

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF BRAZORIA

The City of Brazoria convened in a Regular Meeting on June 13, 2017 at 6:30 p.m. with the following to-witt:

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| BobbyJo Newell | Mayor |
| Stephanie Cribbs | Council Position #1 |
| Gail Logsdon | Council Position #2 |
| Gary Kersh | Mayor Pro-Tem |
| Roger Shugart | Council Position #4 |
| Susan Swanner Parker | 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 |
| Neal Longbotham | Police Chief |
| Scott Parker | Asst. Fire Chief |

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 GREG SMITH OF FIRST BAPTIST CHURCH BRAZORIA AND THE PLEDGE TO THE AMERICAN AND TEXAS FLAGS BY ALL.

Invocation was given by Pastor Greg Smith of First Baptist Church Brazoria and the pledge to the American & Texas flags was led by Mayor Newell.

C. OATH OF OFFICE FOR ELECTED OFFICIALS.

Judge Sherry Kersh gave Oath of Office to Councilman Gary Kersh. Mayor BobbyJo Newell gave Oath of Office to Susan Swanner Parker and Stephanie Cribbs.

D. RECOGNITION OF OUTGOING CITY OFFICIALS.

Mayor Newell presented Marcus Rabren and Irv Eddy with a plaque and thanked both for their years of service.

E. CONSIDERATION/ACTION TO APPROVE THE MINUTES OF THE FOLLOWING MEETINGS; REGULAR MEETING, MAY 9, 2017, SPECIAL MEETING, MAY 11, 2017 AND SPECIAL MEETING TO CANVASS VOTES, MAY 15, 2017.

Motion was made by Gary Kersh to approve the minutes of the following meetings; Regular Meeting, May 9, 2017, Special Meeting, May 11, 2017 and Special Meeting to canvass votes, May 15, 2017. A second was made by Gail Logsdon. Motion carried unanimously.

F. CITIZENS COMMUNICATION – 5 MINUTE LIMIT.

Rochelle Hicks at 114 S. Brooks congratulated the newly elected council members and thanks to all the remaining members. She explained what she is going to read is not politically because she is not a politician. She read a letter to the council that talked about the how a councilman should be when elected to office. That they should work with the citizens of Brazoria. How the office they hold is not a privilege but an honor bestowed on them by citizens of Brazoria. There term is short so they need to spend it for good and not tearing down citizens. She feels the leader is not doing their job when not attending functions in Brazoria or bringing in businesses. She spoke about the Mayor reporting Dinah Stalker to Texas Rangers. She talked about the rumor of her being reported to the District Attorney for collecting money for restoration mural in Brazoria. She would like to ask what the Mayor's job is. She hoped she would have learned more with her mayoral training. She doesn't mean this as an attack but a betterment of the city. She feels she was ignored until it was on Facebook. She was contacted after that and accused of slander. She was told the beautification of this town was not a concern to the city government. She said also the Mayor explained she has not or never spoke to the District Attorney. She explained the Mayor said she would contact the District Attorney and find out who has been impersonating her. She doesn't have a 5013c.

Linda Henry at 101 S. Brooks read the rest of the letter. She feels every citizen has a right to voice their opinion. And that is why she will finish this. She has been blessed and never asked for glory. As long as I live here I will not stop or be bullied nor stop trying to be a good neighbor. As council members I would think you would be in my shoes by helping people. I challenge and pray for the day the Mayor & I can stand side by side on a project for this town.

John Corder of 313 CR 912 thanked the council that has served the city for all the years. Welcome the new members and feel free to call him. His benevolent nature has come into a stand still. He complained about intersection at SH 36 and Louisiana curb that sticks out into city easement. If we have a stranger in town they could have an accident. He would like the council to barricade it and have something immediately done.

Laura Hall at 234 Pecan started living here for 16 years. The emergency fund needs to stay right where it is at. We have it set up for hurricanes and disasters. It is not if but when we have a disaster. People know exactly what that fund was set up for. Ask the people before you start voting on what to do with the emergency fund. That fund was set up for a good cause. We have had a good town here and have had benefits and never had to have a 5013c to help our needy. It is being talked about in other towns. Our little town looks awful. It needs to stop and stop

slandering our people. It is a disgrace to have to go out and get a 5013c to give a mother a bag of groceries or if a child needs it which has been going on for generations. I am proud of our city workers. I saw 4 trucks come through when it rained the other day. I commend them and that is what we need to see more of in this city. Let's quit beating each other down. We have new council members so let's build on each other. The citizens of this town is who put you where you are sitting. They are the back bone of this city.

Richard Martinez at 4856 CR 353 said he wants to stand up for the good name for Rochelle. He has known Rochelle for 15 years. He has never heard anyone accuse her of misappropriation of any kind of funds. He has never heard of anything going sour on any of her fundraisers. Her heart is in the right place. He would just like to give her a good representation of her name.

Maria Yracheta at 205 E. Marion said when customers come to her business she hears comments and she thinks when people vote for something and it is getting changed then people need to vote for the change. If it can be changed then it needs to be voted by the people because people will get upset. I know because I hear them. I don't know what is going on but when a fund can be used for something else then it would be nice for the community to be able to decide. The point is it was decided to be used on something and then when changed to be used on something else then let people have a say in what it would be used for.

Peggy Taylor at 229 Yaupon said this room is full of people and everyone has a right to be here but she has noticed 99% of the people here have never been in on city council meeting and don't know what has been discussed. Originally this fund was set up with a limit of \$200,000 for emergency fund and then be stopped and never was. We need drainage. I still have drainage problems. My yard still floods. It was not stopped and the excess was continuing to build. The excess needs to be used to better the drainage and sewer.

Kirby Jordan at 207 Second St. explained there is problems in Brazoria and Council is not taking any action or doing anything about it. He has documentation about it. 1996 Pee Wee Drake and Bill James got a grant to put in a sewer system and first phase went in in the black neighborhood on west side of town and in Northside addition. They held balance of grant until almost expired. They had city workers go put in water & gas in a 3 block area in an area outside of town. They assumed that area was in city limits. Raw sewage has been going in people's yards and he has talked to every person on council and those retiring to try and get something done and they totally ignored it. The sewer system on South side of town is failing. There has been nothing but emergency work other than two projects in the last 20 years has been upgraded in this town. WE are going to wait until we float into the Brazos River. We have been cited 14 times by TCEQ. 7 times was due to over flow in the sewer plant. This council knows it and has done nothing. In 2002 TCEQ was down here and observed it. We have been fined \$86,000. I came to city hall and questioned and they said they had spent \$50,000 for a smoke test.

Stephanie Hood at 302 Florida St. said that people are here just to back Rochelle up. We are not here trying to start a big confrontation but Rochelle is loved and she is a big part of Brazoria. She helped her family when they had a stroke.

G. CONSIDERATION/ACTION TO PRESENT PROCLAMATION TO ROB NIEMEYER FOR HIS RETIREMENT.

Mayor Newell presented Rob Niemeyer a proclamation claiming June 13, 2017 as Rob Niemeyer Day. Rob said he was touched and blessed. Brazoria has done more for him than what he has done. He has never failed to call city hall and they didn't bend over backwards to help. Brazoria is a wonderful town and he will miss Brazoria. Hope Brazoria gets a Church's Chicken. He thanked his right hand in Tammy Cleveland. He said she has been with him from the beginning. He loves the Cleveland and Zumwalt families. Thank you all for this honor. It is encouraging when city officials come in and try to help businesses and work together as a family. If retirement doesn't work out then I promise I will come here to open another business.

H. CONSIDERATION/ACTION TO APPOINT MAYOR PRO-TEM.

Motion was made by Roger Shugart to appoint Gary Kersh as Mayor Pro-Tem. A second was made by Gail Logsdon. Motion carried unanimously.

I. CONSIDERATION/ACTION TO DISCUSS AND DECIDE ON ISSUES WITH ROAD AND DRAINAGE AT 513 MAPLE STREET FOR EUNICE HAGEN BY DAUGHTER KAREN WHITT.

Mrs. Whitt said she has lived her whole life In Brazoria. She has walked the streets of this town and prayed for this town. Her father recently passed away in November and he was working on getting his street fixed in front of his home. So that has become her desire of her heart. The smell that comes from her sink is horrid. There is nothing wrong with their plumbing. Councilman Kersh said one of the problems in that area is New York Street, it still has tin horns for drainage. Our outfall ditches need to be shot grades and re-dug. We have learned you can't just go dig a hole that causes more problems. We had a study done 14 years ago. We are looking into the future doing a bond. The council is working on that. Garbage trucks are heavy and they go down the road twice. Councilman Kersh said that is our worst nightmare on our roads. The situation with the culverts is what causes the drainage issue. Councilman Kersh said he knows about that area because he lives over there. Councilwoman Logsdon said they have found if we have a plan and fix a problem and then go down we have another problem so we need to really stick with the plan.

J. CONSIDERATION/ACTION TO ADJUST WATER BILL DUE TO FAULTY WATER METER FOR JOHN DUNCAN AT 217 FIFTH STREET.

Mr. Duncan explained he was not living at this address. He said the meter was faulty and not being calibrated. He explained he talked to Flex Net and they said they did not work with our system. He said his bill was \$250.00 in a 48 hour period. He said it happened 3 months in a row. They came out and put in a new meter & it is working fine. Our system is not set up properly. The meters we have in our software is not the meters we are using. He paid one \$250.00 and he

would like relief from the rest of the bill. Councilman Kersh asked David Jordan and he said they didn't replace the meter until it was destroyed. City Manager Teresa Borders said she has already given him credit of \$227.89 on those bills. \$403.00 is what is owed now. Councilman Kersh said we need to go back to the \$78.00 and average the bill. City Manager said we have already done the average on usage. Councilwoman Logsdon asked when it started. City Manager said we have already taken off all late fees and adjusted the bill. Councilwoman asked if the company could come out again and calibrate since we have had issues in the past. David Jordan said our meters do not have calibration. Councilman Kersh asked if we could just wait till next month and let us get our information together. Motion was made by Gary Kersh to take no action on water bill due to faulty meter. A second was made by Gail Logsdon. Motion carried unanimously.

K. CONSIDERATION/ACTION TO DISCUSS WITH FRANK QUINTY ON THE EMERGENCY FUND AND CLEANING OF DITCHES.

Please emergency fund of \$200,000 is not like 2003. We need to put \$400,000 in and leave it alone. If we get a storm the city will be in a lot of trouble. On Velasco Street at 521 almost to Liberty a culvert on West side ditch has bricks, concrete & cans in it. It has not been cleaned out in 4 years. There is also trees in the ditch. Mayor Newell said there is a lot of preparedness that has not been in place yet. There is a lot of stuff not being done. We will be working on a lot of this stuff. City Manager Teresa Borders said it was brought to council and it was tabled.

L. CONSIDERATION/ACTION TO DECIDE ON WHAT TO DO WITH THE REMAINDER OF MONEY IN EMERGENCY MANAGEMENT FUND.

Mayor Newell read the letter City Attorney Charlie Stevenson wrote to the city pertaining to the emergency management fund. The fund was set up for heavy trash pickup to take anything in excess of \$500,000 to go into a fund for street and drainage. The account was never set up. As a citizen I didn't know the fee was there. I found the fee there and read the ordinance and asked questions and would like to see when we make ordinances we follow them. Councilwoman Cribbs said she has done lots of research with TML and very concerned. I know Bay City did the same thing but we are not Bay City. In her opinion it should stay with drainage, sewer and roadways, which is what was the stipulation. We need to address the issues instead of letting it roll into another year. We have the money and if something happens we still have the money in there. If we have a hurricane then we can address it then on where it needs to be. Instead of relying on city forces to do the work she thinks we need to contract it out because you will get more bang for the buck and a lot faster. When it is raining she gets calls afraid their house is going to flood again. I don't think any citizen should deal with this at all.

Patsy Howard at 235 Camelia want the \$6.45 on garbage bill taken off of her bill illegally because citizens didn't vote for it. Council was supposed to put it out for a vote.

Maria Yracheta at 205 E Marion said we are 15 miles from the beach. I understand Bay City but we are not Bay City. We might have more spending than Bay City.

Frank Quinty at 205 Cherry Street said if we take all the money out of this emergency fund it won't fix many roads and what roads or sewer are we going to fix. We will make some people mad. Councilwoman said we haven't worked on our budget yet and we know there is going to be some changes. We have to start somewhere. We can't live our life with what if a hurricane comes. Mayor Newell said there is usually a fund balance at end of budget so you can save money. Mr. Quinty said we are in trouble if we spend that \$400,000 somewhere and then we have a storm.

Councilman Shugart explained his proposal to leave \$300,000 in for a storm clean up, \$200,000 on the loan for your subdivision on the sewer system, \$110,000 & amend the budget for \$75,000 to use for street or drainage. Teresa Borders explained the \$200,000 is what was put in there to paint the water tower with. Councilman Kersh said the loan could almost be paid off in a year. That way we can do something now before we get into the new budget and then after we go into the new budget look at the \$300,000 that is left. Where the \$6.45 is designated out of general fund to go into streets or drainage. He suggests we pay on note get knocked down and then go out for bids again on the water tower painting. We will be in good standing with the bank and when we go out for bond issue it will knock down the interest rate because we will have a good rating. He doesn't think it is the right thing to do. Councilwoman Logsdon is afraid if we spend it all we will be right back in the same position as when in 2003 Tropical Storm Faye came through. Teresa Borders said we got back 75% of what we spent in debris removal and overtime from FEMA. Mayor Newell said we need to budget savings. Councilwoman said she agreed with them but it won't happen overnight. She wants to form a committee from each section of town. Don't want to jump out there and start fixing without knowing where our issues are at. That way citizens can have a say in what streets get fixed. Councilman Kersh said it can be started next week or when county can get to it under an inter-local agreement.

Teresa Borders said we can look at streets and get numbers and prices of how many streets can be done when we come back for the workshop on the 27th. Motion was made by Councilman Shugart to put \$300,000 in a fund labeled Storm Cleanup Fund, \$200,000 to be paid on loan for sewer in Magnolia Gardens to reduce that loan, remaining \$110,000 + amend the budget for \$75,000 to do streets and drainage. A second was made by Councilwoman Gail Logsdon. Motion carried unanimously.

M. CITY DEPARTMENT HEADS REPORT.

1. COURT DEPARTMENT – Judge James gave report in packet. He also asked Mayor Newell to call him for a meeting. Councilwoman Logsdon said if you get called for jury duty go because it is fun. She has served before.
2. POLICE DEPARTMENT – Chief Longbotham gave report in packet and said he has two patrol officers and him and Detective Moore. He gave each council a proposal on pay rates for his employees. Without the pay being good he can't retain officers. Councilman Shugart asked if they agree to do what he proposes can we maintain the salary. Teresa Borders explained the money is there it is just going to be restructured. Chief Longbotham feels it will help maintain officers. Councilwoman Parker said turn-over rate is something to be considered.

- The training is taking time out of your experienced employees. Then they go someplace else for more money. That is spinning our wheels and we need to look at something else going forward. Chief Longbotham feels we are in a crisis situation. Councilman Kersh said if we jump their pay up what we do for Public Works men. Councilwoman Cribbs said she thinks each department needs to give a list of things they can cut.
3. PUBLIC WORKS DEPARTMENT – David Jordan gave report in packet. He explained that they went back to foreman status from team leadership and they appreciate each other especially when one of them is gone. He hired an ACO officer that Christy Jasek is training. She will transition into Code Enforcement once trained. Juan Cruz and Christy Jasek have changed jobs until ACO is trained. Three Substandard structures in different phases. Two are still in lawsuit. Magnolia Gardens sewer project is in final stages. It will probably under budget. Hurricane Charley was a 9 1/2 day drill that we participated in. Concern in Brazoria County there is not a clear answer when the judge will call to order all RV parks for evacuation. There is lots of construction going on. Councilman Shugart asked if there will only be limited roadways to use. David Jordan said if you take a route and want to get back on another route you may not be able to get on.
 4. FIRE DEPARTMENT – Asst. Chief Scott Parker announced the fundraiser is August 12th and the Fire Dept. was established in 1947. We are going to have a get together for our 70th anniversary.

N. CITY MANAGER REPORT.

Teresa Borders explained the sales tax is down but with the new Buc-ees opening even though we have the abatement it will go up. The abatement doesn't start until January. The BWA progress report is also in there. Councilwoman Logsdon asked if there has been any problems in Magnolia Gardens since the construction. Peggy Taylor said her sewer didn't work.

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

Mayor Newell- Fire Dept. fundraiser coming.

Councilwoman Cribbs – thanked the former council members for their service. Hope they stay involved with the city council.

Councilwoman Logsdon – Happy to see a lot of people here and that is part of transparency for people to come and see what is going on. I will miss you Marcus and Irv.

Councilman Kersh – Thank Marcus & Irv for serving. He has been here ever since they started. What they did is very well appreciated. Welcome the new members. Appreciate everyone coming and the comments made good and bad. It is noted.

Councilman Shugart – He echoed what Councilman Kersh said. It has been a pleasure serving with Marcus & Irv. He said he is looking forward to a new start this year with the new council. We have to go forward and the arguing has to stop. We have not done anything in this past year. We need to prosper this year.

Councilwoman Parker – thank you for your service and hope I can count on you for helping support when needed.

P. ADJOURN REGULAR MEETING.

Mayor Newell adjourned regular meeting at 8:18 p.m.

ATTEST:

Mayor BobbyJo Newell

Sheila Williams, City Secretary