

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday, January 4, 2016 at 6:00 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Norma Moreno Garcia
Councilman Johnathan Sublet Absent
Councilman Fred Bolton Absent
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Assistant City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Dan Pennington, Chief of Police
Brian Davis, Fire Chief

Visitors: Troy Brimage Margaret McMahan
Ruben Renobato Ruth Renobato
Raul Ramirez Lila Lloyd
Moby Burrige Evelyn Burrige
Melanie Oldham Jim McEntire
Nicole Mireles Sam Reyna
Keith Stumbaugh Eric Hayes
Jerry Meeks Larry Fansher
Ed Garcia Ty Morrow

Call to Order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma M. Garcia led the Pledge of Allegiance.

Attending citizens and their business.

Ruben Renabato of 1527 W. 2nd Street, read out the Preamble of the Charter Review and the Oath of Office and reminded council that a public servant on November 30, 2015 council meeting acted against the Charter and asked that he be removed from office.

Margaret McMahan of 1330 West 8th Street, spokesperson for the Concerned Citizens of Freeport talked about an issues and changes in Freeport. The group conducted a survey and asked questions concerning the spending of \$12,000,000 on a sports complex and the preference of elections by plurality or majority. She reported that 95% prefer the elections by majority than plurality and 90% preferred street/drainage infrastructure than a sport complex.

Consideration of approving December 7, 2015 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved the December 7, 2015 Council Minutes.

Public Hearing to consider designating the following described real property located within the corporate boundaries of the city as a reinvestment zone for the purpose of entering into an agreement with the owner or owners thereof granting a tax abatement:

Lot 18, Block I, Riverside Terrace, a subdivision in the City of Freeport, Brazoria County, Texas according to the map or plat of said subdivision on file in the Plat records of said county, known locally as 1935 N. Ave. G., Freeport, Texas.

Mayor Norma M. Garcia opened the Public Hearing at 6:10 p.m.

There being no questions or comments from audience or staff, Mayor Norma M. Garcia closed the Public Hearing at 6:11 p.m.

Consideration of approving Ordinance No. 2016-2102 designating improvements to land located within the incorporated limits of said City as a reinvestment zone to be known as the Efrain and Maria Rodriguez reinvestment zone and providing for its initial term and the renewal thereof.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council approved Ordinance No. 2016-2102 designating improvements to land located within the incorporated limits of said City as a reinvestment zone to be known as the Efrain and Maria Rodriguez reinvestment zone and providing for its initial term and the renewal thereof.

Consideration of approving Resolution No. 2016-2488 granting a tax abatement to Efrain and Maria Rodriguez pursuant to the terms and conditions of and authorizing the Mayor and City Secretary to execute and attest, respectively a tax abatement agreement with the said Efrain and Maria Rodriguez.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council approved Resolution No. 2016-2488 granting a tax abatement to Efrain and Maria Rodriguez pursuant to the terms and conditions of and authorizing the Mayor and City

Secretary to execute and attest, respectively a tax abatement agreement with the said Efrain and Maria Rodriguez.

Receive and authorize publication of the final report of the Charter Review Committee-2015.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved and authorized publication of the final report of the Charter Review Committee-2015.

Discuss and consider authorizing the City Attorney to prepare an ordinance calling an election to submit the following proposed recommended amendments recommended by the Charter Review Commission:

(1) Amend the first and third sentences of Section 3.02 Qualifications to read respectively as follows:

The Mayor and each member of the City Council shall be a registered voter and a resident of the City of Freeport for at least twenty-four (24) consecutive months and, in the case of members of the City Council other than the Mayor, a resident of the Ward sought to be represented for at least six (6) consecutive months, immediately preceding his or her application to have his or her name placed on the official ballot and the filing of proof of his or her qualifications as required by law.

If any such officer shall fail to maintain the foregoing residence qualifications during his or her term of office or shall be absent from three (3) consecutive regularly scheduled meetings without a valid excuse, in writing filed with the City Secretary or sent to the City Secretary by e-mail or text message before the missed meeting, or fail to attend at least eighty (80%) of regularly scheduled meetings during any fiscal year, without a valid excuse, the City Council must at its next regularly scheduled meeting declare a vacancy to exist and shall fill such vacancy as set forth in Section 3.06 of this Charter.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved to amend the first sentence of section 3.02 Qualification, to read twenty four- (24) consecutive months instead of twelve (12) month and to change to City Secretary to Mayor or Mayor Pro Tem and have council decide on the validity of the excuse for missing city council.

(2) Amend Section 4.08 Fire Department to read as follows:

Section 4.08 Fire and E.M.S Department

For the protection of property and lives within the city, there is hereby established and there shall be maintained by the City a department to be known as the Freeport Fire and E.M.S (Emergency Medical Services).

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved to amend Section 4.08 Fire Department, adding to Section 4.08 Fire and E.M.S Department to read as follows: for the protection of property and lives within the city, there is hereby established and there shall be maintained by the City a department to be known as the Freeport Fire and E.M.S (Emergency Medical Services).

(3) Amend Section 5.05 to substitute majority for plurality, to provide for a runoff election and to read as follows:

Section 5.05 Election by Majority Election to office shall be by majority with the candidate receiving a majority of the number of votes (if otherwise qualified) being deemed elected to office. If no candidate gains a majority of the votes, the city council shall cause to be held a runoff elections between the two (2) candidates with the most votes on to be held on the same calendar year and on a day permitted by the Texas Election Code. In the event of a tie at any election, lots shall be cast to determine a winner in accordance with the Texas Election Code.

On a motion by Councilwoman Barbree to decline amending Section 5.05 to substitute majority for plurality, to provide for a runoff election. Motion died for lack of second.

(4) Amend Section 9.06 Notice of Public Hearing on Budget to read as follows:

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in both English and Spanish and in a newspaper of general circulation within the City of Freeport, a notice thereof setting forth the time and place of such hearing at least fifteen (15) days before the date thereof: and such notice shall be maintained on the City's website until after the date of such hearing.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved amending Section 9.06 Notice of Public Hearing on Budget to read as follows: At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in both English and Spanish and in a newspaper of general circulation within the City of Freeport, a notice thereof setting forth the time and place of such hearing at least fifteen (15) days before the date thereof: and such notice shall be maintained on the City's website until after the date of such hearing.

(5) Amend Section 10.07 Consent of Property owners

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but such abutting and adjacent property shall thereafter be restored to its previous condition and nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his or her property as now or hereafter provided by law.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved to amend Section 10.07 Consent of Property Owners to read as follows:

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but such abutting and adjacent property shall thereafter be restored to its previous condition and nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his or her property as now or hereafter provided by law.

(6) Amend Section 11.011 Selection of Newspaper for Publication, Subsection (a) , to read as follows:

Every ordinance or resolution adopted by the City Council, which is required or permitted to be published in a newspaper, shall designate in the body thereof, one or more newspapers of general circulation within the City of Freeport in which such ordinance or resolution, or the descriptive caption thereof, shall be published and it shall appear on the City's website for a least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved amending Section 11.011 Selection of Newspaper for Publication, Subsection (a) to read as follows:

Every ordinance or resolution adopted by the City Council, which is required or permitted to be published in a newspaper, shall designate in the body thereof, one or more newspapers of general circulation within the City of Freeport in which such ordinance or resolution, or the descriptive caption thereof, shall be published and it shall appear on the City's website for a least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer.

Consideration of cancelling January 18th, 2016 Council Meeting to observe Martin Luther King Holiday.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council approved cancelling January 18th, 2016 Council Meeting to observe martin Luther King Holiday.

Consideration of the approval of any action to be taken as a result of closed Executive Session.

Mayor Norma Garcia closed the Formal Session and opened the Executive Session at 6:36 p.m.

Mayor Norma Garcia opened the Formal Session at 6:55 p.m. to motion on an Executive Session item.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved a contract with Waste Connection of Texas, LLC for solid waste collection services.

Executive Session:

Section 551.071, Government Code Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- Pending Contractual Legal Negotiations – Waste Connections Contract.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Mayor Norma M. Garcia adjourned at 6:55 p.m.

Mayor, Norma Moreno Garcia
City of Freeport, Texas

City Secretary, Delia Munoz
City of Freeport, Texas