

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, October 5th, 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 items:

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

Staff: Jeff Pynes, City Manager
 Wallace Shaw, City Attorney
 Delia Munoz, City Secretary
 Nat Hickey, Property Manager
 Larry Fansher, Parks Director
 Bob Welch, Finance Director

EDC: Dan Tarver Sandra W. Wicke
 Larry Shaefer Jack Taylor
 Lila Diehl

Visitors: Larry Shaefer Judy Shaefer
 Susie Wise Rosa McDonald
 Pixie Floyd Sandra Leavey
 Brenda Laird Michelle Kent
 Willie Garcia Edna Allan
 Joyce Adkins Jerry Meeks
 Dorothy Pirrung Jim Pirrung
 Mike Jones Kenny Kouches
 Dan Tarver Rene Damian
 John Stanford Sherrie Stanford
 Mary Stotler Amanda Harrington
 Eric Hayes Margaret McMahan
 D. Polcat Charlie Hawkins
 Roy Yates Eddie Virgil
 Mitch Roberts Joshua Pettijohn
 Susan Pettijohn Jim Luna
 Stanley Burke Jerry Masters
 Sandra Barnett Jim Barnett
 Gus Flores Bobby Ledesma

Call to Order.

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

Invocation

Consideration of the approval of the September 14th, 2009 Council Minutes.

On a motion by Councilman Phillips, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved the September 14th, 2009 Council Minutes.

Attending citizens and their business.

John Stanford of 703 W. 8th, addressed Council and City Manager with his objections to his termination on October 2nd, 2009 and demanded his reinstatement.

Sandra Leavey of 311 W. Broad, question the termination of the city employees with managerial experience.

Joyce Adkins of 102 N. C., said that on her way to the Freeport Police Department, she saw the flag hit the ground and observed a gentleman run to pick up the flag in the rain.

Jim Overly of Oyster Creek, retired Fire Chief was disturbed about the firing of John Stanford, a dedicated fireman who put in life on the line.

Presentation of Plaque: Captain Gus Flores gradating from the Federal Bureau of Investigation Academy.

Mayor McDonald presented Capt. Gus Flores with a plaque for graduating from the Federal Bureau of Investigation Academy.

Presentation of Plaque: Bobby Ledesma for his golfing achievements.

Mayor McDonald presented Bobby Ledesma a plaque for his golfing achievements.

Presentation of Plaque for dedicated service : Roberto Caceres, Bobby J. Casale, Coy Barnett, Janice Hawley, Gilbert Cuellar, Dr Janice Goines, and Freddie Brenk.

Mayor McDonald presented Bobby Casale a thank you plaque for his service to the City.

Consideration of the approval of Resolution No. 2009-2211 appointing a qualified person to the Brazosport Water Authority board.

On a motion by Councilman Wise, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved Stoney Burke to the unexpired term to the Brazosport Water Authority.

Consideration of the approval of Parks Board recommendations to City Council the renaming of Stephen F. Austin ball field one and ball field two.

Parks and Recreation Director Larry Fansher and Committee Member Margaret L. McMahan and Charlie Hawkins, Jr. spoke on behalf of renaming the Stephen F. Austin ball fields.

On a motion by Councilman Phillips, seconded by Councilwoman Garcia, with all

On a motion by Councilman Wise, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved Ordinance No. 2009-2230 amending the budget for fiscal year 2008-2009.

Consideration of the approval of Resolution No. 2009-2210 voting for qualified candidate for the Board of Directors of the Brazoria County Appraisal District for the two year term that begins 2010-2011.

On a motion by Councilman Phillips, seconded by Councilman Wise, with all present voting 4 to 1, Council approved Jessie Hibbetts for the Board of Directors of the Brazoria County Appraisal District for the two year term that begins 2010-2011. Councilman Cameron opposed.

Consideration of the approval of a request from Mitch Roberts, member of the Fraternal Order of Eagles # 3111, 6818 Hwy. 332 East, to conduct their Annual Turkey Shoot every Sunday from noon to 4:00 p.m. beginning on October 18th through December 20th, 2009.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved a request from Mitch Roberts, member of the Fraternal Order of Eagles # 3111, 6818 Hwy. 332 East, to conduct their Annual Turkey Shoot every Sunday from noon to 4:00 p.m. beginning on October 18th through December 20th, 2009.

Consideration of the approval of a request from Jim Luna of Quarter Moon Production to hold a concert at the Amphitheater on October 25th, 2009 and erect temporary fencing and charge a general admission fee.

On a motion by Councilwoman Garcia, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved a request from Jim Luna of Quarter Moon Production to hold a concert at the Amphitheater on October 25th, 2009 and erect temporary fencing and charge a general admission fee.

Consideration of the approval of setting a date for a Joint Public Hearing with the Planning Commission to consider repealing Section I (10 Paving) of Section 155.023 Supplementary District Regulation and Exceptions, of the Code of Ordinances.

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved to set November 2, 2009 for a joint public hearing with the Planning Commission to consider repealing Section I (10 Paving) of Section 155.023 Supplementary District Regulation and Exceptions, of the Code of Ordinances.

Consideration of the approval of Resolution No. 2009-2212 setting two public hearings on a proposed annexation of parts of the John Martin Survey, Abstract 331, the Richard H. Barrow Survey, Abstract 639 and the Stephen F. Austin Survey Abstract 29, Brazoria County, Texas.

On a motion by Councilman Wise, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved setting October 19th, 2009 and November 2nd, 2009, two public hearings on a proposed annexation of parts of the John Martin Survey, Abstract 331, the Richard H. Barrow Survey, Abstract 639 and the Stephen F. Austin Survey Abstract 29, Brazoria County, Texas.

- Interpretation and application of HB 650, Chapter 449, 69th Legislature, Pg. 3063 (*no action on this item*)
- Interpretation and application of Section 7.09 of the Home Rule Charter.

On a motion by Councilwoman Garcia, seconded by Councilman Wise, with all present voting 3 to 2, to instruct the City Attorney to draft an ordinance for the sale of beer and mixed beverages on any day between 12:00 midnight and 2:00 a.m. Councilman Phillips and Councilman Cameron opposed.

Mayor McDonald closed the formal session and opened the workshop at 6:51 p.m.

Work Session

Report on Summer Time Blues Festival by President Pixie Floyd.

Pixie Floyd said this was the best Summer Times Blues Festival ever, all the vendors did well, and fireworks were wonderful. She reported more than 10,000 attended the festival.

Discussion concerning Waste Management contract.

City Manager Jeff Pynes presented Council with a powerpoint presentation, displaying the current contract and three trash collection options. He asked for guidance on what option was the best for the city. Mr. Pynes was asked to conduct a survey and get information from residents. It is council's consensus to go out for bids.

Mayor McDonald closed the work session and opened the Executive Session at 7:39 p.m.

Executive Session

A. Section 551.074, Government Code

Deliberations concerning the duties and responsibilities, to wit:

- City Manager-Jeff Pynes
- City Attorney-Wallace Shaw

(no action)

B. Section 551.087, Government Code

Deliberation regarding Economic Development Negotiations to wit:

- (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or

(no action)

(2) to deliberate the offer of a financial or other incentive to a business prospect

C. Section 551.071 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 Bar of Texas clearly with Chapter 551, Government Code, to wit:

- Interpretation and application of HB 650, Chapter 449, 69th Legislature, Pg. 3063
- Interpretation and application of Section 7.09 of the Home Rule Charter.

Adjourn

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", the meeting was adjourned at 10:55 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor