

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF BRAZORIA

The City of Brazoria convened in a Workshop on March 13, 2018 at 5:30 p.m. & a Regular Meeting on March 13, 2018 at 6:00 p.m. with the following to-witt:

Gary Kersh	Mayor Pro-Tem
Gail Logsdon	Council Position #2
Roger Shugart	Council Position #4
Susan Swanner Parker	Council Position #5

City Personnel:

Teresa Borders	City Manager
Sheila Williams	City Secretary
R.C. Stevenson	City Attorney
Neal Longbotham	Police Chief
David Jordan	Public Works Director
Bill James	City Judge
Duane Stahl	Fire Chief
Joshua Adank	Peace Officer
Mark Cox	Peace Officer
Steven Early	Peace Officer

A. CALL TO ORDER WORKSHOP.

Mayor Pro-Tem Kersh called the Workshop to order at 5:35 p.m. due to train causing Councilwoman Parker to be late.

B. DISCUSSION ON ITEMS BELOW LISTED IN REGULAR COUNCIL MEETING AGENDA.

Mayor Pro-Tem Kersh went through each item asking for citizen input.

Item I – Councilwoman Logsdon asked if part of Regular Election can be cancelled since she and Councilman Shugart did not have an opponent. City Manager Borders explained that since it was with one race opposed that we cannot cancel that election.

Item K – Jesse Knight asked if a council person could also be on the committee. Mayor Pro-Tem Kersh said yes we can.

Item L – Edith Ray asked about the qualifications for applying for council position. City Attorney Charlie Stevenson read an attorney general opinion. He explained it is a judicial issue not a legislative or staff issue. The person doesn't even need to be a registered voter just qualified to vote. Councilwoman Parker said if a person is using a business to vote or run for an office that states their integrity is not there. It also reflects on the integrity of the council. If you go through an election and your integrity is being questioned and then you get on the council it starts off on a bad note. I know there has been past issues on questioning Mayor and Council residency &

illegal use of things. When people use a business as residence that is not a good reflection on our city. They need to reflect on themselves and ask if I am really a candidate for this position and based on what I am swearing to. Sheila can only do so much. She gives the oath as a notary. She validates their Driver's license address, voter registration or leases. If someone writes a lease and they are really not living there then shame on them. When someone says they wish they hadn't voted for me because I hadn't put a stop to this, I took that to heart because I am here for citizens. I can't fix this issue. I think it goes back to personal integrity. I think everyone needs to take a reflection on themselves. If you take it up with the DA and they don't do anything and there is something not right shame on them. Maybe if enough residents say there is something wrong then maybe they will stop and take a second look.

Roschelle Hicks said that citizens in town that get accustomed to assuming things need to look at their integrity as well before they assume someone lives somewhere that they don't. They need to investigate a little more before they start talking. Just having an excuse to blame the council or somebody that is running for council and laying blame. But we do live in a small town and they lay a lot of blame. I think they need to reflect on their own integrity.

City Attorney Stevenson explained he was not justifying anything just telling them what the law says. It is not the council or staff responsibility. It is the voters place because there are a lot of legality that goes into this for a decision.

Councilwoman Parker said if someone doesn't feel her integrity is worth their vote if she runs again then don't vote for me. I am here to stand up for anyone that comes to me and I will take on any issue head on.

Mayor Pro-Tem said he thinks the whole council is here to take everything head on but the law ties our hands. If they don't want to listen to you then you have to take your own steps.

Danny Mikeska asked City Attorney Stevenson if he is the city attorney in Freeport. He asked if they had a similar situation in Freeport. He thought it was adjudicated.

City Attorney Stevenson said he is not the attorney for Freeport and he believed there was that situation that was adjudicated. He said it is a common problem all through the United States. If you look it has been before the courts quite a few times. The city can't overrule the state.

Mayor Pro-Tem explained the Mayor position is one year and council 6 months of residency in the city before you can run.

Chief Longbotham explained this is something the Municipal Police do not investigate.

B-Tel Representative said he is here if anyone had any questions. Mayor Pro-Tem explained he was not on agenda but if anyone has any questions for him they can ask during the break. He then thanked everyone for the questions and for coming.

C. ADJOURN WORKSHOP AND CALL TO ORDER REGULAR MEETING.

Mayor Pro-Tem Kersh adjourned the workshop at 5:50 p.m. and called to order regular meeting at 6:00 p.m.

Gary Kersh
Gail Logsdon

Mayor Pro-Tem
Council Position #2

Roger Shugart Council Position #4
Susan Swanner Parker Council Position #5

City Personnel:
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Joshua Adank Peace Officer
Mark Cox Peace Officer
Steven Early Peace Officer

D. INVOCATION TO BE GIVEN BY PASTOR ROLAND HENDRICKS OF GREATER MOUNT ZION CHURCH AND THE PLEDGE TO THE AMERICAN AND TEXAS FLAGS BY ALL.

Pastor Hendricks of Greater Mount Zion Church gave the invocation and the pledge to the American & Texas flags was led by Councilman Shugart.

E. CONSIDERATION/ACTION TO APPROVE THE MINUTES OF THE FOLLOWING MEETING; REGULAR MEETING, FEBRUARY 13, 2018.

Motion was made by Councilwoman Logsdon to approve the minutes of the following meeting, Regular Meeting, February 13, 2018. A second was made by Councilman Shugart. Motion carried unanimously.

F. CITIZENS COMMUNICATION.

Police Chief Longbotham introduced the new peace officers and read some information about them. Joshua Adank, Mark Cox and Steven Early.

G. CONSIDERATION/ACTION TO APPROVE PRELIMINARY RE-PLAT FOR JALENE MOORE AT 620 LAZY LANE, BRAZORIA, TEXAS.

Staci Oakes explained what they want to do with the property. Motion was made by Councilwoman Logsdon to approve preliminary re-plat for Jalene Moore at 620 Lazy Lane, Brazoria, Texas. A second was made by Councilman Shugart. Motion carried unanimously.

H. CONSIDERATION/ACTION TO APPROVE ORDINANCE #18-004 CLOSING 60 FT. ROAD EASEMENT THAT DISECTS BETWEEN LOT 9H1A OF E.W. AUTRY ET AL 10.91 ACRE TRACT IN THE STEPHEN F AUSTIN 7 ½ LEAGUE GRANT.

Motion was made by Councilman Shugart to approve Ordinance #18-004 closing 60 Ft. road easement that dissects between Lot 9H1A of E. W. Autrey ET AL 10.91 acre tract in the Stephen F. Austin 7 ½ league grant. A second was made by Councilwoman Logsdon. Motion carried unanimously.

I. CONSIDERATION/ACTION TO APPROVE ORDINANCE #18-005 CANCELLING THE MAY 5, 2018 SPECIAL ELECTION.

Motion was made by Councilman Shugart to approve Ordinance #18-005 cancelling the May 5, 2018 Special Election. A second was made Councilwoman Logsdon. Motion carried unanimously.

J. CONSIDERATION/ACTION TO APPROVE PROCLAMATION PROCLAIMING APRIL 2018 AS FAIR HOUSING MONTH.

City Attorney Stevenson read the proclamation. Councilwoman Parker asked if this excluded sex offenders or others like that. City Manager explained that it did not. This proclamation has to be passed in order for the city to get CDBG funds.

K. CONSIDERATION/ACTION TO DISSOLVE AND REORGANIZE FOOD TRAILER COMMITTEE.

Mayor Pro-Tem Kersh said he would volunteer his time to this committee. Councilwoman Parker volunteered her time for this committee. City Manager Borders volunteered her time. Motion was made by Councilwoman Logsdon to dissolve and reorganize food trailer committee with removing the former members and reorganize with Frank Quinty, Jesse Knight, Teresa Borders, Susan Parker and Gary Kersh. A second was made by Councilman Shugart. Motion carried unanimously with Logsdon, Shugart and Parker voting aye. Kersh abstained.

L. CONSIDERATION/ACTION TO DISCUSS PROCESS FOR TAKING APPLICATIONS FOR A POSITION ON COUNCIL.

Mayor Pro-Tem asked if any comments from council. He thanked City Manager Borders and City Secretary Williams for going above and beyond what they needed to on this occasion to make sure of what needs to be done. He thanked the citizens for the questions and Councilwoman Parker for her remarks. He said we don't take this lightly. It is a serious matter.

M. CONSIDERATION/ACTION TO PRESENT PROCLAMATION TO BRAZORIA LION'S CLUB FOR 70 YEARS OF SERVICE.

Mayor Pro-Tem Kersh asked City Attorney Stevenson to read Proclamation. Council took picture with members of Lion's Club in attendance. Mayor Pro-Tem presented Proclamation.

N. CITY DEPARTMENT HEADS REPORT.

1. Court Dept. – City Judge Bill James explained report in packet.
2. Police Dept. – Chief Longbotham explained report in packet. Councilwoman Parker asked on vehicle maintenance do we go to one vendor or split vehicle maintenance. Chief Longbotham explained we use Davis Tire and we use TJ’s Lube for oil changes and B & D Inspection for vehicle inspections. We also have a vehicle at a dealer for some maintenance. Mayor Pro-Tem Kersh said City Manager has looked at getting bids because some of it has got out of portion.
3. Public Service Dept. – Public Works Director Jordan explained report in packet. Councilwoman Parker asked when you can start fining people for junk vehicles. David Jordan explained you have to send notice by registered letter and give 10 days from receipt of certified letter. What can speed it up is by doing a verbal contact and issuing a written warning. You can issue a summons to court but you still have to give them 10 calendar days from time summons is issued for them to appear in court. Mayor Pro-Tem Kersh asked since we have so many water leaks going on with the bigger water leaks do we need to hire a contractor. David Jordan said when we have something that we think we need a contractor we don’t hesitate to hire a contractor. Councilwoman Parker asked when there is obvious code violations like a refrigerator sitting in a yard are those the type you can put a warning on. David Jordan said they can but there are certain rights of entry a code enforcement officer has. As long as it is not imminent threat a code enforcement officer has to serve them notification. City Judge explained when they come to court and claim they are indigent then we have to follow that law whether we like it or not. Councilwoman Parker also asked about abandoned trailers with broken glass. What do you do in those cases? David Jordan said you can go in a seal the property up but you will absorb the cost. You will put a lien on property and eventually get your money back. When you get into the housing side of it, it gets very lengthy due to the court side itself. He explained how San Antonio got very aggressive on sub-standard homes. They gave 90 days to bring them up to standard or demolish them. They ended up paying at fair market value for 90 homes. State Legislature has modified the process now. Our easiest case is on back taxes because it can be foreclosed on and put in public auction quicker than we can go through the process of having one demolished. We can work one up for demolition but it still has to be signed off on by a district judge.
4. Fire Dept. – no report

O. CITY MANAGERS REPORT.

City Manager Borders explained report in packet. She went over each action item. Councilwoman Parker asked what was spent on hurricane and flooding. City Manager Borders explained we won’t get it all back but most. We will get the overtime and part of the expenses like getting the sewer plant back up. She can get that info for her. EMS service wants to meet in May with council. They have agreed to give financial statements. Councilman Shugart asked if we are moving forward on fire marshal. City Manager Borders said she is getting with Marcus Rabren on that. Mayor Pro-Tem said he met with Sweeny Fire Marshal and said he is willing. Councilwoman Parker asked about a representative come May or June meeting to show progress

on GIS mapping. City Manager Borders said yes we can get with the engineer. Councilwoman Logsdon asked if we have to pay for engineers when they come to this meeting. City Manager Borders said yes. Councilwoman Parker asked if we will start our budget meetings in April or May. City Manager Borders said around May. We start having workshops and get wish lists from departments. Councilwoman Parker asked about the funding from the state from the flooding. City Manager explained it is not funded. We have to pay up front and then FEMA gives us reimbursement. We have not received a bill from the county yet on debris removal from the county yet. Councilwoman Parker asked about the emergency fund for storm debris. City Manager said we have not had to touch yet because we haven't received billing. Councilwoman Parker asked if we will ever touch it since we haven't from this storm. City Manager explained we may when we get the billing from county. We will have to see if we can absorb through the budget once we get billed. Mayor Pro-Tem Kersh said the county won't let us inter-local with them again. We will have to go out for bids this time. He said once we spend our funds in storm debris removal we have no way of putting it back. That is something we have to work on.

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

Councilwoman Logsdon said we only touched a little of what they do. There is so much more of what they do. They do the Library and Feed my Lambs. The Police officers has worked out well and hope it continues to improve. She sees Public Works all over the place. To City Council she believes we are all here because we want to be. We have to trust we are here for the right reasons. It is not our place to question why anyone is here and wants to get involved. Thank you for serving on council, volunteering to be on council and coming. The parade was wonderful and loved having the band.

Mayor Pro-Tem Kersh said if you want to join the Lion's Club we have plenty of memberships available. We give scholarships and send kids to the camp. I appreciate Neal, David and Judge James.

Councilwoman Parker asked if we need to touch on the project update. City Manager explained it is Brazosport Water Authority info. What they are doing with Rosenberg.

Q. ADJOURN REGULAR MEETING.

Mayor Pro-Tem Kersh adjourned regular meeting at 6:50 p.m.

Mayor Pro-Tem Gary Kersh

ATTEST:

Sheila Williams, City Secretary