

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, September 20th 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 item:

City Council: Larry L. McDonald – absent
Michelle Kent
Fred Bolton – absent
Nicole Mireles
Norma M. Garcia

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

Visitors: Eric Hayes Lila Diehl
Dorothy Pirrung Jim Pirrung
Annette Sanford Joyce Adkins
Beverly Vowell Gloria Milsap
Louie Jones Sam Reyna
Juanita Cordoza John Stanford
Jerry Meeks Stanley Burke
Mike Kouches Carol Rangel
Edna Allan Mark Cameron
Jeff Crisp

Call to order.

Mayor Pro Tem Norma Garcia opened the meeting at 6:02 p.m.

Invocation.

City Attorney Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Pro Tem led the Pledge of Allegiance.

Consideration of approving the September 7th, 2010 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved the September 7th, 2010 Council Minutes.

Attending citizens and their business.

Jim Pirrung of 101 Dolphin Lane asked the Council to look into the history of the Golf Course green fees before raising fees; revenues went down. The Freeport Golf Course has a Friday Night Special which is very well attended.

Recognition of Heroic Actions from Freeport Police Officers: Assistant Chief Gus Flores, Officer David Fernandez, Officer Marcos Salinas, Officer Chris Bryant, and Fire Fighter Jessica Vandergriff.

Chief Morrow presented a plaque to the above officers for their heroic efforts and selfless actions. On August 8th, 2010, Freeport Police Officers: Assistant Chief Gus Flores, Officer David Fernandez, Officer Marcos Salinas, Officer Chris Bryant and Fire Fighter Jessica Vandergriff responded to a call on 403 South Front Street, “Mitchell’s Bait and Tackle” for a boating accident. Five people were in the water, one was unconscious and four were panic-stricken; they were not wearing life guards and were clinging to the capsized boat. They dove in the water, placed life vests on the victims and removed them from the water safely.

Presentation from the Freeport Lion Host donating \$12,000 to the Freeport Police Department for the purchase of a narcotic dog.

Freeport Lion Host Club 1st Vice President, Kristle Kersten and Chairwoman of the Fishing Fiesta presented a \$12,000 check to the Freeport Police Department for the purchase of a narcotic dog. Ann Johnson – 2nd Vice President thanked all the sponsors for their support.

Mayor Pro Tem Norma Garcia also member of the Freeport Lion Host Club thanked the Club for their donation.

Presentation of Texas Parks & Wildlife Trail Grant for the wetlands area on Hwy 36.

City Manager Jeff Pynes advised Council and audience that the City was awarded \$199,898 to complete the wetlands along Highway 36 immediately South of the project. A sign at entrance, road entry and parking, 6’ hiking trails around perimeter of the wetlands area, two 5’ high observatory stations, Faux Bridge in entrance road, all areas will be handicap accessible. The total project value is \$249,873. TP & WT will fund 80% of the project worth \$199,898. The City’s 20% portion will be in kind donations of city employee’s labor and city equipment. Our match value is \$49,975.

Public Hearing: Angela Sunley with the General Land Office/Beach/Dune Team Leader discusses the Freeport Beach/Dune Plan.

Mayor Pro Tem Norma Garcia opened the Public Hearing at 6:20 p.m. Mr. Pynes stated this was the first step to adopt the Freeport Beach/Dune ordinance. There is a requirement to have a public hearing here and in Austin. Included in this plan is Freeport's latest annexation and the updated version of the Freeport Beach/Dune Plan.

Joyce Adkins asked if the Bridge Harbor annexation was included the plan. Mr. Pynes stated it was.

There being no further comments or question, Mayor Pro Tem Norma Garcia closed the Public Hearing at 6:23 p.m.

Public Hearing: Bruce Spitzengel, President of GrantWorks, Inc., discusses the Texas Community Development Block Grant (TxCDBG) Funds, non-housing Disaster Recovery Supplemental (DRS) Program. A requirement of the grant fund, application to rehabilitate the City's Central Lift Station.

Mayor Pro Tem Norma Garcia opened the Public Hearing at 6:23 p.m.

City Manager Jeff Pynes announced that the City of Freeport has been awarded \$554,001 from the Texas Community Development Block Grant (TxCDBG) to rehabilitate the City's central lift station. This public hearing is required for the grant process, to give the public an opportunity to review and provide comments on the proposed application to rehabilitate the City's Central Lift Station. Mr. Pynes felt the central lift station is a good asset to the infrastructure for the community.

There being no further comments or question, Mayor Pro Tem Norma Garcia closed the Public Hearing at 6:24 p.m.

Consideration of authorizing the City Manager to complete a pedestrian sidewalk mobility project on Skinner from Ave. J. to 1702 Skinner, Freeport Oaks Apartments.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved to reagenda this item for further study.

Consideration of approving Resolution No. 2010-2244 appointing a representative for the Brazosport Water Authority.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Resolution No. 2010-2244 appointing Stoney Burke as a representative to the Brazosport Water Authority.

Consideration of approving Resolution No. 2010-2245 approving the purchase of the Snow Building in Angleton, 500 North Chenango, Angleton, Texas by the Brazoria County Appraisal District.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved Resolution No. 2010-2245 approving the purchase of the Snow Building, 500 North Chenango, Angleton, Texas by the Brazoria County Appraisal District.

Consideration of Ordinance No. 2010-2259 adopting a tax rate for fiscal year 2010-2011 for the City of Freeport.

Councilwoman Kent motioned: “I move that property taxes be increased by the adoption of an ordinance levying ad valorem taxes for the City for the 2010 tax year at a total tax rate of \$0.708266”. Councilwoman Mireles seconded the motion. A record vote such motion was duly adopted, the record vote being:

Absent: Mayor McDonald
Absent: Councilman Bolton
For : Mayor Pro Tem Norma Garcia
For : Councilwoman Mireles
For : Councilwoman Kent.
Against: None

Consideration of Ordinance No. 2010-2260 amending the budget for fiscal year 2009-2010.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved Ordinance No., 2010-2260 amending the budget for fiscal year 2009-2010.

Consideration of setting a date for a Joint Public Hearing with the Planning Commission to discuss amending Section 155.023 Supplementary District Regulation and Exception (I) Parking and off-street loading areas and restoring item (10) back in the Code of Ordinances as originally written.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved October 18th, 2010 setting a date for a Joint Public Hearing with the Planning Commission to discuss amending Section 155.023 Supplementary District Regulation and Exception (I) Parking and off-street loading areas and restoring item (10) back in the Code of Ordinances as originally written.

Consideration of a request from the Fraternity of Eagles Aerie # 3111, to conduct a Turkey Shoot every Sunday from Noon to 4:00 p.m. beginning October 3rd and ending December 19th, 2010.

On a motion by Councilwoman Kent, seconded by Mayor Pro Tem Norma Garcia, with all present voting “aye”, Council unanimously approved a request from the Fraternity of Eagles Aerie # 3111, to conduct a Turkey Shoot every Sunday from Noon to 4:00 p.m. beginning October 3rd and ending December 19th, 2010.

Consideration of voting for Board of Trustee Members to serve a six-year term on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Sheyi I. Ipaye for Place 6, Lawanna Williams for Place 7, Gilbert Perales for Place 8, and Andres Garza for Place 9 to serve a six-year term on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

Consideration of designating a city elected official and an alternate to the Houston Galveston Area Council General 2011 Assembly.

On a motion by Councilwoman Kent, seconded by Mayor Pro Tem, with all present voting “aye”, Council unanimously approved designating Councilwoman Mireles to the Houston Galveston Area Council General 2011 Assembly and Councilman Bolton as an alternate.

Consideration of contracting Kennemer, Masters & Lunsford, LLC, to perform the financial statement audit for year ending September 30, 2010.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting ‘aye”, Council unanimously approved to table this item to request for proposals.

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

No action taken

Work Session:

Discussion regarding an increase to city wrecker fees and services.

Chief of Police Tyrone Morrow researched the local police departments and sheriff office for fees on non consenting towing. He was approached by one of the wrecking establishments on raising the non consenting towing fees. Our fee is \$85.00 for nonconsent wrecker tow and \$20.00 per day for vehicle storage. The increase cost to maintain a business based on federal and state regulatory requirements have created undo hardship to the wrecking businesses. The consenting towing fee that is being adopted by the surrounding entities is \$130. 00 flat fee and \$12.00 for 15 minutes increments, \$20.00 impoundment fee. This request for raising the towing fees is not unreasonable for the wrecker services.

Jeff Crisp owner of J & M Wrecker Service out of Clute, is not on the rotation list and does not have a storage facility in the City, but announces that he can provide a service to the City of Freeport if they get into a bind and if the ordinance was amended. He questioned a wrecker business in Freeport and asked if the establishment was grandfathered. He asked council to research the history.

Mayor Pro Tem Norma Garcia closed the formal agenda and opened the Executive Session at 7:08 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:

Allan R. Lawson - Appeal Case No. # 1336263-1-1

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 Manager

Adjourn

Mayor Pro Tem Norma Garcia closed the Executive Session and reconvened the formal agenda at 8:00 p.m.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting “aye” Council adjourned the meeting at 8:00 p.m.

Norma M. Garcia
Mayor Pro Tem

Delia Munoz
City Secretary