

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, October 15th, 2007, at 6:08 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Blvd, Freeport, Texas, 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: Gary Beverly, Finance Director
 Wallace Shaw, City Attorney
 Delia Munoz, City Secretary
 Larry Fansher, Public Works Director
 Doug Caffey, Building Inspector
 Nat Hickey, Property Manager
 John Stanford, Fire Chief
 Pinkey Hartline, Golf Course Director

Visitors: Judy Shaefer Larry Shaefer
 Bill DeMain Faia DeMain
 Edna Alan Jimmy Allan
 Kimmy Wessels Sandra Leavey
 Cathy Williams Patrick Gore
 Lila Lloyd Geniviene Wilcox
 Cyril Wilcox

Call to Order

Mayor McDonald called the meeting to order at 6:08 p.m.

Invocation.

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

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of the approval of the October 1st, 2007 Council Minutes.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved the minutes of October 1st, 2007 with the corrections.

Attending Citizens and Their Business.

Kimmy Wessels of 95 Dolphin Lane asked that a variance issued at 93 Dolphin Lane be rescinded. Mark and Kimmy Wessles, along with their neighbors are objecting to construction of a 4 ½ foot retaining wall. She stated that she and others neighbors were not notified. She asked Council to stop construction pending a review of the building official permits by the Board of Adjustments.

Mr. Shaw answered her that the City Council had no jurisdiction on the issue and that she take this to the Board of Adjustments. If she receives no satisfaction there, to take it to county court level.

Consideration of the approval of confirming the Mayor's designation of Gary Beverly as the employee of the City who will perform the duties of the office of City Manager until an Acting City Manager is appointed.

On a motion by Councilman Smith, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved the Mayor's designation of Gary Beverly as the employee of the City who will perform the duties of the office of City Manager until an Acting City Manager is appointed.

Consideration of the appointment of an Acting City Manager.

This item was tabled for further discussion during the executive session.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously the appointment of Gary Beverly for Acting City Manager.

Consideration of the approval of calling a public hearing regarding Chapter 370.002 of the Local Government Code and Division (A) of Section 130.99 of the Code of Ordinances of said City, to REVIEW THE JUVENILE CURFEW ORDINANCE of said City.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye, Council unanimously approved to set a public hearing for November 5, 2007 at 6:00 p.m. regarding Chapter 370.002 of the Local Government Code and Division (A) of Section 130.99 of the Code of Ordinances of said City, to REVIEW THE JUNVENILE CURFEW ORDINANCE of said City.

Consideration of the approval of a request by William Howard, 93 Dolphin, Lane, for allowing a mobile construction trailer on the property for a period of six months for construction of a new home.

Mr. Howard was in a meeting with the Board of Adjustments. This item was tabled.

Consideration of the approval of Ordinance No. 2007-2178 to add to Section 155.002 definitions of "Construction Site Building", "Modular or Industrialized Building", "Modular Component", "Modular or Industrialized Home", and Permanent Foundation", and to add to Section 155.023 a new division (0) establishing additional requirements modular Homes and Modular Buildings located within said City.

On a motion by Councilman Cameron, seconded with Councilman Smith, with all present voting "aye", Council unanimously approved Ordinance No. 2007-32178 to add to Section 155.002 definitions of "Construction Site Building", "Modular or Industrialized Building", "Modular Component", "Modular or Industrialized Home", and Permanent Foundation", and to add to Section 155.023 a new division (0) establishing additional requirements modular Homes and Modular Buildings located within said City.

Consideration of the approval of a request by the First Freeport Baptist Church and Velasco Baptist Church to close the street between Hopper Field and Kroger for their 3rd Annual Brazosport Exporters Tailgate Party on November 2, 2007, from 5:00 p.m. to game time.

On a motion by Councilwoman Garcia, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved a request for the First Baptist Church and Velasco Baptist Church to close the street between Hopper Field and Kroger for their 3rd Annual Brazosport Exporters Tailgate Party on November 2, 2007, from 5:00 p.m. to game time.

Consideration of the approval of a request by the Freeport Veterinary Clinic, 1316 Brazosport Blvd., to block a small portion of Ave. H. behind their business, for their first annual Costume Halloween contest on October 27, 2007 from 10:00 a.m. to 1:30 p.m.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved a request for the Freeport Veterinary Clinic, 1316 Brazosport Blvd., to block a small portion of Ave. H behind their business, for their first annual Costume Halloween contest on October 27, 2007 from 10:00 a.m. to 1: 30 p.m.

Consideration of the approval of advertising for bids to sale Block 717, Lots 2 & 4, Velasco Townsite, known as North Ave. N.

On a motion by Councilman Cameron, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved Mr. Nat Hickey's recommendation to advertise for bids to sale Block 717, Lot 2 & 4, Velasco Townsite, known as North Ave. N.

Consideration of the approval of advertising for bids to sale Block 716, Lots 16, 18, and 20, Velasco Townsite, known as North Ave. N.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved Mr. Nat Hickey's recommendation to advertise for bids to sale Block 716, Lots 16, 18 and 20, Velasco Townsite, known as North Ave. N.

Elected Official Report

Councilman Saccomanno, Councilwoman Garcia, and Councilman John Smith, III attended the demolition of the old Savings and Loan building on Monday, October 15, 2007. The Texas Employees Credit Union will construct a 1.6 million dollars facility. Their goal is to be open by April, 2008.

Councilwoman Garcia reported the Veterans Memorial Project Committee meets tomorrow.

Councilman Smith attended the farewell reception at River Place for Mr. Bottoms. A very good turn out and wished him well at his new job. The City will continue to move on with projects.

Work Session

Administration Report

Gary Beverly thanked Larry Fansher and his crew for an excellent job at the park and landscaping improvements at River Place.

Mayor McDonald closed the work session and opened the Executive Session at 6: 25 p.m.

Executive Session

Section 551.71, Government Code

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 conflicts with Chapter 551, Government Code, to wit:

(1) Anthony J. Lurvey – Lien # 2006051101

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:

- (1) City Manager
- (2) Acting City Manager
- (3) Finance Director

Action, if any, taken in public as result of Executive Session.

Mayor McDonald closed the Executive Session and opened the Formal Session 7:53 p.m. to vote on Item 7:

Consideration of the appointment of an Acting City Manager.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously appointed Gary Beverly as Acting City Manager.

Adjourn

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting “aye”, the meeting was adjourned at 8:10 p.m.

Attest:

Delia Munoz
City Secretary

Larry L. McDonald
Mayor