

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF BRAZORIA

The City of Brazoria convened in a Regular Meeting on January 14, 2020 at 6:00 p.m. with the following to-witt:

Roger Shugart	Mayor
Marcus Rabren	Council Position #1
Gail Logsdon	Council Position #2
Gary Kersh	Mayor Pro-Tem
Roschelle Hicks	Council Position #4
Susan Swanner Parker	Council Position #5

City Personnel:

Olan Massingill	City Manager
Sheila Williams	City Secretary
R.C. Stevenson	City Attorney
Neal Longbotham	Police Chief
Derrell Travis	Public Works Director
W. V. James	City Judge
Tracy Kennedy	Deputy Court Clerk
Duane Stahl	Fire Chief
TR Williams	Bailiff
Dillon Ross	Police Officer
Jacqueline Moore	Detective

Others:

Frank Quinty Jr.	Citizen
Tina Watts	Citizen
Wendy Burgess	Citizen
Steve Ross	Family Member of Dillon Ross
Jennifer Flagler	Family Member of Dillon Ross
Cheryl Ross	Family Member of Dillon Ross
Jamie Beal	Family Member of Dillon Ross
Jason Beal	Family Member of Dillon Ross
Linda Frost	Citizen
Chris Rothfelder	Attorney for Brett Gilbreath
Brett Gilbreath	Billboard Sign Owner
Jaime Castillo	Waste Connections
Mary Newport	Brazosport Facts
Steve Moffett	Citizen
Sissy Moffett	Citizen
Melvin Johnson	Pastor of Heart of Christ Church
Maurice Roberts	Citizen
Sheila James	Citizen

Kirby Jordan
Ruby Jordan

Citizen
Citizen

A. CALL TO ORDER REGULAR MEETING.

Mayor Shugart called to order regular meeting at 6:00 p.m.

B. INVOCATION TO BE GIVEN BY PASTOR MELVIN JOHNSON OF HEART OF CHRIST COMMUNITY CHURCH AND THE PLEDGE TO THE AMERICAN AND TEXAS FLAGS BY ALL.

Pastor Melvin Johnson of Heart of Christ Community Church gave the invocation and Councilman Rabren led the pledges to the American and State Flags.

C. CONSIDERATION/ACTION TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS:

Motion was made by Mayor Pro-Tem Kersh to approve the following meetings, Regular Meeting, December 10, 2019. A second was made by Councilwoman Parker. Motion carried unanimously.

D. CITIZENS COMMUNICATION AND COMMENTS.

Tina Watts wanted to remind council of the drainage problems on 5th Street. They don't drain over there.

E. CONSIDERATION/ACTION TO SWEAR IN NEW OFFICER DILLON ROSS.

Mayor Shugart swore in new Patrol Officer Dillon Ross.

F. **CLOSED EXECUTIVE SESSION: IN ACCORDANCE WITH TEXAS GOVERNMENT CODE SUBCHAPTER D, SECTION 551-071 AND PERSONNEL UNDER GOV. CODE SECTION 551.074:**

Council went into Executive Session at 6:06 p.m.

A. CONSULT WITH ATTORNEY ON POTENTIAL LAWSUIT AND VARIANCE

FROM GILBREATH AND COMPANY FOR VARIANCE REQUEST.

F. CONSIDERATION/ACTION TO APPROVE VARIANCE ON BILLBOARD SIGN FOR GILBREATH AND COMPANY.

Council reconvened into Regular Meeting at 6:20 p.m. Attorney Chris Rothfelder and Brett Gilbreath explained they have signs all across Texas. They explained the money and time invested into this sign that they thought was approved since a permit had been issued. They did

not know there was an emergency meeting that was held. Mr. Gilbreath took it on good faith that everything was fine because he had a permit issued. City Manager felt they had taken advantage of him since he was new and they had the ordinance and should have read billboards were banned in the City of Brazoria. The Public Works Clerk had explained to them when they picked up the ordinance that it was changed from the last time they received an ordinance. Mayor Shugart asked if they were aware that the construction crew from Advertising Higher were belligerent and treated the Police Chief and others like a dog. Mayor Pro-Tem Kersh explained they had just the pole up when they asked them to stop and they didn't. The Stop Order was issued and they continued working even into the night. Chief Longbotham after issuing citations and they didn't stop threatened them that he would start arresting. Mayor Pro-Tem Kersh asked if they would be willing to take ½ off the sign if council gave a variance. He would like to see a compromise if possible. City Manager Massingill explained the bottom portion hides the flags at the Heritage Foundation and Fire Dept. He also explained the workers putting up the sign still have outstanding citations. They need to take care of them and apologize to the Police Chief. Councilwoman Logsdon said she would like for them to sleep on it and see if they can remove the bottom portion. Councilwoman Hicks explained that they need to consider the sign is blocking the Fire Dept. flag and statue that represents a firefighter that was lost on duty. Mayor asked for another Executive Session with the attorney so they can ask more questions.

CLOSED EXECUTIVE SESSION: IN ACCORDANCE WITH TEXAS GOVERNMENT CODE SUBCHAPTER D, SECTION 551-071 AND PERSONNEL UNDER GOV. CODE SECTION 551.074:

Council went into Executive Session at 6:44 p.m.

A. CONSULT WITH ATTORNEY ON POTENTIAL LAWSUIT AND VARIANCE

FROM GILBREATH AND COMPANY FOR VARIANCE REQUEST.

F. CONSIDERATION/ACTION TO APPROVE VARIANCE ON BILLBOARD SIGN FOR GILBREATH AND COMPANY.

Council reconvened into Regular Meeting at 6:49 p.m. Attorney Chris Roffelder explained they were not here to defend Mr. Higher. Where do we go from here? Everyone has learned a lesson. Motion was made by Mayor Pro-Tem Kersh to table approval for variance on billboard sign for Gilbreath and Company till January 22nd at 5:00 p.m. after he sleeps on it and reports to Attorney Charlie Stevenson. A second was made by Councilwoman Logsdon. Motion carried unanimously.

G. CONSIDERATION/ACTION TO APPROVE WASTE CONNECTIONS CHANGE FROM HEAVY HAUL ON SATURDAY TO THURSDAYS.

Jaime Castillo explained Waste Connections is trying to be better structured. He said it is for employee's safety and time with families. Mayor Pro-Tem asked if it doesn't work can we go back to the Saturday. Mr. Castillo said no. Councilwoman Hicks asked if we could choose another day like Monday. Mr. Castillo said he would look into it. City Manager Massingill said he looked at this change before. Debris is on Friday and Heavy Haul on Saturday. Problem is doing this way then the other one thinks the other would pick up and then it doesn't get picked up at all. Mr. Castillo explained they would give 30 days' notice before they start. Motion was made by Councilwoman Parker to approve Waste Connections change from Heavy Haul on Saturday to Thursday. A second was made by Mayor Pro-Tem Kersh. Motion carried unanimously.

H. CONSIDERATION/ACTION TO APPROVE RE-PLAT FOR JESSE & KRISTEN WATSON IN S.F. AUSTIN 7 1/3 LEAGUE GRANT, ABSTRACT 20 IN CITY OF BRAZORIA ETJ.

Not present, no action was taken.

I. CONSIDERATION/ACTION TO HEAR ANIMAL CONTROL ISSUES ALONG WITH THEFTS AND ATTEMPTED BREAK INS FROM STEVE MOFFETT AT 502 W. ELM.

Mr. Moffett wanted to give credit to council for taking care of the issues they have been working on. He also is not happy with the ACO because he has in his neighborhood Ferrell cat issues. They come in his yard and poop in the flower beds. You can't hardly stand the smell. He knows the neighbors are feeding them. For the last three years they get trapped and then they are back the next day. Public Works Director Travis explained we can't put traps on other people's property. Mr. Moffett said we need to put a clause in ordinance to spay and neuter the cats before they can adopt or pay to get their own cats back. Councilwoman Logsdon said this is not a unique problem. Mayor Pro-Tem Kersh said council will look at the ordinance. Councilwoman Hicks asked if he has seen the stuff that is sold at Reifel's Feed that gets rid of cats. Mr. Moffett said he shouldn't have to pay for cats that are not his. Mr. Moffett also asked Police Chief Longbotham the procedure for investigating a break in. Police Chief Longbotham explained they take a report, pictures, statement and a investigation. Mr. Moffett explained the evidence was pointed out to the officer and there was no investigation done. There were no pictures or fingerprints taken. Police Chief Longbotham said there should have been pictures and fingerprints done. Mr. Moffett said they may need more training. He also wanted to know how many burglaries happened in last 90 days. Police Chief Longbotham said he could get that info for him. He also explained they have a part time officer that he hopes becomes full time. The investigator is working herself to death. They will look into this for him.

J. CONSIDERATION/ACTION TO APPROVE R.V. PERMIT FOR DIANA SEGLER WHILE HOUSE IS UNDER CONSTRUCTION.

Mrs. Segler was not present. Wendy Burgess came in her place. Mayor Pro-Tem Kersh was concerned with the tarp being over the RV. Councilwoman Parker was concerned with the storage building and junk vehicle being there. She also explained she is already living in it without water and council approval. She feels until the water is on she shouldn't live in it. Motion was made by Councilwoman Parker to not approve R.V. Permit for Diana Segler while house is under construction. A second was made by Mayor Pro-Tem Kersh. Motion carried unanimously.

K. CONSIDERATION/ACTION TO APPROVE LOGO FOR ELEVATED STORAGE TANK.

City Manager Massingill explained when they paint the water tower they can paint an emblem on it. He suggested the City Emblem. Councilwoman Hicks asked if we looked into a wrap. City Manager Massingill said it has not been used in this area before. Motion was made by Mayor Pro-Tem Kersh to take no action and give power to City Manager to get prices and bring back to workshop on January 28th. A second was made by Councilwoman Logsdon. Motion carried unanimously.

L. CONSIDERATION/ACTION TO REVIEW AND TAKE ACTION ON ORDINANCE #03-005 UPDATING AMUSEMENT REDEMPTION MACHINES.

City Manager Massingill would like to see the ordinance updated to property line to property line. Also raise the footage to 500 ft. Attorney Stevenson explained there is a case going to the Supreme Court and he feels we should wait until those results. City Secretary Williams explained the procedure for issuing tags. Police Chief Longbotham explained the police does not have time to do any surveillance or enforcement on game rooms. Mayor Pro-Tem Kersh asked if the game rooms here can be grandfathered. Police Chief Longbotham explained if we grandfather then it doesn't change anything. Councilwoman Parker asked if the Police Dept. has ever sealed a game. Police Chief Longbotham said yes we did when they weren't doing right. City Attorney Stevenson said let's not go too far until Supreme Court decision. Motion was made by Councilman Rabren to take no action on updating Ordinance #03-005 updating amusement redemption machines. A second was made by Councilwoman Hicks. Motion carried unanimously.

M. REVIEW BILLS PAID DECEMBER 2019.

Councilwoman Parker asked if we could write in the names of whom the charge was made to on the credit card bill. City Secretary Williams suggested that making copies of each receipt would be better. Police Chief Longbotham explained that the Mike Chambers bill was paid by him and the city. They would be getting that corrected.

N. MAYORS GOALS & PLANS FOR NEXT TWO YEARS.

Mayor Shugart gave a list of all the items that were now completed and the items that are in process. He also explained the ones that are ready to start.

O. CITY DEPARTMENT HEADS REPORT.

1. COURT DEPARTMENT – Judge James explained report in packet. He said the problem court has is people not showing up. He said Tracy Kennedy and other ladies in office are doing great.
2. POLICE DEPARTMENT – Police Chief Longbotham explained the report in packet. Councilwoman Parker asked about the new cars. She has received lots of comments on the design of the cars. Police Chief Longbotham said they had a lot of Public Relations in December. Lions Club was a big help. They received lots of donations from LNG and Phillips. He appreciated everyone’s help. City Manager Massingill asked about Patrolman Adank down on his stops. Police Chief Longbotham explained he was on vacation and training the new officer.
3. PUBLIC SERVICE DEPARTMENT – Report is in packet. Mayor Shugart asked about the Case Backhoe. Public Works Director explained it had to have lots of work and they also had to purchase tires for his truck. He also explained the chlorine usage is calendar year to calendar year. It is high because of the rain. He also invited council to Rice Belt Meeting.
4. FIRE DEPARTMENT – Fire Chief Stahl explained all the house fires lately are due to heat lamps. People need to be cautious and put them up higher so they don’t get knocked over.

P. CITY MANAGERS REPORT.

City Manager Massingill reported on the C/O’s balance of \$4,600.00 with interest. He explained two projects are complete. The Railroad and 36 sewer line. Sales tax is up by \$6,000 more than 2018. General Fund is 26% of budget and Utilities is 19% of budget. Trunk line is at 95% and then we can go out for bids. We are replacing water meters in February. They have had a problem boring under Highway 36 so they are going to do a sleeve. He is looking at Incode for a module for Inventory and Fixed Assets.

Q. REPORTS FROM MAYOR, CITY COUNCIL AND CITY ATTORNEY.

Mayor Shugart explained we are having a workshop on January 28th at 5:00 for a workshop on ordinances. We are having a Special Meeting on January 22nd at 5:00 for Billboard sign. He also explained that working with the Chamber to promote Brazoria they have a committee that consists of Ashley Lancaster, Pam Browning, Susan Parker, Roschelle Hicks Olan Massingill and Mayor Shugart.

Mayor Pro-Tem Kersh - doesn’t know how a person can be living in a trailer with water on in it without it being finished.

Councilman Rabren – Likes the second police officer coming on. The George Jones trailer park work has been noticeable.

Councilwoman Logsdon felt like it was a good meeting.

Councilwoman Hicks congratulated on new officer. Good to see Mrs. Jordan and thanked the Fire Dept.

Councilwoman Parker wanted to give credit where due. The fire volunteers showed up from everywhere. It was overwhelming that they rushed to help.

R. ADJOURN REGULAR MEETING.

Mayor Shugart adjourned Regular Meeting at 8:28 p.m.

Roger Shugart, Mayor

ATTEST:

Sheila Williams, City Secretary