

State of Texas

Brazoria County

City of Freeport

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, October 20, 2008 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
Jim Saccomanno
Ron Wise
Norma M. Garcia

Staff:

Gary Beverly, City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Larry Fansher, Park Director
Mary Stotler, Main Street Director
John Stanford, Fire Chief
Jeff Pynes, Police Chief
Bob Welch, Finance Director
Gus Flores, Police Capt.
Allan Lawson, Police Lieutenant
Minnett Asley, Human Resources

Visitors:

Tan Tarver	Robert Leffingwell
Richard Rangel	Carol Rangel
Jim McEntire	V. L. Scott
Susie Wise	Rosa McDonald
Bobby Casale	Patrick Gore
Wright Gore, III	Raul Ramirez
Nathaniel Lukefahr	Michael Morris
Hunter Sauls	Grady Pennington
Fred Bolton	Loni Kershaw
Manning Rollerson	Michell Kent
Gilbert Arispe	Paul LaChance
Cele Damian	Rene Damian
Louie Jones	Mary Darnelll

Dorothy Pirrung	Jim Pirrung
Glenda Fansher	Dell Phillips
Diane Williams	Pixie Floyd
John Smith, II	Roddy Mohler
Barbara Mohler	Jerry Meeks
Sandra Barnett	James Barnett
Sandra Leavey	Fai Demain
Sandra Barbree	Lila Lloyd
Stanley Burke	Tobey Davenport
Joyce Adkins	Jim Adkins
Kenny Kouches	Mike Jones
Brenda Laird	Roy Yates
Larry Shaefer	Judy Shaefer
Carlos Martinez	Alonzo Martinez
Yvette Ruiz	Melanie Oldham
B. R. Williams	Lucky Gilbert
Chris Moore	Bobby Davis
Loren Hayes	Eric Hayes
Lila Diehl	Eileen Koenig
Shirley Theriot	Bill Demain
Annette Sanford	Mark Sanford

Call to Order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of the approval of the October 6th & October 8th, 2008 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting “aye”, Council unanimously approved the October 6th & October 8th, 2008 Council Minutes.

Attending Citizens and Their Business.

Dell Phillips of 1322 W. 11th Street discussed at length her displeasure with the Mayor and the Council’s agenda of destruction.

Stoney Burke of 1843 W. 11th Street, lives close to the Central Lift Station and complained about the smell. He submitted a signed petition with approximately 200

names, to the City Secretary and Council, the need to repair the Central Lift Station immediately.

Manning Rollerson stated his support for Gary Beverly.

Jim McEntire, 1747 W. 9th Street, also stated that Freeport was the laughing stock of the county. He has been trying to clean his neighbor's property with no success.

Sandra Barbree, 1502 North Ave. R., said she closed her business and planned to move, but decided to stay and see the City come back. Also stated that she supported Gary Beverly.

Lila Lloyd, 1620 North Ave. T., talked about a conflict of interest among the council members. She saw copies of their campaign treasures report and asked how they could be financed by someone who is suing the City. She reminded them of the Oath of Office they were sworn to.

Gloria Molina works at Palacios Mexican Restaurant, # 2 South Gulf Boulevard asks when the parking lot would be repaired. It used to be concrete and had not been repaired. Mayor McDonald asked her to meet with him after the meeting.

Joyce Adkins, 102 North Ave. C. said that people have worked very hard to elect this Council and that she is very proud.

Bobby Casale, 332 Huckleberry Dr, Lake Jackson said that he feels very comfortable and at ease with the present council. He commended the Council and stated that he had not heard or any complaints or issues. The City has very capable people running the City.

Jim Adkins, 102 North Ave. C., stated that Mayor McDonald had been elected twice.

Annett Sanford, 510 W. Broad, said she lives next to a depilated house and said that taxes were being paid, still she supported the Council.

Consideration of the approval of Resolution No. 2008-2185 appointing Loren Stuart Hayes to the Board of Adjustment of the City.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 4 to 1, Council approved Resolution No. 2008-2185 appointing Loren Stuart Hayes to the Board of Adjustment of the City. Councilwoman Garcia opposed.

Consideration of the approval of an administrative appeal from Sonic Drive In, requesting a variance under the Sign Ordinance, Chapter 113.07 to install a changeable electronic variable message sign 50" x 94".

On a motion by Councilman Saccomanno, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved a request from Sonic Drive In, to install a changeable electronic variable message sign 50" x 94".

Public Hearing: The reinstatement or termination of the employment of Gary Beverly as City Manager.

Mayor McDonald opened the public hearing at 6:47 p.m.

Gary Beverly spoke on his behalf, on his pride and his contribution to the City as City Manager.

John Smith III, Jim McEntire, Pixie Floyd, Minnett Hanna, Lila Lloyd, and Sandra Leavey all spoke in support of Gary Beverly.

There being no further comments from the audience, Mayor McDonald closed the public hearing at 7:06 p.m.

Consideration of the approval of reinstating or terminating the employment of Gary Beverly as City Manager.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting 2 to 3, Council failed the motion to reinstate the employment of Gary Beverly as City Manager. Councilman Wise, Councilman Cameron, and Mayor McDonald opposed.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 3 to 2, Council approved the motion to terminate the employment of Gary Beverly as City Manager. Councilman Saccomanno and Councilwoman Garcia opposed.

Consideration of the approval of an Acting City Manager if the employment of Gary Beverly as City Manager is terminated under item # 9.

On a motion by Councilman Wise, seconded by Mayor McDonald, with all present voting 3 to 2, Council approved Chief Jeff Pynes as Acting City Manager of the City of Freeport. Councilman Saccomanno and Councilwoman Garcia opposed.

If the employment of Gary Beverly as City Manager is terminated under Item # 9 and an Acting City Manger is not appointed under item # 10, discuss and consider confirming the written designation of Mary Stotler as the qualified employee of the City who will perform the duties of the City Manager until an Acting City Manager is appointed by the City Council.

No action taken.

Any other action to be taken as a result of Executive Session.

No action taken

Work Session:

Discussion regarding Rehabilitation of Central Lift Station.

Jerry Meeks of Veolia Water discussed the Rehabilitation of the Central Lift Station, presented Council with photos of the inside walls and ceiling of the central lift station. He presented Council with letters to Mercer Construction on scope of work to be done at the lift station and drawing of the station. The cost associated with the repairs:

- Present pump repairs (3 pumps) \$12,478.48 other two will be sent in later
- Fencing \$11, 575.00
- Bypass Pump Rental monthly estimate of \$13,200.00
- Mercer cost for repairs estimated between \$150,000.00 to \$160,000.00

Rene Damian was asked to provide a scope of work for the project. Mr. Damian said it would take 6 to 8 weeks.

Mayor McDonald closed the Work Session and opened the Executive Session at 8:15 p.m.

Executive Session

Section 551.071, Government Code:

Consultation with City Attorney concerning pending or contemplated litigation, settlements 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;

- A. Response to Public Information Request
- B. Economic Development Corporation

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:

- A. City Manager

Mayor McDonald reconvened the open session at 9:09 p.m.

Adjourn

On a motion by Councilman Saccomanno, seconded by Councilman Wise, with all present voting “aye”, the meeting was adjourned at 9:09 p.m.

Delia Munoz
City Secretary

Larry McDonald
Mayor