

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF BRAZORIA

The City of Brazoria convened in a Regular Meeting and Public Hearing on Wine & Beer License on March 14, 2017 at 6:30 p.m. with the following to-witt:

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| BobbyJo Newell | Mayor |
| Marcus Rabren | Council Position #1 |
| Gail Logsdon | Council Position #2 |
| Gary Kersh | Mayor Pro-Tem |
| Roger Shugart | Council Position #4 |
| Irv Eddy | Council Position #5 |

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| City Personnel: | |
| Teresa Borders | City Manager |
| Sheila Williams | City Secretary |
| David Jordan | Public Works Director |
| R.C. Stevenson | City Attorney |
| Bill James | City Judge |
| Duane Stahl | Fire Chief |
| Neal Longbotham | Police Chief |

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| Others Present: | |
| Frank Quinty Jr. | Citizen |
| Edith Ray | Citizen |
| Bill Lott | Citizen |
| Kirby Jordan | Citizen |
| Sharon Fox | Citizen |
| Travis Taylor | Citizen |
| Peggy Taylor | Citizen |
| Carolyn Moffett | Citizen |
| Layton Davenport | Citizen |
| Patsy Howard | Citizen |
| Susan Parker | Citizen |
| Maria Yracheta | Citizen |
| Mike Wilson | Port Freeport |
| Shane Pirtle | Port Freeport |
| Janice Jacob | Daughter of the American Revolution |
| Rhonda Quinty | Citizen |
| Sabrina Lott | Citizen |
| H.M. Jones | Citizen |
| Ruby Jordan | Citizen |
| Felecia Buchanan | Citizen |
| Dale Frankum | Pastor First Assembly of God |
| Johnny Gossett | Citizen |
| Tim Fox | Citizen |
| Janis Phillips | Citizen |

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| Guadalupe Yracheta | Citizen |
| Delores Mercer | Citizen |
| Curtis Craig | Curtis T. Craig CPA |
| Stephanie Cribbs | Citizen |
| Bob Schwebel | Brazoria Heritage Foundation |
| Phillip Cornett | |
| Kelly Botkin | Buc-ees Corporation |
| Mandy Carlile | Buc-ees Corporation |

A. CALL TO ORDER.

Mayor BobbyJo Newell called the regular meeting to order at 6:30 p.m.

B. INVOCATION TO BE GIVEN BY PASTOR DALE FRANKUM OF FIRST ASSEMBLY OF GOD CHURCH AND THE PLEDGE TO THE AMERICAN AND TEXAS FLAGS BY ALL.

Invocation was given by Pastor Dale Frankum of First Assembly of God Church and the pledge to the American & Texas flags was led by Mayor Newell.

C. CONSIDERATION/ACTION TO HAVE A DISCUSSION WITH QUESTION & ANSWER SESSION WITH MAYOR NEWELL ABOUT TEXAS MUNICIPAL LEAGUE CONFERENCE.

Mayor Newell explained the House Bill 15 that Rep. Dennis Bonnen filed. Mayor Newell had a discussion with Rep. Bonnen and told him she likes the beginning of the bill but not the end. Mayor Newell read from the paper that Ro'Vin Garrett presented at BCCA meeting about the rollback rate and what would happen if it passes. Mayor Newell said the city wants to be more transparent and will now video each meeting. Mayor Newell will be doing a Question & Answer session with citizens in two weeks.

D. CONSIDERATION/ACTION TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS; REGULAR MEETING, FEBRUARY 14, 2017.

Motion was made by Roger Shugart to approve the minutes of the following meetings; Regular Meeting, February 14, 2017. A second was made by Gary Kersh. Motion carried unanimously.

E. CITIZENS COMMUNICATION.

Peggy Taylor at 249 Yaupon contacted the Mayor about the audit. She read Teresa Borders Disaster Emergency Fund Briefing. She read the recommendation from the auditor. She read Teresa report to council. She read the minutes on May 2, 2009 were read. She said there is \$4.00 - \$5.49 added to your bill each month for the emergency fund. She read the report from the Attorney General office that was made out to Attorney Scott Sherman in Panhandle Texas about their Fire & Police Dept. The city voted to have our Fire Dept. funds taken out. November 2002 the council paid for an opinion from the TML. The city lacks authority to impose a fee citing a 1995 opinion from the Attorney General's office. 1924 decision from the Texas Board of Civil Appeals, the Texas Municipal League reasons the city does not have the necessary statutory

authority to collect a tax for the Volunteer Fire service. Any fee attached to a General Law city's utility bill not used to cover the expenses for the utility being billed is a tax. The attorney needs to look into this and see if anything is illegal.

Mayor Newell stepped down as a citizen. Listening to the citizens the last 4 days that wanted to see me to see what was on the agenda. I even took the last two days off work to be able to do that. My request to the council is that we get the agenda posted online. There are other cities that do that. It is a request that I think can work out. She lives at 302 Magnolia along with Councilman Rabren that is my neighbor. I have lived there for 10 years and a citizen of Brazoria 25 years. It has come to my attention through complaints on social network and telephone that the Mayor is getting her sewer done. I want to make it clear that it has been worked on for the last 8 years. I have complained about it for last 3 years and before I thought about running for Council or Mayor. It should have happened before I ran for office. My taxes were \$5,500 a year. I had family over for a birthday party and every time it happened that I couldn't flush my toilets they would hear me complain about it. If a storm came I couldn't flush my toilets. If there are citizens in this room or citizens that will hear this message later it did not take the Mayor to get elected to get it done. A neighbor called TCEQ and they visited the Public Works Director and it was already in the process of being done. For the record it was supposed to have been done before I was elected. Stephanie Cribbs of 301 W. Marion said as she has gotten involved she has talked to many residents that we do need some transparency. We are issues about how our tax dollars are being spent and need to be corrected. The city is on the verge of being in bankruptcy. I am an auditor and going through it I had a massive headache. It is very important that we be transparent to our citizens. When do the citizens get to voice their opinion on the agenda items posted? We don't because you come in and you vote and that's it. It is an act of congress to get it changed. That is not fair to your citizens. Our citizens need to be given a chance to talk about and see what the agendas are about. Correct mistakes from the past is learn from the past. We are sitting in the center of 25 billion dollars of construction. We are just down the road from Port Freeport which is top ten ports in nation and we need to capitalize on that. We need to bring in businesses. In 1896 Brazoria was the county seat and home to the railroad. That all got shifted to Angleton. We haven't grown like it should be. I don't want to see another opportunity like that pass us by. Please give the citizens a chance to be heard and form committees so they can have their voices and concerns heard.

Marlon Jones of 214 High St. said at E. Pleasant & High St. corner is a dilapidated building. There is a dumpster there. Need to get taken care of before a kid gets hurt. Down behind me on Camp St. they are clearing lot. They are piling trees on edge of ditch. Please see what can be done. It is not right for the tax paying citizens. High Street and E. Pleasant people are throwing their trash off the porch un-bagged and my wife and I are picking it up out of yard 3 times. We don't like picking it up. We are poor folks but keep our yard looking nice.

Bob Schwebel of 606 S. 17th West Columbia has an answer a letter. The City doesn't fund the Heritage Foundation. They pay our water and gas bill. If the city didn't pay that then we would have to charge the city rent for the parties or whatever they need to use our facilities for. We have property in Old Town that we pay water & sewer. We would love the City to take over our \$28,000 electric bill but we know that won't happen. The letter I have tells the council everything the Heritage Foundation does for the city. The city is lucky to have a Civic Center that does what it does by individuals.

F. CONSIDERATION/ACTION TO PRESENT RESOLUTION TO THE BRAZORIA POLICE DEPARTMENT FROM THE DAUGHTERS OF THE AMERICAN REVOLUTION, FORT VELASCO CHAPTER.

Janice Jacobs with the Daughters of the American Revolution presented to Police Chief Neal Longbotham a certificate and gift.

G. CONSIDERATION/ACTION TO APPROVE RESOLUTION #17-002 SUPPORTING EXTENSION OF ROUTE FOR HEAVY LIFT CORRIDOR IN BRAZORIA COUNTY, TEXAS AND EXTENDING INTO MATAGORDA COUNTY, TEXAS.

Mike Wilson, Director of Economic Development and Shane Pirtle, Port Commissioner gave a report on the impact of trucks on the roads. They explained partnership through industry is great. Mr. Pirtle said the trucks will all be permitted. They are just adding 8 miles corridor from Dow Chemical to Tennaris. Motion was made by Roger Shugart to approve Resolution #17-002 supporting extension of route for heavy lift corridor in Brazoria County, Texas and extending into Matagorda County, Texas. A second was made by Irv Eddy. Motion carried unanimously.

H. CONSIDERATION/ACTION TO HEAR AND ACCEPT REVIEW OF THE ANNUAL FINANCIAL REPORT AND AUDIT FOR FISCAL 2016 FROM CURTIS CRAIG OF CURTIS T. CRAIG CPA.

Mayor Newell requested this be tabled until a workshop can be done. Council just received the draft on Friday and they have not had time to digest it. Motion was made by Gail Logsdon to table review of the annual financial report and audit for fiscal 2016 from Curtis Craig of Curtis T. Craig CPA until a workshop and special meeting can be held. A second was made by Roger Shugart. Motion carried unanimously.

I. CONSIDERATION/ACTION TO APPROVE RE-PLAT FOR RONNIE CUTLER OF LOTS 1, 2, 6 & 7 OF THE WILSON ADDITION.

Mr. Cutler was not present. No action taken.

J. CONSIDERATION/ACTION TO APPROVE PRELIMINARY RE-PLAT FOR BEN BLACK ON A SUBDIVISION IN THE CITY OF BRAZORIA ETJ.

Phillip W. Cornett representing John Cowan & Association was present. He explained it will be a Dollar General Corporation. Motion was made by Gail Logsdon to approve Preliminary Re-plat for Ben Black on a subdivision in the City of Brazoria ETJ. A second was made by Gary Kersh. Motion carried unanimously.

K. CONSIDERATION/ACTION TO APPROVE RE-PLAT FOR DELORES MERCER AT 801 N. MARKET.

David Jordan explained Mrs. Mercer was selling her rental property. Motion was made by Gary Kersh to approve re-plat for Delores Mercer at 801 N. Market. A second was made by Gail Logsdon. Motion carried unanimously.

L. CONSIDERATION/ACTION TO APPROVE VARIENCE FOR CARPORT AT 621 MULBERRY LN. FOR JOHNNY GOSSETT.

Motion was made by Gary Kersh to approve variance for carport at 621 Mulberry Ln. for Johnny Gossett. A second was made by Roger Shugart. Motion carried unanimously.

M. ADJOURN REGULAR MEETING AND CALL TO ORDER PUBLIC HEARING ON WINE & BEER LICENSE.

Mayor Newell adjourned regular meeting and called to order Public Hearing on wine & beer license at 7:15 p.m.

N. PUBLIC HEARING ON WINE & BEER LICENSE FOR BUC-EES #3 AT 801 N. BROOKS.

Kelly Botkin & Mandy Carlile from Buc-ees Corporation explained they were replacing their BF license for a BQ license where they can serve wine and wine coolers also.

O. ADJOURN PUBLIC HEARING AND RECONVENE INTO REGULAR MEETING.

Mayor Newell adjourned Public Hearing and reconvened into Regular Meeting at 7:18 p.m.

P. CONSIDERATION/ACTION TO APPROVE WINE & BEER LICENSE FOR BUC-EES #3 AT 801 N. BROOKS, BRAZORIA, TEXAS 77422.

Motion was made by Gail Logsdon to approve Wine & Beer License for Buc-ees #3 at 801 N. Brooks, Brazoria, Texas 77422. A second was made by Gary Kersh. Rabren, Logsdon, Kersh & Eddy voted aye. Shugart voted nay. Motion passed with a 4-1 vote.

Q. CONSIDERATION/ACTION TO DISCUSS THE HERITAGE FOUNDATION WITH STEPHANIE CRIBBS.

She thought long & hard before deciding how to present it. She is not singling out any one candidate. On February 14th she asked the Heritage Foundation for a booth for all candidates to be able to talk to citizens for a meet and greet. She was told no that they didn't want any politics but she could walk around and hand out material. She rode in the parade and then parked in the

spectator section. When she walked to the grounds another candidate had their golf cart parked on the grounds with their signs on the side. No one asked them to remove the signs. They are a 5013C tax exempt organization and cannot be partisan. IRS can remove their status for violating this. The city pays their utilities and does not get to use the center for free. Not only are we paying the utilities but we are paying for every function or private rental they have those utilities are coming out of our own pockets. I don't think that is fair. If you want to be fair you have to be transparent at all cost. This city is in need of money. I looked at the budget and it is about \$2,500. But the city will need that money one day. To be partisan in that way they are violating Federal and State law. I haven't taken it to the IRS because I don't want to see our city tango with the IRS because they are not fun and never nice. When the gentleman said up here I am not trying to de fund the Heritage Foundation, I am not. I have no problem with the foundation, my problem is when I am told no when I am trying to do something for all the candidates and only one candidate was allowed. I am asking that all money be suspended from the foundation until they can show us how that type of partisanship does not continue.

Councilman Kersh apologized for setting the golf cart there. He did not get permission. He was selling snow cones for 15 years and parked by the stand not thinking about the signs. If he offended any candidate I am sorry. Don't take it out on the Heritage Foundation.

She doesn't think he needs to apologize. It was on the grounds and they are grown men and could have said something but they chose not to. She wanted the chance to meet all the candidates. Mr. Schwebel was the one she spoke to and he was there and he could have made the call and chose not to.

R. CONSIDERATION/ACTION TO DISCUSS CLOSURE OF RIGHT-OF-WAY FOR BILLY CAST AT 1010 S. OREGON.

Mr. Cast was absent due to being sick.

S. CONSIDERATION/ACTION TO APPROVE OFFER OF TAX RESALE PROPERTY AT CHESTNUT STREET FOR \$2,188.00 TO STEPHEN DUNLAP.

Motion was made by Gary Kersh to approve offer of tax resale property at Chestnut Street for \$2,188.00 to Stephen Dunlap. A second was made by Marcus Rabren. Motion carried unanimously.

T. CONSIDERATION/ACTION TO DISCUSS ADDING BACK TO ABATEMENT RESOLUTION SINGLE FAMILY HOUSING.

Mayor Newell had someone approach her about putting a subdivision in. We have the abatement in place for businesses. I would like to see the ability for people to build houses and get abatements for people to put infrastructure in. Councilman Kersh asked if it could be put on the workshop. Mayor Newell said we would add it to the workshop.

U. CONSIDERATION/ACTION TO APPROVE ORDINANCE #17-002 AMENDING THE 2016/2017 BUDGET.

City Manager Teresa Borders explained moving the part time dispatch to full time dispatch and loan for sewer cave in is why it is being amended. Motion was made by Roger Shugart to approve Ordinance #17-002 amending the 2016/2017 budget. A second was made by Gail Logsdon. Motion carried unanimously.

V. CONSIDERATION/ACTION TO APPROVE PROCLAMATION PROCLAIMING APRIL 2017 AS FAIR HOUSING MONTH.

Motion was made by Gary Kersh to approve Proclamation proclaiming April 2017 as Fair Housing Month. A second was made by Gail Logsdon. Motion carried unanimously.

W. CONSIDERATION/ACTION TO APPROVE COST OF BOTTLE TRUCK DURING REPAIR OUTAGE FOR GAS LINE.

Public Works Director said he received a call around 1:00 stating there will not be a cost now. They will be bringing to Riggs Oaks gate station from Mobile Energy Solutions a bottle truck and they will need to monitor it. There may be pressure differentials. He thinks the city will only be out overtime. It starts on Monday, March 20th for up to 14 days. Councilwoman Gail Logsdon asked if a CTY message could be put out and Edith Ray asked if letters could be sent since she doesn't always receive the CTY calls.

X. CITY DEPARTMENT HEADS REPORT.

1. Court Dept. – Judge James gave report in packet. They have been busy with trials and files were purged on old citations that were not able to be collected on.
2. Police Dept. – Chief Longbotham gave report in packet. He explained about the accident in the police truck. He was not at fault. Racial Profiling report is in packet & sent to state.
3. Public Works Dept. – Public Works Director David Jordan gave report in packet. Sewer project is coming to a close. Insurance Audit for gas system will be adjusted to every 5 years. Jones Creek is only being taken care of on a complaint only basis for animal control. He only has to be a t Buc-ees 1 time a day now. When the Buc-ees is finished it will be a 72 hour turn around to get moved. The demolition of the old Buc-ees would be a 45 day completion. Councilman Shugart asked if the property is going to be cleaned up after completed. Mr. Jordan said yes. Mayor Newell asked about planting grass. Mr. Jordan said possibly seed. The contractors have 1 year after completion for settlement.
4. Fire Dept. – no report

Y. CITY MANAGERS REPORT.

City Manager Teresa Borders gave a BWA update and sales tax is back up some. Rep. Jim Murphy has presented House Bill 387 on sex offenders for General Law cities. He would like a letter of support from council.

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

Councilman Kersh appreciate all the comments.

Councilman Rabren recognized Cheryl Priour and Mayor Newell on certificates. Appreciate everyone coming

Councilwoman Logsdon thanked everyone for coming.

Mayor Newell welcomed Judge Fox. Thanked Police Dept. for being out there and making themselves seen.

AA. ADJOURN REGULAR MEETING.

Mayor Newell adjourned regular meeting at 8:01 p.m.

BobbyJo Newell, Mayor

ATTEST:

Sheila Williams, City Secretary