

STATE OF TEXAS
COUNTY OF BRAZORIA
CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Tuesday, September 4, 2007, 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
Clan A. Cameron
Jim Saccomanno
John Smith, III
Norma M. Garcia

Staff: Ron Bottoms, City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Gary Beverly, Finance Director
Larry Fansher, Public Works Director
Doug Caffey, Building Inspector
Nat Hickey, Property Manager
Jeff Pynes, Police Chief
John Stanford, Fire Chief

Visitors: Judy Shaefer Larry Shaefer
Rosa McDonald Joyce Adkins
Angela Kant Cathy Williams
Richard Rangel Bobby J. Casale
Lila Lloyd George Elizondo
Fai DeMain George DeMain
Diane Williams Sandra Wood-Wicke
Eric Hayes Lila Diehl
Sally Van Way Lucky Gilbert
Carmen Bottoms Michael Jones
Linda Fox Abel Garcia
Cyril Wilcox Geneviene Wilcox
Kathy Varnado Norman Landry
DeDee Foshee Mike Foshee, Jr.
Denise Burch Janice Evans
Grady Pennington Debbie McQuaig
Helen McQuaig John McQuaig
Blanca Bustos Nicole Mireles
Ben Kant Cele Damian
Mary Darnell Carol Rangel
Roddy Mohler Barbara Mohler
Sam Reyna Beverly Nixon
Jim McIntire Roberto Casares
Jim Barnett Sandra Barnett

Call to Order

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

Invocation.

Abel Garcia from the First Baptist Church offered the invocation.

Pledge of Allegiance

Mayor McDonald led the Pledge of Allegiance.

Consideration of the approval of the August 20, 2007 Council Minutes.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved the minutes of August 20, 2007.

Attending Citizens and Their Business.

Lila Lloyd, 1620 North Ave. T., spoke words of encouragement to the City Council. She commended Council for their patience and respect.

Wendi Ross, commended Mr. Bottoms for his work and asked all to stop the constant battle with each other.

Sandra Barbree, 1502 North Ave. R., thanked all for the help during the Summertime Blues Festival and Triathlon. She felt that there was no communication among the council members and asked that they put their differences aside.

Jim McIntire, 727 W. 12th Street, asked if the City had the power to enforce the Codes and if the Council voted to have the Mayor sign a document, did the Mayor have the authority to not sign the document.

Angela Kant, 115 W. Broad, thanked everyone for their part in the Summertime Blues Festival and was very appreciative. A very good turn out and everyone had a good time.

Robert Casares, stated that the people had voted for Mayor McDonald and asked for Council to give him an opportunity to perform.

Abel Garcias, 1751 West 9th Street, stated that “Wisdom Comes from the Lord”, and encouraged all to be careful with choice of words.

Chris Moore, 1867 Acacia Circle, stated that he lived in Freeport for five years and the City Manager – Mr. Bottoms sold him on Freeport. He has a very positive feeling for the City and Council. Mayor McDonald was voted in and all should support him.

Public Hearing: Consideration of the first public hearing to set a tax rate in excess of the effective tax rate for the 2007 tax year.

Mayor McDonald opened the public hearing at 6:34 p.m. Mr. Bottoms’ recommended a keeping 0.71 per \$100.00 evaluation tax rate for fiscal year 2007-2008, the same as the previous (2) two years. Plans for more infrastructure and improving drainage were addressed.

Bobby Casale had suggestions on implementing the budget, asked that his request be suspended.

Angela Kant, asked about a 3 million dollar Certificate of Obligation. Mayor McDonald said it was discussed.

Roberto Casares, stated that he had not seen much improvements and believes that lowering the street elevation is a mistake.

Sandra Barbree stated that she has seen infrastructure improvements and the City is not prone to flooding.

The second public hearing will be September 10, 2007, at 6:00 p.m.

Mayor McDonald closed the public hearing at 6:54 p.m.

Consideration of the approval of Ordinance No. 2007-2171 naming the roadway passing in front of the Freeport Library and connecting Quintana Street in the Velasco Townsite with Brazosport Boulevard (State Highway 288) Veterans Memorial Drive.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved Ordinance No. 2007-2171 naming the roadway passing in front of the Freeport Library and connecting Quintana Street in the Velasco Townsite with Brazosport Boulevard (State Highway 288) Veterans Memorial Drive.

Consideration of the approval of Ordinance No. 2007-2172 installing no parking sign(s) on the north side of 7th Street between Oak & Maple Street.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved Ordinance No. 2007-2172 installing no parking sign(s) on the north side of 7th Street between Oak & Maple Street. Abel Garcia spoke in favor of this ordinance.

Consideration of the approval of Resolution No. 2007-2155 amending the guidelines and criteria for commercial tax abatements adopted by Resolution 2007-2153.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved Resolution No. 2007-2155 amending the guidelines and criteria for commercial tax abatements adopted by Resolution 2007-2153.

Consideration of the approval of calling a Joint Public Hearing with the Planning Commission to consider amending the zoning ordinance to add regulations for Modular or Industrialized Homes and Buildings.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved to set a Joint Public Hearing for October 1, 2007 at 6:00 p.m. to consider amending the zoning ordinance to add regulations for Modular or Industrial Homes and Buildings.

Consideration of the approval of a request from Mr. Robert Vargas to reduce or abate paving liens on Block 598, Lots 23 & 24, Velasco Townsite, known as 621-623 North Ave.D.

This item was reagendaed to correct the word “paving” to “demolition” and get more data.

Consideration of the approval of selling Block 749, Lot 16, Velasco Townsite, known as 1407 North Ave. T. and authorizing the Mayor to trustee deed.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved selling Block 749, Lot 16, Velasco Townsite, known as 1407 North Ave. T. and authorizing the Mayor to sign trustee deed.

Consideration of the approval of selling Block B, Lot 9, Velasco Heights Subdivision, known as 2233 Yellowstone, Tax ID 8115-0025-0000, and authorizing the Mayor to sign the resale deed.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting “aye”, Council unanimously approved selling Block B, Lot 9, Velasco Heights Subdivision, known as 2233 Yellowstone, Tax ID 8115-0025-0000, and authorizing the Mayor to sign the resale deed.

Consideration of the approval of purchasing Block 17, Lot 8, Freeport Townsite, known as 331 E. 2nd Street, and authorizing the Mayor to accept the deed.

On a motion by Councilwoman Garcia, seconded by Councilman Saccomanno, with all present voting 4 to 1, Council approved purchasing Block 17, Lot 8, Freeport Townsite, known as 331 E. 2nd Street, and authorizing the Mayor to accept the deed. Councilman Cameron opposed.

Consideration of the approval of the Planning Commission's recommendation to change the intersection of Pecan & 9th Street from a Yield Sign to a Stop Sign intersection .

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council approved the Planning Commission recommendation to change the intersection of Pecan & 9th Street from a Yield Sign to a Stop Sign intersection and instruct Mr. Shaw to draft an ordinance.

Receive petitions for recall election(s) and discuss and consider such petitions.

Delia Munoz, City Secretary presented to Council a petition calling for the removal of Mayor McDonald. She verified 328 signatures on the petition.

Opportunity for officer(s) sought to be recalled to resign.

Mayor McDonald stated that he would not resign.

Discuss and consider Ordinance No. 2007-2173 recall election(s).

Mr. Shaw explained that a petition had been turned in and the City Secretary had validated the names, if approved the election would take place on November 6, 2007 with the Brazoria County.

Mrs. Janice Evans, Brazoria County Election Director, explained to Council that if they sign the contract to hold an election, the City's cost is \$4,444.11, even if for any reason the ballot proposition is withdrawn or cancelled.

Mrs. Joyce Adkins and Janice asked who had validated the grounds for the petition. Mr. Shaw answered that the City Secretary had validated the names on the petition.

Councilman Cameron expressed concern that State Law supercedes our Home Charter.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting 3 to 2, Council approved Ordinance No. 2007-2173 for a recall election(s). Councilman Cameron and Mayor McDonald opposed.

Mayor McDonald closed the formal session and opened the Executive Session at 8:16 p.m.

Executive Session

A. 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:

(l) City Manager

B. 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:

(1) Manning Rollerson

C. Action , if any , on Executive Session item(s).

Adjourn

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting “aye”, the meeting was adjourned at 8:38 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor