all present voting “aye”, Council adjourned at 7:02 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor