

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Tuesday, January 17th, 2012 at 6:05 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard for the purpose of considering the following agenda items:

City Council: Norma M. Garcia
Michelle Kent
Fred Bolton
Nicolosa Mireles
Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Asst. City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Kola Olayiwola, Building Official

Visitors: Jim Pirrung Dorothy Pirrung
Edward Garcia Jerry Meeks
Shannon Daughtry Shannon Averetts
Roy Averetts

Call to Order.

Mayor Norma Garcia called the meeting to order at 6:05 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma Garcia led the Pledge of Allegiance.

Consideration of approving the December 5th, 2011 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the December 5th, 2011 Council Minutes.

Attending citizens and their business.

There were no comments

Consideration of receiving, discussing and approving a final report from the Charter Review Commission 2011-2012.

Mr. Pynes read out and reviewed the final report of the Charter Review Commission.

To the Honorable Mayor and City Council:

The Charter Review Commission for the June to December, 2011, term, having reviewed the Home Rule Charter of the City and having consulted with the City Manager, the City Attorney and others who are to be consulted, recommends the following changes be submitted to the citizens.

First, consider amending the first sentence of Section 3.02 Qualifications to read:

"The Mayor and each member of the City Council shall be a registered voter and a resident citizen of the City of Freeport for at least twelve (12) consecutive months and, in the case of members of City Council other than the Mayor, a resident of the Ward sought to be represented for at least six (6) consecutive months, immediately preceding his or her application to have his or her name placed on the official ballot and the filing of proof of his or her qualifications as required by law."

Mr. Ed Garcia opposed the change from 6 months to 12 consecutive months.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved the first proposal to the Charter Review.

Second, consider amending Item (m) of Section 3.07, Powers of the City Council, to read as follows:

"(m) Fix the salaries and compensation of the employees of the City and of all officers of the City other than that of the Mayor and other members of the City Council."

Note: The above rewording of Item (m) of Section 3.07 clarifies that the Compensation of officers mentioned in that item is the compensation of officers like the municipal court judge, etc. who are appointed.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the second proposal to the Charter Review.

Third, consider repealing Items (f) and (g) of Section 4.05, Municipal Court, and adding Item (c) to Section 4.02, Department of Police, to read as follows:

"(c) The Chief of Police shall appoint one of the members of the Police Department to act a warrant officer. The warrant officer shall execute warrants and other process issued by the Judge or Clerk of the Municipal Court, attend and act as bailiff at all sessions of the Municipal Court, act as security officer for all Municipal Court personnel and perform such other and further duties as may be requested of him by the Municipal Court Judge or assigned by the Chief of Police, with priority being given by the warrant officer to discharging the duties of warrant officer as specified herein."

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the third proposal to the Charter Review.

Fourth, consider amending the first sentence of Section 4.07, Department of Health, to read as follows:

"The City Council may appoint a City Health Officer who shall be a licensed physician qualified to practice medicine in the State of Texas and a resident of the City of Freeport."

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the fourth proposal to the Charter Review.

Fifth, considering amending Item (d) of Section 8.03, Planning Commission, to read as follows:

"(1) Make recommendations for the amendment, extension and additions to the master plan for the physical development of the City;"

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved the fifth proposal to the Charter Review.

Sixth, amend the first sentence of Section 9.14, Contingent Appropriation, to read:

"Provisions shall be made in the annual budget and in the appropriation ordinance for an appropriation of a reserve in an amount of not more than five per centum (5%) of the total budget, not to exceed eight million dollars, to be used by the City Manager, with the consent of the City Council, in case of unforeseen contingencies."

Ed Garcia asked why there was a need to raise the per centum from 3% to 5% of the total budget. Mr. Pynes answered that it was for unforeseen contingencies.

This item was reagenda.

Consideration of approving Ordinance No. 2012-2298, adopting the 2009 editions of the International Building Code, International Residential Code, International Mechanical Code, International Existing Building Code, International Property Maintenance Code, International Plumbing Code, International Fuel Gas Code, and International Energy Conservation Code and the 2008 Edition of the International Electrical Code, also known as the National Electrical Code.

Kola Olayiwola Building Official stated that the City has been mandated to adopt new codes in order to maintain a good standing on the “Building Code Effectiveness Grading Schedule Classification”.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved Ordinance No. 2012-2298 adopting the 2009 editions of the International Building Code, International Residential Code, International Mechanical Code, International Existing Building Code, International Property Maintenance Code, International Plumbing Code, International Fuel Gas Code, and International Energy Conservation Code and the 2008 Edition of the International Electrical Code, also known as the National Electrical Code.

Consideration of approving Resolution No. 2012-2274 appointing qualified person(s) to the Senior Citizens Commission of the City.

On a motion by Councilwoman Mireles, seconded by Councilman Bolton, with all present voting “aye”, Council approved Resolution No. 2012-2274 appointing Sammy Troxell Moore and Ona Johnson to the Senior Citizens Commission of the City.

Consideration of authorizing the City Manager to sign a WEBQA Service Agreement to purchasing software for Code Enforcement & Building Department.

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbree, with all present voting “aye”, Council approved the City Manager to sign a WEBQA Service Agreement to purchase software for Code Enforcement & Building Department.

Consideration of selling the city’s interest on Block 133, East ½ of Lot 9, Lot 10, Freeport Townsite, known as 1204 W. 5th Street, Id No. 4200-1357-000.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council approved to reagendaed this item.

Consideration of approving a request from Chairperson Shannon Averett, to host the Veteran Day Parade in the City of Freeport on November 11th, 2012.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council approved a request from Chairperson Shannon Averett to host the Veteran Day Parade in the City of Freeport on November 11th, 2012.

Mayor Norma Garcia closed the formal session and opened the Executive Session at 6:45 p.m.

Executive Session:

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:

- Consultation with City Attorney

Mayor Norma Garcia closed the Executive Session and opened the Formal Session at 7:27 p.m.

Adjourn

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "ay", the meeting adjourned at 7:27 p.m.

Mayor Norma M. Garcia
City of Freeport

City Secretary – Delia Munoz
City of Freeport