

NOTICE OF PUBLIC HEARING
THE FREEPORT CITY COUNCIL
MONDAY, AUGUST 18, 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 August 4 & 5, 2014 Council Minutes. Pg. 753-756
5. Attending citizens and their business.
6. Consideration of approving Resolution No. 2014-2449 approving a qualified person to fill the expired term as a representative of the Brazosport Water Authority for the term 2014-2016. Pg. 758
7. Consideration of approving Ordinance No. 2014-2070 enacting and adopting a supplement (S-18) to the Code of Ordinances of the City of Freeport. Pg. 759-760
8. Consideration of approving Resolution No. 2014-2450 declaring an emergency and authorizing the City Manager to purchase an air condition chiller unit and pump without complying with the competitive bidding requirements of Chapter 252 of the Local Government Code. Pg. 761-764
9. Consideration of approving a request from the Free Spirit Worship Center, 223 South Ave. C, Freeport Texas to have a Cancer Run and street closures held at the Freeport Municipal Park to South Ave. A, to Caldwell Street to North Ave. C, left to Karankawa, back to Caldwell Street, from 8:00 a.m. to 10:00 a.m. on October 25, 2014. Map Enclosed
10. Consideration of rescheduling September 1, 2014 Council Meeting to September 2, 2014 due to Labor Day Holiday.
11. Consideration of setting September 8th, 2014 for a Budget Hearing on the proposed budget for the fiscal year 2014-2015. Pg. 765
12. Consideration of proposing a tax rate and, if such proposed rate exceeds the effective rate, setting by a record vote; two public hearing for September 2, & 8 , 2014 at 6:00 p.m.

Work Session:

- A. Discussion regarding the budget and tax rate.
- B. Discussion regarding the Appraisal Tax Values.

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, August 15, 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 August 4, 2014 at 6:00 p.m. at the Freeport Municipal Court Room, Police Department, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Norma M. Garcia
Councilman Larry L. McDonald
Councilman Fred Bolton
Councilwoman Sandra Loeza – absent
Councilwoman Sandra Barbree

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

Visitors: Sandra Shaw Wayne Shaw
Edith Fischer Gary Woodring
Kevin Cadenheard Melanie Oldham
Moby Burrige Moby Burrige
Royce McCoy Nicole Mireles
Eric Hayes Darlene Weir

Call to order.

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

Invocation.

Mr. Wallace Shaw led the invocation.

Pledge of Allegiance.

Sandra Shaw led the Pledge of Allegiance.

Consideration of approving the July 23 & July 29, 2014 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved the July 23 & July 29, 2014 Council Minutes.

Attending citizens and their business.

There were none.

Consideration of approving and authorizing the Mayor to sign an Interlocal Contract between Harris County Department of Education and City of Freeport.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved the Mayor to sign an Interlocal Contract between Harris County Department of Education and City of Freeport.

Consideration of approving and authorizing the Mayor to sign a Road & Bridge Interlocal Agreement for Fiscal Year 2015 with Brazoria County and the City of Freeport for street repairs.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved authorizing the Mayor to sign a Road & Bridge Interlocal Agreement for Fiscal Year 2015 with Brazoria County and the City of Freeport for street repairs.

Consideration of approving a qualified person to fill the expired term as a representative of the Brazosport Water Authority for the term 2014-2016.

On a motion by Councilman McDonald, seconded by Councilman Bolton, with all present voting 2 to 2, to reappoint Stoney Burke as a representative of the Brazosport Water Authority for the term 2014-2016. Mayor Garcia and Councilwoman Barbree opposed.

Consideration of approving Ordinance No. 2014-2069 an amendment to Exhibit A of the Specific Use Permit granted to Eric Hayes, requesting the entrance to the park on Hwy. 288 instead of Zapata Street and changing the lot size to 116 to 190 RV spaces.

On a motion by Councilman McDonald to grant Mr. Eric Hayes' request, motion died for lack of a second.

Consideration of approving and signing a replat on the Old Brazos River Retreat a Subdivision of a 0.764 acre tract out of tract 4 of the City of Freeport as recorded in County Clerk's File No. 12-057412 of the Brazoria County Official Records in the Stephen F. Austin Survey Abstract 32 & 33, Brazoria County, Texas.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved signing a replat on the Old Brazos Retreat a Subdivision of a 0.764 acre tract out of tract 4 of the City of Freeport as recorded in County

Clerk's File No. 12-057412 of the Brazoria County Official Records in the Stephen F. Austin Survey Abstract 32 & 33, Brazoria County, Texas.

Consideration of approving Resolution No. 2014-2442 reappointing Edward Garcia and appointing Royce McCoy and Lesa Girouard to the Planning Commission of said City.

On a motion by Councilman McDonald, seconded by Councilman Bolton, with all present voting "Aye", Council approved Resolution No. 2014-2442 reappointing Edward Garcia and appointing Royce McCoy and Lesa Girouard to the Planning Commission of said City.

Consideration of approving Resolution No. 2014-2443 appointing Brock Owens and Martin Velez to the Library Board of said City.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution 2014-2443 appointing Brock Owens and Martin Velez to the Library Board of said City.

Consideration of approving Resolution No. 2014-2444 reappointing Raul Ramirez, Loren Hayes and appointing Annette Sanford to the Board of Adjustment of said City.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution 2014-2444 reappointing Raul Ramirez, Loren Hayes and appointing Annette Sanford to the Board of Adjustment of said City.

Consideration of approving Resolution No. 2014-2445 reappointing Rosemary Bravo, Chris Kozak and appointing Nino Herrera to the Beautification/Park Recreation Committee of said City.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution No. 2014-2445 reappointing Rosemary Bravo, Chris Kozak and appointing Nino Herrera to the Beautification/Park Recreation Committee of said City.

Consideration of approving Resolution No. 2014-2446 reappointing John Shultz and appointing Melanie Oldham to the Urban Renewal Board of the City.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution No. 2014-2446 reappointing John Shultz and appointing Melanie Oldham to the Urban Renewal Board of the City.

Consideration of approving Resolution No. 2014-2447 reappointing Troy Brimage, Brooks Bass and Drew Ryder to the Economic Development Corporation of the City.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present Voting "Aye", Council unanimously approved Resolution No. 2014-2447 reappointing Troy Brimage, Brooks Bass, and Drew Ryder to the Economic Development Corporation of the City.

Consideration of approving Resolution No. 2014-2448 reappointing Carol Rangel, Dorothy Pirrung and Mary Talbert to the Senior Citizens Commission of said City.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution No. 2014-2448 reappointing Carol Rangel, Dorothy Pirrung and Mary Talbert to the Senior Citizens Commission of said City.

Mayor Garcia opened the Work Session at 6:20 p.m.

Work Session:

Discussion regarding the Annual Financial Report ending September 30, 2013 by Kennemer Masters & Lunford, Certified Public Accountants.

Kevin Cadenhead with Kennemer Masters & Lunford, Certified Public Accounts provided a general overview of the City's financial statements ending September 30, 2013. The audit is consistent with prior years and meets all the guide lines. Questions concerning any information provided in the report or request for additional financial information should be addressed to the office of Finance, 200 West 2nd Street, Freeport Texas.

Presentation by Edith Fischer, Director of Tourism of the Brazosport Convention & Visitors Council promoting and request for continued funding.

Attending and promoting through mass marketing events, trade show, advertising, public relations, personal calls, internet solicitation, social media sites and email campaigns. Promotes and markets daily to increase the hotel tax revenue in Clute, Freeport, Lake Jackson and Surfside Beach.

Edith Fisher presented Council with an update on the Brazosport Convention & Visitors Council on the past year's activities. Attending and promoting through mass marketing events, trade shows, advertising, public relations, personal calls, internet solicitation, social media sites and email campaigns. Promotes and markets daily to increase the hotel tax revenue in Clute, Freeport, Lake Jackson and Surfside Beach.

Adjourn

On a motion by Councilman McDonald, seconded by Councilman Bolton, with all presenting voting "Aye", Mayor Garcia adjourned the Meeting at 6:35 p.m.

Mayor Norma M. Garcia
City of Freeport, Texas

City Secretary - Delia Munoz
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE REMEMBERED, that the City Council of the City of Freeport met for a budget workshop on August 5, 2014 at 6:10 p.m. at the Freeport Police Department Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the 2014-2015 budget proposals:

City Council: Mayor Norma M. Garcia
Councilman Larry L. McDonald - absent
Councilman Fred Bolton
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Asst. City Manager
Delia Munoz, City Secretary
Bob Welch, Finance Director
Brian Davis, Fire Chief
David Hoelewyn, Street Department
Kola Olayiwola, Building Department
Dan Pennington, Police Chief
Brian Dybala, Golf Director
Larry Fansher, Park Director
Timora Pole, Marina Director
Meredith Pyle, Museum Director

Visitors: Lance Reaves
Annette Sanford
Jerry Meeks

Call to order

Mayor Norma Garcia opened the budget workshop at 6:10 p.m.

Work Session

City Manager Jeff Pynes and Council Members reviewed city department budget proposals for fiscal year 2014-2015. Department Directors were present to review their department proposed budgets: Recreation, Fire, Ambulance/Ems, Marina, Museum, Museum, Parks, Golf Course, Street, Police and Code Enforcement.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Mayor Norma Garcia adjourned the budget workshop at 8:04 p.m.

Adjourn

Delia Munoz - City Secretary
City of Freeport, Texas

RESOLUTION NO. 2014-2449

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON TO BE A DIRECTOR OF THE BRAZOSPORT WATER AUTHORITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the term of office of the position on the Board of Directors of the Brazosport Water Authority required to be filled by the City Council of the City of Freeport, Texas ("the City") will expire on September, 2014; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified person to serve on such board.

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

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified person to be a Director of the Brazosport Water Authority for the term which begins in September, 2014, and until a successor for such appointee shall have been appointed and qualified, to-wit: _____.

SECTION TWO (2): DUTIES

The above named appointee shall perform all of the duties imposed on members of the Board of Directors of said Authority by law.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, such appointee shall take the Constitution Oath of Office as required by law.

READ, PASSED AND ADOPTED this _____ day of _____, 2014.

Norma Moreno Garcia, Mayor
City of Freeport, Texas

ATTEST: _____
Delia Muñoz, City Secretary
City of Freeport, Texas

ORDINANCE NO. 2014-2070

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCE OF THE CITY; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Freeport, Texas, ("the Cit") 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, pursuant to the provisions of Chapter 53 of the Local Government Code, the City Council of the City by its Ordinance No. 1806, read, passed and adopted on the 9th day of September, 1996, adopted a Code of Ordinance for the City prepared by American Legal Publishing Corporation of Cincinnati, Ohio ("ALP"); and,

Whereas, supplements S-1, S-2, S-3, S-4, S-5, S-6, S-7, S-8, S-9, S-10, S-11, S-12, S-13, S-14, S-15, S-16 and S-17 to said Code of Ordinances prepared by ALP have heretofore been adopted by Ordinance Numbers 1817, 1813, 1853, 1888, 2001-1931, 2002-1998, 2003-2024, 2005-2104, 2006-2136, 2007-2175, 2008-2211-B, 2009-2225, 2010-2258, 2011-2290, 2012-2028, and 2013-2055 of the City, respectively; and,

WHEREAS, ALP has completed supplement S-18 to said Code of Ordinance containing all ordinances of a general and permanent nature enacted since the adoption of Supplement S-16 and has recommended its adoption by the enactment of this ordinance.

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

First, Supplement S-18 to the Code of Ordinances of the City of Freeport, Texas, as submitted by ALP, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Second, such supplement shall be deemed published as of the day of its adoption and approval by the City Council and the City Secretary is hereby authorized and directed to insert such supplement into the copy of such Code of Ordinances kept on file in

the City Secretary's office.

Third, this ordinance shall take effect and be in force from and after its passage and adoption.

READ, PASSED AND ADOPTED 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

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INTEROFFICE MEMORANDUM

TO: JEFF PYNES, CITY MANAGER
FROM: LARRY FANSHER, PARKS/MAINTENANCE OPERATIONS
SUBJECT: City Hall 100-Ton Chiller Unit Replacement
DATE: AUGUST 14, 2014

Please be advised due to the age and worsening condition of the city hall chiller unit, it is only operating at 50% capacity.

As supported by our recent energy study, the chiller unit coils are deteriorating to a point they no longer transfer heat efficiently as designed. This is creating conditions where a constant supply of water must be manually sprayed over the condensing unit 24-hours a day, in order to dissipate heat away from the coils. This is required to prevent overheating and further damage to the remaining working compressors. This temporary process is what is preventing the system from continually shutting down and causing cooling disruption that can severely affect the interior air quality.

As manufacturing production and delivery time is as much as eight weeks, it is imperative a chiller unit be procured to minimize further inconveniences and interruption of the day-to-day business for our building tenants, employees, customers and residents.

As an emergency situation exists, it is imperative a city hall replacement chiller unit and pump be authorized for purchase in the shortest time-frame possible to minimize the city's exposure.

RESOLUTION NO. 2014-2450

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; DECLARING AN EMERGENCY AND AUTHORIZING THE CITY MANAGER TO PURCHASE AN AIR CONDITIONING CHILLER UNIT AND PUMP WITHOUT COMPLYING WITH THE COMPETITIVE BIDDING REQUIREMENTS OF CHAPTER 252 OF THE LOCAL GOVERNMENT CODE; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.

WHEREAS Subsection (b) of Section 252.021, Local Government Code (hereinafter "the Code") provides that before a municipality may enter into a contract that requires an expenditure of more than \$25,000.00 such municipality must comply with the bidding procedure prescribed in Chapter 252 of the Code; and,

WHEREAS, Items (2) and (3) of Subsection (a) of Section 252.002 of the Code provides that Chapter 252 of the Code does not apply to a procurement necessary to preserve or protect the public health or safety of the municipality's residents or a procurement made necessary because of unforeseen damage to public machinery, equipment or other property; respectively; and,

WHEREAS, the City of Freeport, Texas, (hereinafter sometimes "the City") is a "Home Rule City" and a "Home Rule Municipality" 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, an air conditioning chiller unit is essential to the operation of the air conditioning system at the City Hall on a day to day basis and air conditioning is essential to efficiently conducting the business of the City, especially during the warm months of the year, and the air conditioning chiller and pump now in use by the City is not functioning and cannot be adequately repaired so that it will be functional in the immediate future; and

WHEREAS, the unavailability of a functioning air conditioning chiller is a health and safety hazard; and

WHEREAS, the adoption of this resolution is necessary for the public health and safety of the inhabitants of the City.

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

First, the City Council of the City of Freeport, Texas, has determined and does here now declare that each of the facts recited above are true and correct and taken together establish that the expenditure hereinafter authorized is necessary to protect the public health or safety of the municipality's employees working and the residents having business to transact at the City Hall and is made necessary because of unforeseen damage to public machinery, equipment or other property.

Second, the City Manager of the City of Freeport is hereby authorized and directed to enter into a contract with PRATHER AND HARDLAN AIR CONDITIONING of Clute, Texas, under the terms of which the City of Freeport will acquire an air conditioning chiller and pump at a cost to the City of Freeport not to exceed \$80,000.00, without first complying with the competitive bidding requirements of Chapter 252 of the Local Government Code.

Third, this resolution shall be in force and take effect from and after its passage and adoption.

Fourth, this resolution, after execution and attestation, shall be maintained by the City Secretary of the City of Freeport, Texas, in the permanent files of the City.

READ, PASSED and ADOPTED this _____ day of August, 2014.

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

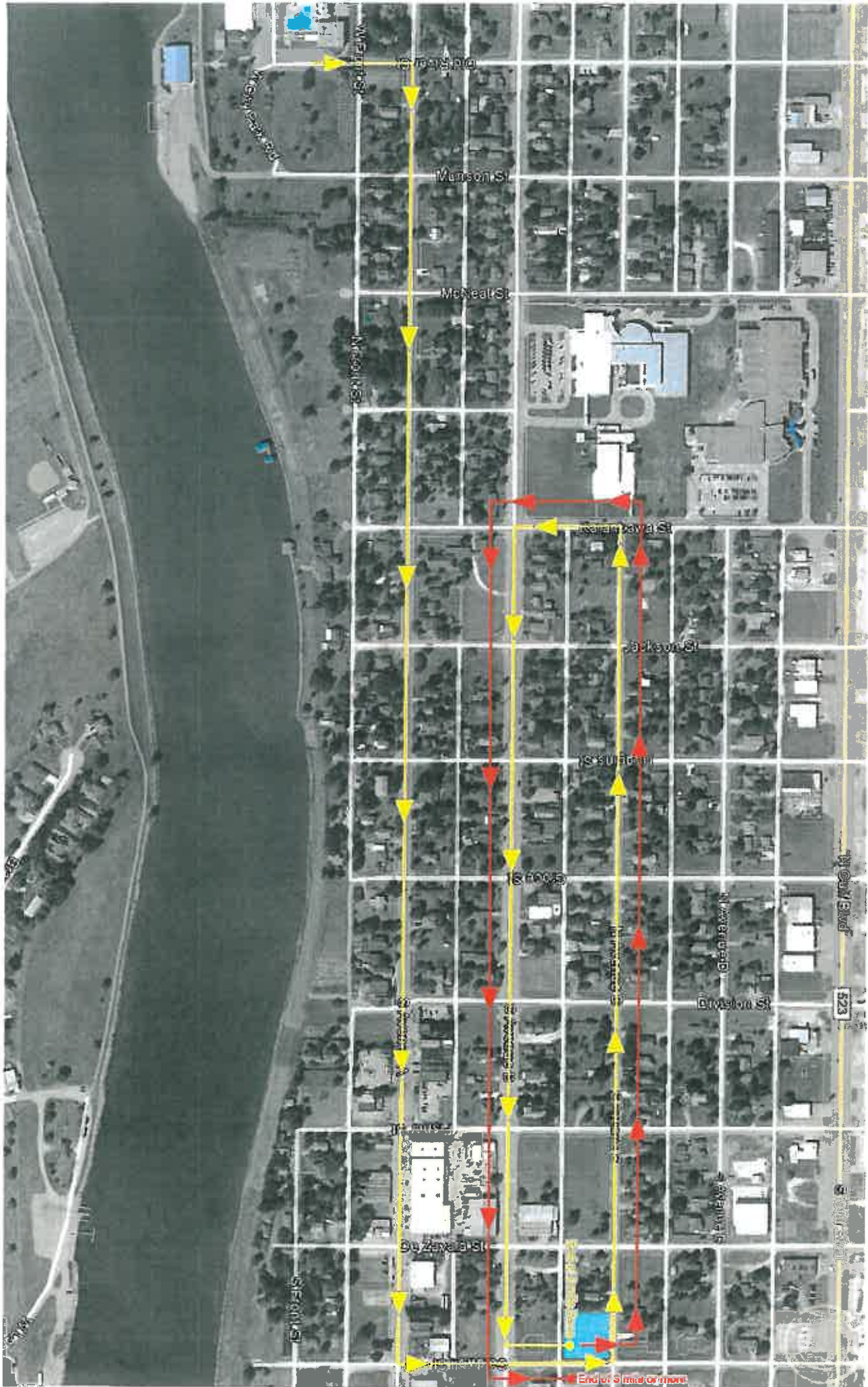
ATTEST:

Delia Munoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY;

Wallace Shaw, City Attorney
City of Freeport, Texas

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NOTICE OF PUBLIC BUDGET HEARING

BE IT KNOWN that on Monday, September 8, 2014, beginning at 6:00 o'clock, p.m., the City Council of the City of Freeport, Texas, will conduct a **PUBLIC HEARING** at the Police Department Municipal Courtroom of the City of Freeport, Texas, located therein at 430 North Brazosport Boulevard, on the **PROPOSED BUDGET** of the City for the **FISCAL YEAR 2014-2015**, which may be **EXAMINED** on request at the Office of the City Manager, 200 West Second Street, Freeport, Texas 77541, during normal business hours. **WRITTEN COMMENTS** concerning the budget must be mailed to arrive at or be delivered in person to the office of the City Manager at such office prior to 5:00 p.m. on the day of such hearing. **VERBAL COMMENTS** will be accepted at the time of the hearing.

Delia Munoz, City Secretary
City of Freeport, Texas

**NOTE: Publish once at least fifteen (15) days before
the date of the hearing.**