

City of Freeport

Brazoria County

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BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday, April 6, 2009 at 6:01 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas, for the purpose of considering the following agenda:

City Council:                    Larry L. McDonald  
  Clan A. Cameron  
  Jim Saccomanno  
  Ron Wise  
  Norma Moreno Garcia

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

Visitors:                         Jerry Meeks                    Bobby Casale  
  Joyce Adkins                 Lila Diehl  
  Eric Hayes                    Loren Hayes  
  Brenda Laird                 Pixie Floyd  
  Mike Kouches                Mike Jones  
  Roddy Mohler                Barbara Mohler  
  Willie Garcia                Amanda Harrington  
  Manning Rollerson         Abel Garcia  
  Larry Shaefer                Judy Shaefer  
  Rosa McDonald              Susie Wise  
  Mark Cameron                Wright Gore, III  
  Ed Garcia                     Juan Gutierrez  
  Annette Sanford             James Blalock  
  V. L. Scott                    Edna Allan  
  Jim Anderson

Call to Order.

Mayor McDonald called the meeting to order at 6:01 p.m.

Invocation.

Pastor Abel Garcia offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance

Consideration of the approval of the March 16<sup>th</sup>, 2009 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting “aye”, Council unanimously approved the March 16<sup>th</sup>, 2009 Council Minutes.

Attending Citizens and Their Business.

Pixie Floyd of 832 Leder Street thanked everyone for helping when her husband was ill, and for the blood drive that was held at the city’s parking lot, support, cards, and condolences.

Willie Garcia, local bar owner said council asked Mr. Shaw to research the ordinance that would extend drinking hours or if it would be up to the City to vote on the November ballot. Mayor McDonald advised Mr. Garcia that a questioner was put on E-Gov to register opinions whether to increase alcohol consumption to 2:00 a.m. and would schedule two public hearing for this issue.

Manning Rollerson said that he had burned up two lawn mowers, while attempting to cut his grass. When he arrived, the City had cut his yard, and asked if he was going to be charged. Mayor McDonald advised him to talk to Mr. Pynes. He also stated that if Henrietta Gonzalez gets on the ballot that he would call the Justice Department for an investigation of the wrong doing in the Police Department.

**Recognition of Brazosport High School student; Forrest Alden Hughes, State Champion Swimmer.**

Mayor McDonald asked Couch Brown to recognize Brazosport High School student Forrest Alden Hughes for his swimming achievements at the STATE competition.

**Proclamation: Proclaiming April 2009 “Motorcycle Safety and Awareness Month”.**

Mayor McDonald read the proclamation, declaring April 2009 as Motorcycle Safety and Awareness Month.

**Proclamation: Proclaiming April as “Child Abuse Prevention Month”.**

Mayor McDonald read the proclamation, declaring April 2009 as Child Abuse Prevention Month.

**Proclamation: Proclaiming April 2009 as “Fair Housing Month”.**

Mayor McDonald read the proclamation, declaring April 2009 as Fair Housing Month.

Consideration of the approval of a request from Habitat for Humanity of Southern Brazoria County to waive the fees for the building permits for 7 North Ave. B., Freeport, Texas.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved a request from Habitat for Humanity of Southern Brazoria County to waive the fees for the building permits for 7 North Ave. B., Freeport, Texas.

Consideration of the approval of a request from the Freeport League to waive the carnival and vendor permit fees for Riverfest on April 24-25, 2009 held at the Freeport Municipal Park.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved a request from the Freeport League to waive the carnival and vendor permit fees for Riverfest on April 24-25-2009 held at the Freeport Municipal Park.

Consideration of the approval of a request for a variance by Eric Hayes to rebuild a 14'x24' sign at the entrance of his property located on the east side of Hwy. 288 being Lots 92 & 93, BCIC Division 14, A. Calvit Leaque Abstract 49 & J. F. Fields Survey, Abstract 62.

Eric Hayes would like to replace his 14 x 24 sign, it was torn down in 2005 to replace rotten boards. Councilman Cameron and Councilman Wise stated that they did not have a problem in replace the sign to its original state. Mr. Hayes at this time requested to install a digital sign. Mr. Hayes was advised to get engineering drawing of the sign requested.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved to table this item for further engineering information on the sign.

Consideration of the approval of Ordinance No. 2009-2219 repealing Division (A) of Section 150.091 of the Code of Ordinance of said City, which requires proof of Worker's Compensation Insurance for applicants for a House Moving Permit, and Re-Lettering Divisions (B) and (C) of said section as Divisions (A) and (B) respectively; repealing Division (A) of Section 150.106 of said Code of Ordinances which requires proof of Worker's Compensation Insurance for applicants for a House Leveling Permit and Re-Lettering Divisions (B), (C) and (D) of said Section as Divisions (A), (B) and (C) respectively.

On a motion by Councilman Cameron, seconded by Mayor McDonald, with all present voting "aye", Council unanimously approved Ordinance No. 2009-2219 repealing Division (A) of Section 150.091 of the Code of Ordinance of said City, which requires proof of Worker's Compensation Insurance for applicants for a House Moving Permit, and Re-Lettering Divisions (B) and (C) of said section as Divisions (A) and (B) respectively; repealing Division (A) of Section 150.106 of said Code of Ordinances

which requires proof of Worker's Compensation Insurance for applicants for a House Leveling Permit and Re-Lettering Divisions (B), (C) and (D) of said Section as Divisions (A), (B) and (C) respectively.

Consideration of the approval of providing water service to the new church in the 500 Block of South Brazosport Boulevard and authorizing the Mayor to sign such approval.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved water service to the new church in the 500 Block of South Brazosport and authorizing the Mayor to sign such approval. The cost for this project is \$29,658.62 of this amount \$6,857.27 is the church's cost.

Consideration of the approval of setting two public hearing dates to consider amending Section 110.09 of the Code of Ordinances to extend hours during which beer and liquor can be sold.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved setting April 20th, & May 18th 2009 for public hearing dates to consider amending Section 110.09 of the Code of Ordinances to extend hours during which beer and liquor can be sold.

Consideration of the approval of the rehabilitation work on the Central Lift Station.

Jerry Meeks of Veolia Water reviewed the Scope of Work on the Central Lift Station to bring it back to full operation status. The cost for this project is \$291,103.02 with an alternate for variable frequency drive units for controlling three of the pumps for add on of \$31,359.35. The city should get 15 plus years from the structure of this station after the rehabilitation. A new Lift Station would cost \$600,000.

Mayor McDonald and Jeff Pynes attended a Community Development Block Grant (CDBG) meeting in Angleton regarding to the \$17.4 million of CDBG Disaster Recovery funding allocation process. The City has applied for funding the Central Lift Station with no match.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved to table this item till more information is received from the CDBG office

Consideration of the approval of any action to be taken as a result of closed executive session.

Mayor McDonald opened the formal session at 9:19 p.m. No action taken as a result of the closed executive session.

## Elected Official Report

Councilman Saccomanno reported that the Senior Citizens Committee, continuing to have good programs. AARP sponsoring a Defensive Driving Class for citizens over 55 years of age. A certificate is given upon completion of the class. He suggested that the city install web-cams to prevent dumping trash, prevent vandalism, and crimes.

## Work Session

### Administration Report

None

Mayor McDonald closed the Formal Session and opened the Executive Session at 7:48 p.m.

### Executive Session

#### A. Section 551.071, 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:

- Western Seafood Federal Case
- Pinkey Hartline Claim
- Gary Beverly Claim

#### B. 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:

- Acting City Manager

## Adjourn

There being no further business to come before council, the meeting was duly adjourned by Councilman Cameron, seconded by Councilman Saccomanno, at 9:19 p.m.

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Delia Muñoz  
City Secretary

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Larry L. McDonald  
Mayor