

SPECIAL CALLED MEETING
THE FREEPORT CITY COUNCIL
MONDAY, SEPTEMBER 23TH, 2013, 6:00 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
FREEPORT, TEXAS
AGENDA
FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the September 16th, 2013 Council Minutes. Pg. 845-849
5. Attending citizens and their business.
6. Consideration of approving Ordinance No. 2013-2048 adopting a tax rate for fiscal year 2013-2014. Pg. 850-856

Adjourn

Items not necessary discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

In compliance with the Americans with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meeting. Please contact the City Secretary office at 979-233-3526.

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, September 20th, 2013 at or before 5:00 p.m.

Delia Munoz - City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council and the Planning Commission met for a Joint Public Hearing on Monday, September 16th, 2013 at 6:00 p.m., at the Freeport Municipal Court, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Norma M. Garcia
Councilwoman Michelle Kent
Councilman Fred Bolton
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

Planning Commission: Edward T. Garcia
Jesse Aguilar
Eddie Virgil
Tobey Davenport – Absent
Reuben Cuellar – Absent

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Asst. City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Larry Fansher, Parks Director
Bob Welch, Finance Director
Brian Davis, Fire Chief

Visitors: Lila Lloyd Jerry Meeks
Manning Rollerson Gary Woodring
Jonathan Clark Raul Ramirez
Troy Brimage Sam Reyna
Nicolosa Mireles Annette Sanford
Maria Aguilar Jesse Flores
Melanie Pratka Branden Boudreaux
Monica Kneis Debbie Gibson
Cruz Olguin Debra Timbeross
Van Tomlinson Dina Gibson Mochie
David Gibson

Call to order.

Mayor Norma Garcia called the meeting to order at 6:00 p.m.

Invocation.

Mr. Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma Garcia led the Pledge of Allegiance.

Consideration of approving the September 9th, 2013 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved the September 9th, 2013 Council Minutes.

Attending citizens and their business.

Manning Rollerson complained that the lights are out and the poles are leaning on North Ave. J. The Azalea Court Apartments on North Ave. J. , are discriminating against African Americans. Ditches are in dire need of mowing.

Consideration of approving Resolution No. 2013-2424 authorizing the Fire Chief to donate surplus fire equipment of said city to the Sargent Volunteer Fire Department, Matagorda County, Texas.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Resolution No. 2013-2424 authorizing the Fire Chief to donate surplus fire equipment of said city to the Sargent Volunteer Fire Department, Matagorda County, Texas.

Consideration of approving Resolution No. 2013-2423 nominating candidate(s) for a position on the Board of Directors of the Brazoria County Appraisal District.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Resolution No. 2013-2423 nominating Michael Shane Vandergriff, Raul Ramirez, Jesse Aguilar, Bob Welch and Eddie Virgil for candidate(s) for a position on the Board of Directors of the Brazoria County Appraisal District.

Consideration of approving Ordinance No. 2013-2045 repealing Ordinance No. 2012-2314 closing and abandoning the public roadway known as the South Levee Road from FM 1495 to the Department of Energy Bryan Mound Facility finding that such closing and abandonment was and is not in the public interest and that it did not benefit the public.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Ordinance No. 2013-2045 repealing Ordinance No. 2012-2314 closing and abandoning the public roadway known as the South Levee Road from FM 1495 to the Department of Energy Bryan Mound Facility finding that such closing and abandonment was and is not in the public interest and that it did not benefit the public.

Consideration of designating a representative and an alternative to the Houston-Galveston Area Council 2014 General Assembly.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved designating Councilwoman Barbree as a representative and Councilwoman Loeza as an alternative to the Houston-Galveston Area Council 2014 General Assembly.

Consideration of setting September 23, 2013 as the date to adopt a tax rate for fiscal year 2013-2014.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved setting September 23, 2013 as the date to adopt a tax rate for fiscal year 2013-2014.

Joint Public Hearing: The City Council and the Planning Commission of said City will conduct a Joint Public Hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance and Map of said City, codified as Chapter 155 of the Code of Ordinance of said City, changing the zoning classification of Lots 13-24, Block 600 and Lots 1-12, Block 601, Velasco Townsite, City of Freeport, Brazoria County, Texas, from its present classification of R-2 Single-family Residential District to a new classification of C-2 General Commercial District.

There being a quorum with the Planning Commission, Mayor Garcia opened the Joint Public Hearing at 6:13 p.m. to consider changing the zoning classification of Lots 13-24, Block 600 and Lots 1-12, Block 601, Velasco Townsite, City of Freeport, Brazoria County, Texas, from its present classification of R-2 Single-family Residential District to a new classification of C-2 General Commercial District.

Jesse Flores of 610 North Ave. G, turned in a petition with 18 residential names and signatures of people that oppose the rezoning.

Debbie Gibson, David Gibson and Dina Mochie opposed the rezoning. She stated that Velasco Elementary and Lanier School would have children crossing the propose RV to get to their homes.

Debra Timberess opposed the rezoning.

Monica Kneis of 606 N. Ave. G, opposed the rezoning. She stated that the City is always trying to beautify and rezoning would allow an RV to have infestations', critters and trash. She felt it would be a mole in a beautiful City. She suggested the rezoning take place in another location.

Manning Rollerson stated not to judge people where they live and favors the rezoning change.

Nicolosa Mireles of 2002 North Ave. G, favors the rezoning. She lives next door to a trailer park and stated that an RV benefits all businesses.

Ed Garcia speaker for the Planning Commission took a vote and the Planning Commission voted to deny changing the zoning classification of Lots 13-24, Block 600 and Lots 1-12, Block 601, Velasco Townsite, City of Freeport, Brazoria County, Texas, from its present classification of R-2 Single-family Residential District to a new classification of C-2 General Commercial District. Jesse Aguilar abstained from voting.

There being no comments or question, Mayor Garcia closed the Joint Public Hearing at 6: 41 p.m. Mayor Norma Garcia thanked the Planning commission.

Consideration of approving Ordinance No. 2013-2046 amending the Comprehensive Zoning Ordinance of said City to change the zoning classification of Lots 13-24, Block 600 and Lots 1-12, Block 601, Velasco Townsite, from the present zoning classification of R-2 Single Family Residential District to a new Zoning Classification of C-2 General Commercial District.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting 4 to 1, Council rejected the Ordinance No. 2013-2046 amending the Comprehensive Zoning Ordinance of said City to change the zoning classification of Lots 13-24, Block 600 and Lots 1-12, Block 601, Velasco Townsite, from the present zoning classification of R-2 Single Family Residential District to a new Zoning Classification of C-2 General Commercial District. Councilwoman Kent favored the rezoning.

Consideration of Ordinance No. 2013-2047 closing and vacating streets and alleys and portions of streets and alleys located in the Urban Renewal Tract.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Ordinance No. 2013-2047 closing and vacating streets and alleys and portions of streets and alleys located in the Urban Renewal Tract.

Consideration of approving and renewing the City of Freeport Economic Development Corporation Sales Tax Remittance Guaranty and Subordination agreement with the First State Bank of Louise, Texas.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Bob Welch's recommendation to renew the City of Freeport Economic Development Corporation Sales Tax Remittance Guaranty and Subordination agreement with the First State Bank of Louise, Texas.

Consideration of approving the Road & Bridge Interlocal Agreement with the City of Freeport and the Brazoria County for street repairs.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved the Road & Bridge Interlocal Agreement with the City of Freeport and the Brazoria County for street repairs.

Consideration of approving alternative modifications to a third Correction Special Warranty deed and/or land development with Gary L. Woodring concerning 0.7648 acres out of S. F. Austin Survey, Abstract 32 & 33, Brazoria County, Texas.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting 3 to 2 Council approved the Land Development Agreement and the extension set in the agreement. Mayor Garcia and Councilman Bolton opposed.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council meeting adjourned at 7:10 p.m.

Mayor Norma Garcia
City of Freeport, Texas

City Secretary – Delia Munoz
City of Freeport, Texas

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT; ACCEPTING THE CERTIFIED APPRAISAL ROLL FROM THE BRAZORIA COUNTY APPRAISAL DISTRICT FOR THE 2013 TAX YEAR; ESTABLISHING A TAX RATE FOR EACH \$100.00 VALUATION OF TAXABLE PROPERTY WITHIN SAID CITY FOR SUCH TAX YEAR; LEVYING ALL TAXES FOR SAID CITY FOR SUCH TAX YEAR; ALLOCATING SUCH TAXES FOR CERTAIN MUNICIPAL PURPOSES THEREIN ENUMERATED; ORDERING THAT SUCH TAXES BE ASSESSED AND COLLECTED; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, the City of Freeport, Texas, (hereinafter sometimes "the City") is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Article 9 of the Home Rule Charter of the City authorizes the City to levy, assess and collect an annual tax upon real and personal property within the City to the maximum provided by the Constitution and general laws of the State of Texas; and

WHEREAS, Section 26.01, Texas Tax Code, provides that, by July 25th of each tax year, the Chief Appraiser of the Appraisal District in which an entity authorized to levy ad valorem taxes is located shall prepare and certify to the Assessor-Collector of such entity an appraisal roll for that tax year that lists the property taxable by such unit; and,

WHEREAS, Section 6.22., Texas Tax Code, authorizes the governing body of a taxing unit to require the county in which said unit is located to assess and collect the taxes such unit imposes in the manner in which the county assesses and collects its taxes; and,

WHEREAS, county taxes in Brazoria County, Texas, are assessed and collected by the Brazoria County Tax Assessor-Collector; and,

WHEREAS, Section 6.23(a)(3), Texas Tax Code, provides that the county assessor and collector of taxes shall, if so required by a taxing unit, assess and collect the taxes of said unit; and,

WHEREAS, heretofore the City Council, being the governing body thereof, adopted a resolution requesting and requiring the Assessor and Collector of Taxes for Brazoria County, Texas, to assess and collect the ad valorem taxes levied by the City; and,

WHEREAS, Section 26.04, Texas Tax Code, requires that by August 7th or as soon thereafter as practicable, the Tax Assessor-Collector shall submit to the City Council and publish notice of, among other things, the effective tax rate and the roll back tax rate for the then current tax year; and,

WHEREAS, Article 9 of the Home Rule Charter of the City requires the adoption of an annual budget not less than fifteen (15) days prior to the beginning of each fiscal year;

WHEREAS, under Section 102.001(b), Local Government Code, because the City has a city manager form of government, the city manager is the budget officer of the municipality;

WHEREAS, under Section 102.002 of said Code and Chapter 9 of said Charter, the City Manager is required to prepare a proposed annual budget for the municipality and, under Section 102.03(a) of said Code and Chapter 9 of said Charter, is required to file the same with the City Secretary before the 30th day before the date the governing body of the municipality makes its tax levy for the fiscal year; and,

WHEREAS, under Section 102.006(a) and (b), Local Government Code and Chapter 9 of said Charter, the governing body of the municipality is required to conduct a public hearing on such proposed annual budget; and

WHEREAS, under Section 102.006(c), Local Government Code and Chapter 9 of said Charter, public notice of the date, time and location of such hearing must be given, under Section 102.0065(c) and Section 102.011 of said Code the provisions of said Charter control as to the method of giving such notice and under Chapter 9 of said Charter said notice must be published at least 15 days before the date of such hearing in the official newspaper of the City; and,

WHEREAS, under Section 102.006(b), Local Government Code, the public hearing on the proposed annual budget must be held before the date the governing body makes its tax levy for the fiscal year covered by such budget; and,

WHEREAS, under Section 102.007(c) of said Code and Chapter 9 of said Charter, at the conclusion of such hearing, the governing body must take action on such proposed annual budget and under Section 102.009 (a) of said Code and Chapter 9 of said Charter, the governing body of the City may levy taxes only in accordance with such budget; and,

WHEREAS, Section 11.01 of the Home Rule Charter of the City provides for a fiscal or budget year that begins on the 1st day of October of each calendar year and ends on the last day of September of the next succeeding calendar year; and,

WHEREAS, Article 9 of the Home Rule Charter of the City requires the adoption of an annual budget not less than fifteen (15) days prior to the beginning of each fiscal year; and,

WHEREAS, under Section 102.001(b), Local Government Code, because the City has a city manager form of government, the city manager is the budget officer of the municipality and, under Section 102.002 of said Code and Section 11.02 of the Home Rule Charter of the City, the City Manager is required to prepare a proposed annual budget for the municipality and, under Section 102.03(a) of said Code and Section 11.02 of said Charter, is required to submit the same to the City Council at least sixty (60) days before the beginning of each budget year; and,

WHEREAS, under Section 102.006(a) and (b), Local Government Code and Section 11.05 of the Home Rule Charter of the City, the governing body of the municipality is required to conduct a public hearing on such proposed annual budget; and

HEREAS, under Section 102.006(c), Local Government Code and Section 11.04 of the Home Rule Charter, public notice of the date, time and location of such hearing must be given, under Section 102.0065. and Section 102.011 of said Code the provisions of said Charter control as to the method of giving such notice and under Section 11.04 of said Charter said notice must be published not less than ten (10) days nor more than thirty (30) days before the date of such public hearing; and,

WHEREAS, under Section 102.006(b), Local Government Code, the public hearing on the proposed annual budget must be held before the date the governing body makes its tax levy for the fiscal year covered by such budget and, under Section 102.009 (a) of said Code and Section 11.09 of said Charter, the governing body of the City may levy taxes only in accordance with such budget; and,

WHEREAS, the provisions of Section 26.05, Tax Code, requiring the governing body to conduct two public hearing and satisfy the notice and voting requirements of Section 26.06, Tax Code, do not apply where the proposed tax rate will not exceed the lower of the rollback tax rate or the effective tax rate calculated as provided in said code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE (1) - Findings of Fact

The City Council hereby makes the following findings:

(1) The Chief Appraiser of the Brazoria County Appraisal District furnished to the Assessor and Collector of Taxes for Brazoria County, Texas, a certified appraisal roll of the City for the 2013 tax year on the 19th day of July, 2013.

(2) The original of the proposed budget for the City's Fiscal Year 2013-2014 was filed by the City Manager of the City with the City Secretary on the 8th day of July, 2013.

(3) On the 1st day of August, 2013, the Assessor and Collector of Taxes calculated and on the 5th day of August, 2013, caused to be published in the Brazosport Facts a notice of the effective and roll back tax rates for such tax year, being \$0.675586 and \$0.722766, respectively, per \$100.00 valuation.

(4) On the 14th day of August, 2013 there was published in the Brazosport Facts a notice that on the 9th day of September, 2013, beginning at 6:00 o'clock, p.m., a public hearing would be held on the proposed budget for the 2013-2014 fiscal year.

(5) A public hearing on such proposed budget was held on the 9th day of September, 2013, beginning at 6:00 p.m., in the Municipal Courtroom of the Police and Courts Building of the City of Freeport, Texas, located therein at 430 Brazosport Boulevard.

(6) An ordinance adopting the budget filed by the City Manager with the City Secretary was adopted at the conclusion of such hearing, being Ordinance No. 2013-2044, read, passed and adopted on the 9th day of September, 2013.

(7) There is outstanding indebtedness for which an interest and sinking fund must be provided from ad valorem taxes and taxes must be levied as provided below in order to provide a general fund for current expenses and the general improvement of the City and its property and to meet the revenue requirements of the budget for the City's 2013-2014 fiscal year.

(8) That the ad valorem tax for the 2013 tax year, herein below levied, will not exceed the lower of the rollback tax rate or the effective tax rate specified in Item (3) above; and the amount thereof assessed for the interest and sinking fund and the amount thereof assessed for the general fund are both less than the amounts for those funds assessed for the 2013 tax year.

(9) That the Brazosport Facts is a newspaper of general circulation in the City and is its official newspaper.

SECTION TWO (2) - Appraisal Roll Accepted and Adopted

The City Council of the City hereby accepts and adopts the Certified Appraisal Roll for the City furnished to the Assessor and Collector of the City by the Brazoria County Appraisal District and which is incorporated herein by reference.

SECTION THREE (3) - Tax Rate for Interest and Sinking Fund

The City Council of the City hereby orders, determines and establishes that the tax rate for each \$100.00 valuation of taxable property within the City for the interest and sinking fund shall be \$0.166882 for the tax year 2013. This amount will not raise more taxes for interest and sinking fund than last year.

SECTION FOUR (4) - Tax Rate for General Fund

The City Council of the City hereby orders, determines and establishes that the tax rate for each \$100.00 valuation of taxable property within the City to provide a general fund for maintenance and operation expenses of the City shall be \$0.508704 for the tax year 2013. This amount will not raise more taxes for maintenance and operations than last year's tax rate.

SECTION FIVE (5) - Tax Levy; Assessment and Collection

Ad valorem taxes for the tax year 2013 are hereby levied and shall be assessed and collected as herein above set forth, to-wit: a total tax of \$0.675586 on each \$100.00 valuation of taxable property situated in the City as the ad valorem tax for said year.

SECTION SIX (6) - Severance Clause

Any section or provision of this ordinance found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction is hereby declared to be severable from the remainder of this ordinance which shall remain in full force and effect.

SECTION SEVEN (7) - Effective Date

This ordinance shall be effective from and after its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2013.

Norma Moreno Garcia, Mayor
City of Freeport, Texas

ATTEST:

Delia Muñoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

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