

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport met on Monday, May 2nd, 2011 at 6:00 p.m., the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council:

Larry L. McDonald  
Michelle Kent  
Fred Bolton  
Nicolasa Mireles  
Norma M. Garcia

Staff:

Jeff Pynes, City Manager  
Wallace Shaw, City Attorney  
Delia Munoz, City Attorney  
Nat Hickey, Property Manager  
Gary Pohl, Marshal  
Brian Davis, Fire Chief  
Ty Morrow, Police Chief  
Larry Fansher, Parks Director

Visitors:

Jim Pirrung	Dorothy Pirrung
Joyce Adkins	Rosa McDonald
Annette Sanford	Jerry Meeks
Kenny Kouches	Mike Jones
Sandra Barbree	Manning Rollerson
Eric Hayes	Lila Diehl
John Stanford	Chip Gentry
Juanita Cardoza	Lila Lloyd
Glen Moody	Sonia Fragoso
Lisa Finely	

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 approving the April 18th, 2011 Council Minutes.

On a motion by Councilwoman Garcia, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved the April 18th, 2011 Council Minutes.

Attending citizens and their business.

John Stanford addressed Council on violations of the City's Charter and spending issues. He read out Section 5.08 Oath of Office to the Council; reminded Council that they are bound by the Oath of Office to enforce the oath as it indicates. He also stated Section 4.01 of the Charter stipulates that the City Manager should be a resident in the City. He understands that the City Manager is living in Houston, Texas which is a violation of the Home Rule Charter and believes that this needs to be dealt with. He spoke on Section 5.14 Audit and Examination of City Books and Accounts. He requested a copy of the auditor's report through Open Records Act dated June 2<sup>nd</sup> 2010, latest audit conducted in the City of Freeport. So the city has gone over 8 months without an audit being conducted. He said that Section 5.14 mandates that an audit be done as soon as possible after the close of the fiscal year, and is required to have two (2) spot audits unannounced during the fiscal year, as of now 7 months later, no audits reports. This was a Charter violation. He stated that the City requires a bond disclosure by the end of March and without an audit, you cannot have a bond disclosure so this could have a detrimental effect on our bond ratings. He asked Council to look at these issues. Last year he addressed Council on the purchase of two office chairs, in the City's attempt to block that information through the Attorney General office for expenditures of approximately \$4,700. He reminded the Mayor that in previous open meetings, he was told that he would look into this matter. He asked the Mayor if he had looked into this, done anything or if he was going to ignore it or what exactly had he done about it. Mayor McDonald replied "yes" I have. Mr. Stanford asked: Are you going to let us know, what is it? Mayor McDonald said "I could, yes sir I will get back with you". I just found out that the City recently purchased 2 iPads at a cost of \$795.00 each. A ridiculous wasteful of tax dollars when we can't even afford to give our city employees a cost of living increase. I think we need to set our priority straight which is more important; \$1,600 is not going to break the bank but when we see this frivolous spending with employees going on without a cost of living increase, it's just not right.

Manning Rollerson said it was a shame that a man had to call the whole community to show up at a store because he wanted to turn himself in but was afraid the police might shoot him. He also reported a big break in the street on North Ave. J. Mr. Manning was upset that some of his political signs were removed and had been advised to file criminal mischief on the person responsible. He stated that he wanted to run a fair campaign.

**Proclamation:** Proclaiming April 2011 as “Fair Housing Month”.

Mayor McDonald read the proclamation, proclaiming April 2011 as Fair Housing Month.

Consideration of selling the City’s interest on Block 7, Lot 15, Freeport Townsite, known as 514 E. 8th Street, Tx. Id 4200-0129-000.

This item was reagendaed.

Consideration of selling the City’s interest on Block 25, Lot 9, Freeport Townsite, known as 230 E. 8th Street, Freeport Texas, Tx. Id. 4200-0322-000.

This item was reagendaed.

Consideration of approving a request from the Veteran of Foreign Wars, Post 4341, 106 South Ave. D. to hold the Summertime Blues Festival in downtown Freeport on September 2nd thru the 4th, and close downtown streets from Thursday September 1st, until Monday September 5th including Broad Street between Oak and FM 1495, 2nd Street between Cherry Street and 1495 along East and West Park.

On a motion by Councilwoman Garcia, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved a request from the Veteran of Foreign Wars, Post 4341, 106 South Ave. D., to hold the Summertime Blues Festival in downtown Freeport on September 2nd thru the 4th, and close downtown streets from Thursday September 1st, until Monday September 5th including Broad Street between Oak and FM 1495, 2nd Street between Cherry Street and 1495 along East and West Park.

Consideration of approving a request from the Veteran of Foreign Wars, Post 4341, 106 South Ave. D., to hold a parade on September 3rd, 2011 and close 2nd Street from Brazosport Boulevard to Cherry Street from 11:00 a.m. to 12:30 p.m.

On a motion by Councilwoman Kent, seconded by Mayor McDonald, with all present voting “aye”, Council unanimously approved a request from the Veteran of Foreign Wars, Post 4341, 106 South Ave. D., to hold a parade on September 3rd, 2011 and close 2nd Street from Brazosport Boulevard to Cherry Street from 11:00 a.m. to 12:30 p.m.

Consideration of approving a request from the Freeport Host Lions Club to waive permit fees, sell alcohol, have a public dance, erect temporary fencing, have fireworks display in conjunction with the 64th Annual Fishing Fiesta on June 28<sup>th</sup> thru July 3<sup>rd</sup>, 2011 at the Freeport Municipal Park.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved a request from the Freeport Host Lions Club to waive permit fees, sell alcohol, have a public dance, erect temporary fencing,

have fireworks display in conjunction with the 64th Annual Fishing Fiesta on June 28th thru July 3rd, 2011 at the Freeport Municipal Park.

Discuss and consider authorizing a City Youth Scholarship Program presented by Brazosport High School Youth Senate.

Mr. Pynes discussed implementing a City Youth Scholarship Program with Sonia Fragosa from the Brazosport High School Youth Senate. Mr. Pynes discussed the different phases of a scholarship program. The scholarship program will be open to students, home school or in private schools who live in Freeport. The City will help look for donations to fund the program.

No motion made.

Mayor McDonald closed the formal session and opened the Executive Session.  
at 6:27 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 of Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit;

Industrial District Contract and legal issues involved in (B) below.

(B) Section 551.072, Government Code

Deliberations concerning the purchase, exchange, lease or value of real property when deliberation in an open meeting might have a detrimental affect on the position of the City Council in negotiations with a third person, to-wit: right-of-way and adjoining premises.

*(No action taken.)*

(C) Section 551.075, Government Code

Deliberations concerning the deployment, or specific occasions for implementation, of security personnel or devices.

*(No action taken)*

Mayor McDonald closed the Executive Session and reconvened in open session at 7:40 p.m.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", the meeting adjourned at 7:40 p.m.

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Mayor Larry L. McDonald

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City Secretary – Delia Munoz