

NOTICE OF PUBLIC HEARING
THE FREEPORT CITY COUNCIL
MONDAY , MARCH 3, 2014, 6:00 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
FREEPORT, TEXAS
AGENDA
FORMAL SESSION

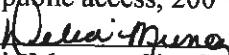
1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the February 18th, 2014 Council Minutes.
5. Attending citizens and their business.
6. Consideration of approving Ordinance No. 2014-2061 calling the Charter Review Amendment Election on the question of adopting three amendments to the Home Rule Charter of said City.
7. Consideration of approving and signing a re-plat for Associated Builders and Contractors, Velasco Townsite; being a subdivision of 17.82 acres; Lots 1-12, Block 43; All of Blocks 44, 45, 46, 53, 54 55, Lots 1-12, Block 56; closed alleys through Blocks 44, 45, 46, 53, 54, 55 and Close portions of Britt Bailey Street, Ave. I, J, and K of Velasco Townsite, Brazoria County, Texas.
8. Consideration of the approval of a request from the Associated Builders & Contractors 25th Annual Cook-off, for a street closure of East & West Park from 4th S treet to Second Street, beginning on Friday March 21st at 7:00 a.m. and ending on Sunday at noon also close off Broad St. from W. Park to E. Park beginning at 5:00 p.m. on Friday the 21st and ending on Sunday at noon.

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, February 28, 2014 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 met on February 18th, 2014 at 6:05 p.m. at the Freeport Municipal Court Room, 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

Staff: Jeff Pynes, City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Dan Pennington, Police Chief
Larry Fansher, Parks Director

Visitors: Evelyn Burridge
Moby Burridge
Troy Brimage
Bobby Casale
Tina Rogers
Kellie McKnight
Lila Lloyd
Melanie Oldham
Chris Witte
Jerry Meeks

Call to order.

Mayor Norma Garcia called the meeting to order at 6:05 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Bobby Casale led the Pledge of Allegiance.

Consideration of approving the February 3, & February . 4, 2014 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved February 3 & February 4, 2014 Council Minutes.

Attending citizens and their business.

There were none.

Consideration of approving Resolution No. 2014-2434 calling for a Joint Election Agreement and contract for Election Services for May 10, 2014.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Resolution No. 2014-2434 calling for a Joint Election Agreement and contract for Election Services for May 10, 2014.

Consideration of approving the proposed amendments to the 2014 Charter Review.

3.05 Mayor Pro Tem – having a Mayor Pro Tem rotate by ward.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting, 4 to 1, Council approved having a Mayor Pro Tem rotate by ward. Councilwoman Kent opposed.

3.15 Publication of financial statement – publish financial statements on city websites.

On a motion Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council approved publishing financial statements on the City website.

4.01 City Manager – require City Manager to reside in the City.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, requiring the City manager to reside in the City or/in the zip code area. This requirement shall not apply to the person serving as the City Manager on the date it becomes a part of the Home Rule Charter.

4.02 Department of Police - require Chief of Police to reside in the City.

Mr. Wallace Shaw advised Council that it is a conflict with the Open Government Code. No motion made.

4.08 Fire Department – require Fire Chief to reside in the City.

Mr. Wallace Shaw advised Council that it is a conflict with the Open Government Code. No motion made.

Consideration of approving Ordinance 2014-2060 calling a Special Election for May 10, 2014, on the question of a sale of that portion of Riverside Park North of a Westerly extension of Avenue C for the purpose financing a new sports complex to be located on Blocks 643, 656, 681 and the one-half of Block 618 adjoining Block 643 of the Velasco Townsite.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Ordinance No. 2014 calling a Special Election for May 10, 2014 on the question of consolidation of Riverside Park with Stephen F. Austin Park and the sale of that portion of Riverside Park located North of a westerly extension of Avenue C for the purpose of financing a new sports complex to be located on Blocks 643, 656, 681 and the one-half of Block 618 adjoin Block 643 of the Velasco Townsite.

Consideration of approving Resolution No. 2014-2435 nominating American Rice, Inc., as an enterprise project pursuant to the Texas Enterprise Zone Act, codified as Chapter 2303, Subchapter F of the Government Code.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Resolution No. 2014-2435 nominating American Rice, Inc., as an enterprise project pursuant to the Texas Enterprise Zone Act, codified as Chapter 2303, Subchapter F of the Government Code.

Consideration of approving Resolution No. 2014-2433 authorizing the City Manager to form a non-profit corporation and to seek a tax exemption for it under the Section 501 (C) (3) of the U. S. Federal Tax Code to receive and administer funds and other assets donated for the benefit of the Freeport Museum; such corporation to be controlled with oversight by the City Council of the City of Freeport, Texas, which shall be the Board of Directors of such corporation.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Resolution No. 2014-2433 authorizing the City Manager to form a non-profit corporation and to seek a tax exemption for it under the Section 501 (C) (3) of the U. S. Federal Tax Code to receive and administer funds and other assets donate for the benefit of the Freeport Museum; such corporation to be controlled with oversight by the City Council of the City of Freeport, Texas, which shall be the Board of Directors of such corporation.

Consideration of returning Tract U-3 (1/5 interest, Abstract 90, J. G. & G.W. McNeel, 1.944 acres, Geographic Id: 0090-0051-111 to Percy Beacroft, etal.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved returning Tract U-3 (1/5 interest, Abstract 90, J. G. & G.W. McNeel 1.944 acres, Geographic Id. 0090-0051-111 to Percy Beacroft, etal

Consideration of approving a commercial tax abatement application for pipeline infrastructure for BASF and setting a Public Hearing date for March 17, 2014.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved a commercial tax abatement application for pipeline infrastructure for BASF and setting a Public Hearing date for March 17, 2014.

Consideration of approving a commercial tax abatement application for improvements for Signal Electronics, 203 S. Gulf Boulevard, Freeport Texas and setting a Public Hearing date for March 17, 2014.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved a commercial tax abatement application for Signal Electronics, 203 S. Gulf Boulevard, Freeport Texas and setting a Public Hearing date for March 17, 2014.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Mayor Garcia adjourned the meeting at 6:30 p.m.

Mayor Norma M. Garcia
City of Freeport, Texas

City Secretary – Delia Munoz
City of Freeport, Texas

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CALLING A CHARTER AMENDMENT ELECTION ON THE QUESTION OF ADOPTING THREE (3) AMENDMENTS TO THE HOME RULE CHARTER OF SAID CITY; PROVIDING FOR ONE (1) MUNICIPAL POLLING PLACE AND DESIGNATING THE LOCATION THEREOF; PROVIDING FOR THE QUALIFICATION OF ELECTORS; APPOINTING THE OFFICERS OF SAID ELECTION AND DESIGNATING THE NUMBER OF CLERKS TO ASSIST IN CONDUCTING SAID ELECTION AND THE COMPENSATION TO BE PAID THE ELECTION JUDGE AND CLERKS; PROVIDING FOR EARLY VOTING; PROVIDING FOR RATIFICATION AND CONFIRMATION BY THE MAYOR OF SAID CITY OF THE ACTION TAKEN BY THIS ORDINANCE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Section 11.13 of the Home Rule Charter of the City of Freeport, Texas, provides that the City Council shall appoint a Charter Review Commission at its first regular meeting in June of each odd numbered year; and,

WHEREAS, heretofore in June of 2011 a Charter Review Commission was appointed for the said City; and,

WHEREAS, said Section 11.13 of said Charter provides that it shall be the duty of the Charter Review Commission, among other things, to propose, if it deems desirable and advisable, amendments to said Charter to improve the effective application of said Charter to current conditions, and to report its findings and present its proposed amendments, if any, to the City Council; and,

WHEREAS, the Charter Review Commission appointed in June of 2011 heretofore reported its findings and presented to the City Council in writing five (5) proposed amendments to the Home Rule Charter of the City; and,

WHEREAS, after reviewing and discussing such report, the City Council has decided to submit three (3) of the amendments recommended in such report, the substance of which are set forth below; and,

WHEREAS, said Sections 11.12 and 11.13 of said Charter provides that if any amendment or amendments are presented as a part of the report of the Charter Review Commission, the City Council may order such amendment or amendments to be submitted to the voters of said City in the manner provided in Chapter 9 of the Local Government Code, as now or hereafter amended; and,

WHEREAS, Article 9.004 of said Code, requires the submission of such amendment or amendments at an election to be held on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with the other requirements of law and that occurs on or after the 30th day after the date of the adoption of the ordinance ordering such election; and,

WHEREAS, under the applicable provisions of the Election Code, the next such uniform election date will be the second Saturday in May, 2014, being the May 10, 2014; and,

WHEREAS, the City Council of the City of Freeport has determined to submit the hereinafter mentioned amendments to the voters of the City and to do so on the second Saturday in May, 2012, which is the May 12, 2012, and which is also the date for the annual municipal election for the year 2012; and,

WHEREAS, pursuant to Section 3.01 of the Home Rule Charter of the City of Freeport, Texas, and Ordinance No. 1718 of the City of Freeport, Texas, read, passed and adopted on the 2nd day of March, 1992, the City of Freeport, Texas, has been divided in four (4) single member election districts or wards known as Wards A, B, C and D; and,

WHEREAS, said Section 9.004 provides that notice of the election for the submission of any amendments shall be given by publication thereof, in some newspaper of general circulation published in the City, on the same day in each of two (2) successive weeks, with the date of the first publication occurring before the 14th day before the date of said election, and that the form of such notice shall include a substantial copy of the proposed amendment or amendments; and,

WHEREAS, said Section 9.004 further provides that an amendment may not contain more than one subject and that the ballot shall be prepared so that a voter may approve or disapprove one or more amendments without having to approve or disapprove all of them.

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

SECTION ONE--Charter Amendment Election Called.

Pursuant to Section 11.12 of the Home Rule Charter of the City of Freeport, Texas, and Section 9.004, Chapter 9, Local Government Code of Texas, the Mayor and City Council of the City of Freeport, Texas, hereby order and ordain, respectively, that a Charter Amendment Election shall be held in and throughout the City of Freeport, Texas, on the second Saturday in May, 2014, being May 10, 2014, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m., for the purpose of submitting to the qualified voters of the City the amendments to the Home Rule Charter of the City hereinafter set forth, the substance of which was heretofore proposed by the Charter Review Commission of the City appointed in June of 2013.

SECTION TWO--Form of Ballot

The ballot used at said election shall conform with the requirements of the Texas Election Code and Section 9.004, Chapter 9, Local Government Code of Texas, shall contain the following proposed amendments and prepared such manner that each amendment shall contain only one (1) subject and each voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments, to-wit:

AMENDMENT NUMBER ONE

Should Section 3.05 Mayor Pro Tem be amended to read as follows:

■At the meeting of the City Council at which the returns of the annual election are canvassed each year, the members of the City Council shall select, on a rotating basis among the Wards, a member of the City Council who has been on City Council for at least two (2) years to serve as Mayor Pro Tem until the meeting of the City Council at which the returns of the annual election for the next succeeding year have been canvassed. The Mayor Pro Tem shall perform all of the duties of the Mayor in the absence or disability of the Mayor, and shall assume the office of Mayor for the remainder of the unexpired term in the event the office of the Mayor becomes vacant. If both the Mayor and the Mayor Pro Tem are absent from any meeting of the City Council, the members present shall elect from among themselves a Temporary Mayor Pro Tem to preside at such meeting.*

AMENDMENT NUMBER TWO

Should Section 3.15 Publication of financial statement be amended to read:

■As soon as possible after the close of each quarter of the fiscal year, the City Manager shall cause a financial statement for such quarter to be prepared and made available for inspection by the public in the office of the City Secretary and maintain such report on the City's website for the next succeeding quarter of the fiscal year.*

AMENDMENT NUMBER THREE

■Should a new Subsection (d), which shall read as follows, be added to Section 4.01 City Manager:

(d) Within six (6) months of his appointment, the City Manager shall establish and thereafter maintain a place of residence within the City for the duration of his employment by the City in such capacity. Provided, however, this requirement shall not apply to the person serving as the City Manager on the date it becomes a part of the Home Rule Charter..•

SECTION TWO--Municipal Polling Places

As provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, for the purpose of the election called by this ordinance, there shall be two (2) municipal polling places, one outside at the Oyster Creek City Hall, located at 3210 FM 523 in the Village of Oyster Creek, Texas, where voters residing in Brazoria County Election Precinct 8 but also within the City shall vote on election day and one within the City at the Brazosport High School Auditorium 1800 West Second Street, Freeport, Brazoria County, Texas, where all other voters shall vote on election day.

SECTION THREE--Electors.

Every person eligible to vote under the provisions of Chapter 11 of Title 2 of the Texas Election Code who is a resident of the City and who is duly registered to vote in the county election precinct where and on the day on which he or she votes, shall be entitled to vote for or against each of such proposed amendments.

SECTION FOUR ■- Officers of Election and Compensation Thereof.

The Presiding Judge, Alternate Presiding Judge and clerks needed on the day of election for the election called by this ordinance, for the early ballot board and the central counting station shall be appointed, have the duties and be compensated as provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, which is incorporated herein by reference.

SECTION FIVE - Early Voting.

Early voting shall begin on April 28, 2014, and end on May 6, 2014, such early voting to be conducted by the County Clerk of Brazoria County, Texas, between the hours of 8:00 a.m. and 5:00 p.m. at the following locations, from Monday, April 28, 2014, through Friday, May 2, 2014, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, May 3, Monday, May 5, and Tuesday, May 6, 2014, at such locations, to-wit:

<u>Angleton Main Location:</u>	East Annex (Old Walmart Building) 1524 E. Mulberry, Angleton
<u>Alvin Branch Location:</u>	Alvin Library 105 S. Gordon, Alvin
<u>Brazoria Branch Location:</u>	Brazoria Library 620 S. Brooks, Brazoria
<u>Freeport Branch Location:</u>	Freeport Library 410 Brazosport Blvd., Freeport
<u>Lake Jackson Branch Location:</u>	Lake Jackson Library 250 Circle Way, Lake Jackson
<u>Manvel Branch Location:</u>	Courthouse North Annex 7313 Corporate Dr., Manvel
<u>Pearland East Branch Location:</u>	Pearland Library 3522 Liberty Dr., Pearland
<u>Pearland West Branch Location:</u>	Westside Event Center 2150 Countryplace Pkwy., Pearland
<u>Shadow Creek Branch Location:</u>	Pearland Westside Library 2803 Business Dr. #101, Pearland
<u>Sweeny Branch Location:</u>	Sweeny Community Center 205 W. Ashley Wilson Rd., Sweeny
<u>West Columbia Branch Location:</u>	Pct. 4 Government Office 121 N. 10 th St, West Columbia

SECTION SEVEN--Method of Voting and Conducting Election.

Both early voting and all voting on the day named above for the holding of said charter amendment election shall be in the manner specified in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, mentioned above.

SECTION EIGHT--Notice of Election.

(a) The Mayor of the City is hereby authorized and directed to issue a notice of said election, to cause the same to be posted for at least twenty-one (21) days prior to the date named above for the holding of said charter election on the bulletin board used for posting notices of meetings of the City Council.

(b) As required by Section 9.004 (c) of the Local Government Code the City Secretary shall cause a copy of the above notice, including a substantial copy of above and foregoing proposed amendments, to be published on the same day in each of two (2) successive weeks, with the first publication occurring before the fourteenth (14th) day before the date hereinabove fixed for the holding of said election.

SECTION NINE--Ratification and Confirmation by Mayor.

By signing this ordinance, the undersigned Mayor of the City hereby ratifies and confirms as his action all matters hereinabove recited which by law come within his jurisdiction.

SECTION TEN--Effective Date.

This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND APPROVED this ____ day of _____, 2014.

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

C:\Freeport.Elc\2014 Charter Election-Ord

Munoz, Delia

From: Jim Mahon <jimmahon@yahoo.com>
Sent: Thursday, February 27, 2014 5:54 PM
To: Munoz, Delia
Subject: Downtown Park Streets March 21 & 22
Attachments: 2014 25th Annual ABC Cook-off Flyer.pdf

Hi Delia,

Gilbert Arispe asked me to send you an email requesting the closure of East & West Park for March 21 & 22. The Associated Builder & Contractors 25th Annual Cook-off will be held at the downtown park. We are very excited to have the event in Freeport this year and a special thanks to all the City Employees who have been so good to work with. We hope our event will help showcase all the improvements that Freeport is doing in the downtown area and all through the city.

Here are the details for City Council:

We will need to close East & West Park from 4th street to second street, beginning on Fri. March 21 at 7:00 a.m. and ending on Sunday at noon. We would also want to close off Broad St. from W. Park to E. Park beginning at 5:00 pm on Fri., the 21st and ending on Sunday at noon.

I have attached a flier for the event. Please let me know if you have any questions, or need any further details.

Respectfully,

Jim Mahon
Director of Sales
Candlewood Suites
Lake Jackson, Tx. 77566
979-824-9370

25th Annual ABC Cook-off
Fundraiser Event
March 21 & 22, 2014



Save these dates

for a cook-off competition that can't be beat!

Hosted by the ABC Public Relations Committee

NEW LOCATION: Memorial Park, Downtown Freeport

DATE: Friday & Saturday, March 21 & 22, 2014

ENTRY FEE: \$100.00 per team

\$100.00 for additional booth space

(will allow your team to make another entry)

IRON CHEF: Optional entry: fee is \$25.00 per team

*Iron Chef entry is excluded from the
Championship Trophy for Best Overall Team.*



Contact Ruby at the ABC office at **979.233.0279**,
or email: ruby@abetxgulfcoast.org.

Plan to enter your talented teams!

Prizes & Categories

Iron Chef: Monies from entries will be split 50/50 between the
1st Place Winner & ABC Charity Donations

1st, 2nd & 3rd Place Trophies for each category: ***Beef Fajitas** ***Chicken** ***Pork Spare Ribs** ***Brisket**

Championship Trophy: Best Overall Cook-Off Team - Winner based on total score of the four cooking categories marked with an asterisk. In case of a tie, brisket score will be used to determine the winner. In addition, winning team will be given \$100.00 from ABC for entry into a Cook-Off of their choice for the year 2014.

DONATION OF FAVORITE DESSERT IS APPRECIATED:

Favorite Dessert: Teams, family & friends are all encouraged to make a donation of a "Favorite Dessert" for the SILENT AUCTION which welcomes ALL BIDDERS. *Thanks to all donors!* This added attraction will help to raise additional funds for this community charity event.

Don't miss the fun and competition...

your support of this community fundraiser is appreciated!

