

NOTICE OF PUBLIC HEARING
THE FREEPORT CITY COUNCIL
MONDAY, SEPTEMBER 22, 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 September 8, 2014 Second Tax Rate Public Hearing Minutes. Pg. 841-842
5. Consideration of approving the September 8, 2014 Council Minutes. Pg. 843-846
6. Attending citizens and their business.
7. Consideration of approving Ordinance No. 2014-2074 adopting a tax rate for fiscal year 2014-2015. Pg. 847-857
8. Consideration of approving Resolution No. 2014-2450 supporting the activities of the Texas Coast Utilities Coalition of Cities ("TCUC") and other similarly situated coalitions of municipalities opposing rules proposed by the railroad commission of Texas benefiting the utility industry that if adopted would greatly diminish cities' ability to effectively and meaningfully evaluate and challenge a utility's proposal to increase its rates. Pg. 858-861
9. Consideration of approving Resolution No. 2014-2451 suspension of Centerpoint Energy Houston Electric's proposed effective date as allowed by statute regarding its proposed amendment to rate schedule for lighting services; authorizing the City to direct the activities of its lawyers and consultants; authorizing the hiring of attorneys and consultants; and requiring reimbursement of reasonable legal and consultant expenses. Pg. 862-865
10. Consideration of designating a representative and an alternate to the Houston –Galveston Area Council, 2015 General Assembly. Pg. 866-867

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 Negotiations regarding Skymark Development Corporation

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 19 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 September 8, 2014 at 6:00 p.m. at the Freeport Municipal Court Room, Freeport Police Department, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

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

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Assistant City Manager
Delia Munoz, City Secretary
Wallace Shaw, City Attorney
Nat Hickey, Property Manger
Bob Welch, Finance Director
Brian Davis, Fire Chief
Dan Pennington, Police Chief
Larry Fansher, Parks Director
Kola Olayiwola, Building Inspector
David Hoelewyn, Street Director
Loni Kershaw, Human Resources

Visitors: Lance Reaves Jerry Meeks
Glenda Fansher Melanie Oldham
Phil Bakke Danny Gillchriest
Sam Reyna Nicole Mireles
Bill Morris Catarina Tijerina
Connie Kinney Annette Sanford
Moby Burr ridge Evelyn Burr ridge

Call to order.

Mayor Pro Tem Fred Bolton called the meeting to order at 6:00 p.m.

Second Tax Rate Public Hearing on adoption of proposed tax rate and consider motion that the property tax rate be increased by the adoption of a tax rate of 0.675586, which is effectively a 3.36 percent increase in the tax rate.

On a motion by Councilwoman Loeza, "I move that the property tax rate be increased by the adoption of a tax rate of 0.675586, which is effectively a 3.36 percent increase in the tax rate, seconded by Councilwoman Barbree, with all present voting, a record vote was taken.

Record Vote: Mayor Norma Garcia	Absent
Councilman Larry McDonald	No
Councilman Fred Bolton	Aye
Councilman Sandra Loeza	Aye
Councilman Sandra Barbree	Aye

Mayor Pro Tem Fred Bolton closed the Second Tax Rate Public Hearing at 6:05 p.m.

Announcement: The adoption of proposed tax rate for fiscal year 2014-2015 will be conducted September 15, 2014, 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "aye", Mayor Pro Tem Fred Bolton adjourned the meeting at 6:05 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 IT REMEMBERED, that the Freeport City Council met on Monday September 8, 2014 at 6:15 p.m. at the Freeport Municipal Court Room, Police Department, 430 North Brazosport, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Norma M. Garcia – Absent
Councilman Larry L. McDonald
Councilman Fred Bolton
Councilwoman Sandra Loeza
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
Dan Pennington, Police Chief
Larry Fansher, Parks Director
Kola Olayiwola, Building Inspector
Loni Kershaw, Human Resources

Visitors: Glenda Fansher Danny Gillchriest
Melanie Oldham Annette Sanford
Nicole Mireles Sam Reyna
Ed Garcia Jerry Meeks

Call to order.

Mayor Pro Tem Fred Bolton called the meeting to order at 6:15 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Pro Tem Fred Bolton led the Pledge of Allegiance.

Consideration of approving the September 2, 2014 First Tax Rate Public Hearing Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved the September 2, 2014 First Tax Rate Public Hearing Minutes.

Consideration of approving the September 2, 2014 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously the September 2, Council Minutes.

Attending citizens and their business.

There were none.

Public Hearing – Proposed budget for fiscal year 2014-2015.

Mayor Pro Tem Fred Bolton opened the Public Hearing on the proposed budget for Fiscal Year 2014-2015 at 6:16 p.m.

Mr. Pynes explained that Council and staff had two lengthy workshops reviewing the proposed budget. He presented council with a Power Point presentation of the proposed \$18,186,543.00 budget. He reviewed the General Fund Accounts and total Revenue Analysis and explained why some Departments were increasing and some were decreasing. Mr Pynes also reviewed the Employee Pay Plan.

Councilman Larry McDonald asked why the City had plans for repairing East 6th Street, if the Port Freeport is continuing acquiring east end property. He thought it was a waste of money. He asked that it be reviewed. He asked when Waste Management contract expires. Mr. Pynes stated that Waste Management contract expires in June 2015.

Mayor Pro Tem Fred Bolton questioned the capital expenditure of \$157,000 for an ambulance. Chief Davis explained that the city now has 4 ambulances. There are times when two are down or in the shop and two are running. A new ambulance cost over \$200,000 with bells and whistles. A good quality ambulance is about \$157,000. They often have 3 ambulances on the road.

Councilman McDonald asked for the interest on the unrestricted fund balance of \$6,180,000. Mr. Welch answered that TEXPOOL offers less than 1%.

Councilman McDonald commented that he was not approving the proposed budget because of the increase in water & sewer rates and taxes.

Edward Garcia, Chairman of the Planning Commission asked if the propose budget had \$15,000 allocated for help in developing a master plan. Mr. Pynes stated that he will work with the Planning Commission and get more details and the cost of a master plan before presenting to council.

Mayor Pro Tem Fred Bolton closed the Public Hearing at 6:49 p.m.

Consideration of approving Ordinance No. 2014-2071 adopting a budget for the fiscal year 2014-2015 for the City of Freeport.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting 3 to 1, Council approved the Ordinance No. 2014-2071 adopting a budget for the fiscal year 2014 – 2015 for the City of Freeport.

Record Vote Taken:	Mayor Norma Garcia	<u>Absent</u>
	Councilman Larry McDonald	<u>No</u>
	Councilman Fred Bolton	<u>Yes</u>
	Councilwoman Sandra Loeza	<u>Yes</u>
	Councilwoman Sandra Barbree	<u>Yes</u>

Consideration of approving Ordinance No. 2014-2072 amending Sections 52.15 and 52.16 of the Code of Ordinances of said City to increase the rates for water and sewer and water only services set forth therein for services furnished on or after October 1, 2014 to industrial facilities, offices and other commercial establishments, residences and customers located in inside and outside the corporate limits of the city.

Councilman Bolton asked for this item to be restructured so that the residence not pays for the increase rates.

Councilwoman Loeza asked to revisit this item.

On a motion by Councilwoman Barbree to approve Ordinance No. 2014-2072, motion died for lack of a second.

Consideration of approving Ordinance No. 2014-2073 authorizing the offering of health benefits coverage to the City of Freeport retirees; repealing all ordinances in conflict; providing and open meeting clause; and providing an effective date.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting “Aye”, Council unanimously approved No. 2014-2073 authorizing the offering of health benefits coverage to the City of Freeport retirees; repealing all ordinances in conflict; providing and open meeting clause; and providing an effective date.

Mayor Pro Tem opened the Executive Session at 6:55 p.m.

Executive Session:

Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers; claims 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:

- Freeport Municipal Golf Course
(no action taken)

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Mayor Pro Tem Fred Bolton closed the meeting at 7:18 p.m.

Mayor Norma M. Garcia
City of Freeport, Texas

City Secretary – Delia Muñoz
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 2014 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(c), 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, a 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

WHEREAS, 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(c) 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, under the provisions of Section 26.05(b) of the Tax Code, the governing body of the City is required to conduct two public hearings and satisfy the notice and voting requirements of Section 26.06, Tax Code, where the proposed tax rate will 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 2014 tax year on the 25th day of July, 2014.

(2) The original of the proposed budget for the City's Fiscal Year 2014-2015 was filed by the City Manager of the City with the City Secretary on the 29th day of July, 2014.

(3) On the 2nd day of August, 2014, the Assessor and Collector of Taxes calculated and on the 26th day of August, 2014, caused to be published in the Brazosport Facts a notice of the effective and roll back tax rates for such tax year, being \$0.653637 and \$0.699358, respectively, per \$100.00 valuation.

(4) On the 22nd day of August, 2014, there was published in the Brazosport Facts a notice that on the 8th day of September, 2015, beginning at 6:00 o'clock, p.m., a public hearing would be held on the proposed budget for the 2014-2015 fiscal year in the Municipal Courtroom of the Police and Courts Building of the City of Freeport, Texas, located therein at 430 Brazosport Boulevard. Such notice included the following:

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$90,201 OR 4.01%, AND OF THAT AMOUNT, \$24,710 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

(5) A public hearing on such proposed budget was held on the 8th day of September, 2014, beginning at 6:00 p.m., at such courtroom.

(6) At a meeting of the City Council held on the same day as but after such hearing, an ordinance adopting such budget was read, being Ordinance No. 2014-2071. A motion to adopt such ordinance was made and seconded and record vote was taken as follows:

Councilwomen Sandra Loeza and Sandra Kay Barbree and Councilman Fred Bolton each voted in favor of such motion. Councilman Larry McDonald voted no. Mayor Norma Moreno Garcia was absent.

Such ordinance includes the following statement:

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$90,201 OR 4.01%, AND OF THAT AMOUNT, \$24,710 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

(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 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 2014-2015 fiscal year.

(8) That at the meeting of the City Council held on the 18th day of August, 2014, the following motion was made and seconded:

■I propose adopting a tax rate of \$0.675596 per \$100.00 valuation for the 2014 tax year, which is effectively a 3.36 percent increase in the tax rate.

After being seconded, a record vote on such motion was taken as follows:

Councilwomen Sandra Loeza and Sandra Kay Barbree, Councilman Fred Bolton and Mayor Norma Moreno Garcia each voted in favor of such motion. Councilman Larry McDonald voted against it.

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(9) Inasmuch as the ad valorem tax for the 2014 tax year, which was so proposed, will exceed the lower of the rollback tax rate or the effective tax rate, at such meeting two public hearings to consider such proposed tax rate were set, one for the 2nd day of September, 2014, and one for the 8th day of September, 2014, each at 6:00 o'clock, p.m.

(10) That on the 26th day of August, 2014, notice was published in the Brazosport Facts, a newspaper of general circulation in the City and its official newspaper, advising the public that on the 2nd day September, 2014, and again on the 8th day of September, 2014, each beginning at 6:00 p.m., the City Council would conduct public hearings to discuss such proposed tax rate.

(11) That on the 2nd day of September, 2014, the City Council conducted the first of such public hearings. It began on such date at 6:00 p.m. and was conducted in the Municipal Courtroom of the Police and Courts Building of the City of Freeport, Texas, located therein at 430 Brazosport Boulevard. The only item on the agenda was a discussion of the proposal to adopt, for the 2014 tax year, an ad valorem tax rate that will exceed the lower of the rollback rate or the effective tax rate. At the end of such hearing, the following motion was made:

■I propose adopting a tax rate of \$0.675596 per \$100.00 valuation for the 2014 tax year, which is effectively a 3.36 percent increase in the tax rate.

After being seconded, a record vote on such motion was taken as follows:

Councilwomen Sandra Loeza and Sandra Kay Barbree, Councilman Fred Bolton and Mayor Norma Moreno Garcia each voted in favor of such motion. Councilman Larry McDonald was absent.

At the end of such public hearing, the Mayor announced that a second hearing on the proposal to set an ad valorem tax rate for the 2014 tax

year that will exceed the lower of the rollback rate or the effective tax rate would be held on the 8th day of September, 2014, beginning at 6:00 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building of the City of Freeport, Texas, located therein at 430 Brazosport Boulevard and that the meeting of the City Council to vote on such tax rate would be held on the 15th day of September, 2014, beginning at 6:00 o'clock, p.m., also in the Municipal Courtroom of the Police and Courts Building of the City of Freeport, Texas, located therein at 430 Brazosport Boulevard.

(12) That on the 8th day of September, 2014, the City Council conducted the second of such public hearings, which began 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. At such public hearing, the only item on the agenda was a discussion of the proposal to adopt, for the 2014 tax year, an ad valorem tax rate that will exceed the lower of the rollback rate or the effective tax rate.

At the end of each hearing, the following motion was made:

■I propose adopting a tax rate of \$0.675596 per \$100.00 valuation for the 2014 tax year, which is effectively a 3.36 percent increase in the tax rate.

After being seconded, a record vote on such motion was taken as follows:

Councilwomen Sandra Loeza and Sandra Kay Barbree and Councilman Fred Bolton each voted in favor of such motion and Councilman Larry McDonald against such motion. Mayor Norma Moreno Garcia was absent.

At the end of the of the second of such public hearings, the Mayor Pro Tem announced that the meeting of the City Council to vote on such tax rate would be held on the 22nd day of September, 2014, beginning at 6:00

o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building of the City of Freeport, Texas, located therein at 430 Brazosport Boulevard.

(13) That the meeting at which this ordinance is being adopted is the meeting announced at the end of each of the public hearings mentioned above, it began at 6:00 p.m. and it is being held on the 22nd day of September, 2014, in the Municipal Courtroom of the Police and Courts Building of the City of Freeport, Texas, located therein at 430 Brazosport Boulevard. Prior to the adoption of such ordinance the following motion was made:

"I move that the property taxes rate be increased by the adoption of a tax rate of 0.675586, which is effectively a 3.36 percent increase in the tax rate.";

that this ordinance setting such rate was then presented and, after receiving a second, by a record vote such motion and this ordinance were duly adopted, the record vote being:

Councilwoman Sandra Loeza _____

Councilwoman Sandra Kay Barbree _____

Councilman Fred Bolton _____

Councilman Larry McDonald _____

Mayor Norma Moreno Garcia _____

(14) That all of the notices mentioned above were given in the manner and form and at the time required by the Tax Code.

(15) That the tax rate which, if applied to the total taxable value, will impose the total amount published under Section 26.04(e)(3)(c) of the Tax Code, there being no additional sales and use tax revenue that

will be used to pay debt service, is \$0.675586 per \$100.00 valuation.

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 is \$0.167802 for the tax year 2014

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 \$0.507784 for the tax year 2014.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL BE EFFECTIVELY RAISED 3.17 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000.00 HOME BY APPROXIMATELY \$0.73 PER \$100.00 VALUATION.

SECTION FIVE (5) - INTERNET WEBSITE

The City Secretary shall cause the following to be included on the homepage of the City's website:

THE CITY OF FREEPORT HAS ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL BE EFFECTIVELY RAISED 3.17 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$0.73 PER \$100.00 VALUATION.

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

Ad valorem taxes for the tax year 2014 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 _____, 2014.

ATTEST:

Norma Moreno Garcia, Mayor
City of Freeport, Texas

Delia Muñoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

C:\Freeport.Tax\2014 Tax Levy-Ord

RESOLUTION NO. 2014-2450

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF _____, TEXAS AUTHORIZING THE CITY'S PARTICIPATION IN A COALITION OF SIMILARLY SITUATED CITIES IN PROCEEDINGS BEFORE THE RAILROAD COMMISSION OF TEXAS AND THE TEXAS LEGISLATURE RELATED TO THE CITY'S AUTHORITY TO EFFECTIVELY REVIEW AND REGULATE UTILITY RATES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of _____, Texas, hereinafter referred to as "City," is a member of the Texas Coast Utilities Coalition of cities ("TCUC"); and,

WHEREAS, TCUC has participated in utility ratemaking proceedings before the Railroad Commission of Texas; and,

WHEREAS, TCUC has participated in legislative proceedings before the Texas Legislature; and,

WHEREAS, as recently as in the 83rd Regular Session of the Texas Legislature the Legislature considered and rejected legislation that if enacted, would have negatively affected municipalities' original jurisdiction to regulate a utility's rates, services, and operations in the City; and,

WHEREAS, as recently as the 83rd Regular Session of the Texas Legislature in 2013, the Legislature considered and rejected legislation that if enacted, would have negatively affected municipalities' ability to undertake a meaningful evaluation of a utility's request to increase gas rates and effectively challenge unreasonable rate increases; and,

WHEREAS, the Railroad Commission of Texas has initiated proceedings to adopt new rules whose effect would be similar to the restrictions that the Legislature rejected in its 83rd Regular Session; and,

WHEREAS, the rules the Railroad Commission of Texas proposed would diminish, if not altogether eliminate, Texas cities' original ratemaking jurisdiction over gas utilities and cities' ability to meaningfully review a gas utility's request to increase its rates; and,

WHEREAS, the City supports TCUC's and other similarly situated coalitions of cities' opposition to proposed rules or laws that would diminish and/or eliminate municipalities' ability to effectively regulate gas utility rates or to meaningfully participate in contested proceedings before the Railroad Commission of Texas; and,

WHEREAS, as the Legislature noted in Section 101.002 of the Gas Utility Regulatory Act, utilities are by definition monopolies in the areas they serve and as a result, the normal forces of competition that regulate prices in a free enterprise society do not operate and therefore, public agencies, including the City, regulate utility rates, operations, and services as a substitute for competition; and,

WHEREAS, gas utilities continue to be monopolies whose rates are not governed by the normal forces of competition; and,

WHEREAS, to provide fair, just, and reasonable rates and adequate and efficient services, Section 103.001 of the Gas Utility Regulatory Act grants the City exclusive original jurisdiction over the rates, operations, and services of a gas utility within the municipality; and,

WHEREAS, under Section 103.001 of the Gas Utility Regulatory Act passed by the Texas Legislature into law, a municipality regulating a gas utility has the right to require gas utilities to submit information as necessary for the municipality to make a reasonable determination of the utility's actual rate base, expenses, investment, and rate of return for providing its services and to retain personnel necessary to make the determination of reasonable rates; and,

WHEREAS, under Section 103.022 of the Gas Utility Regulatory Act, a municipality participating in or conducting a ratemaking proceeding may engage rate consultants, accountants, auditors, attorneys, and engineers to fully evaluate a utility's request to change rates and the gas utility in the ratemaking proceeding shall reimburse the municipality its reasonable rate case expenses; and,

WHEREAS, in order to ensure the reasonableness of gas utility rates and ensure the adequacy of gas utility service by preserving cities' right to effectively investigate and challenge utility-proposed rate increases both before the City and before any state agency that is authorized to regulate gas utilities' rates;

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

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City directs TCUC to oppose rules or legislation that would:

- Eliminate or reduce the ability of incorporated municipalities to exercise their statutorily guaranteed original jurisdiction over gas utility rates.
- Allow the approval of increases in rates without a complete and thorough review of a utility's capital expenditures or operating expenses by cities representing their ratepayers' interests.
- Eliminate, delay, or diminish the reimbursement of municipalities' reasonable costs incurred while investigating and challenging utility rate proposals or that would otherwise reduce municipalities' ability to participate in the rate-setting process.

Section 3. The City directs TCUC to support processes that:

- Uphold and enforce municipalities' original jurisdiction over gas utility ratemaking.
- Preserve municipalities' ability to fully investigate and challenge gas utilities' proposed changes to their rates and tariffs.
- Preserve municipalities' historical right to prompt reimbursement of reasonable costs that the municipalities' incur while investigating and challenging gas utilities' proposals to change their rates in all related proceedings, without any onerous predicate requirements .

Section 4. The City authorizes the TCUC Steering Committee to hire and direct its advocates in these efforts before the Railroad Commission of Texas and the Texas Legislature.

Section 5. That a copy of this resolution shall be sent to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Avenue, Suite 1250, Austin, Texas 78701, in his role as Special Counsel to TCUC.

Section 6. That the meeting at which this resolution was adopted was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 7. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this ____ day of _____, 2014.

Mayor

ATTEST:

City Secretary

RESOLUTION NO. 2014-2451

RESOLUTION BY THE CITY OF _____, TEXAS (“CITY”) SUSPENDING THE EFFECTIVE DATE FOR NINETY DAYS IN CONNECTION WITH THE APPLICATION SUBMITTED BY CENTERPOINT ENERGY HOUSTON ELECTRIC TO AMEND ITS STREET-LIGHTING TARIFF; AUTHORIZING THE CITY TO INTERVENE IN RELATED PROCEEDINGS AT THE PUBLIC UTILITY COMMISSION OF TEXAS AND TO DIRECT THE ACTIVITIES OF LAWYERS AND CONSULTANTS RELATED TO SUCH PROCEEDINGS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, on or about August 8, 2014 CenterPoint Energy Houston Electric, LLC (“CenterPoint”) submitted to the City an application to amend its tariff for lighting services and submitted a similar application with the Public Utility Commission of Texas (PUCT) and

WHEREAS, the City is a regulatory authority under the Public Utility Regulatory Act (“PURA”) and under Chapter 33, §33.001 et seq. of PURA has exclusive original jurisdiction over CenterPoint’s rates, operations, and services within the municipality; and

WHEREAS, the City, in matters regarding applications by CenterPoint to change rates, has in the past joined with other local regulatory authorities to form the Texas Coast Utilities Coalition of Cities (“TCUC”) and hereby continues its participation in TCUC; and

WHEREAS, CenterPoint’s proposed LED tariff presents new issues with regard to rates for LED street lights, and raises questions with regard to the locations in which CenterPoint will deploy the new technology; and

WHEREAS, CenterPoint's application raises issues with regard to the effect of the new LED tariffs will have on future charges for street-lighting services; and

WHEREAS, it is in the City's citizens' interest to explore the opportunity to receive the new LED street-lighting service; and

WHEREAS, CenterPoint proposed October 1, 2014 as the effective date for its change in rates; and

WHEREAS, it is not possible for the City to complete its review of CenterPoint's filing within 35 days; and

WHEREAS, the City will need an adequate amount of time to review and evaluate CenterPoint's application to change its rates so as to enable the City to adopt a final decision as a local regulatory authority with regard to CenterPoint's requested change in rates.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF _____, TEXAS THAT:

Section 1. The findings set out in the preamble are in all things hereby approved.

Section 2. CenterPoint's proposed effective date of October 1, 2014 for its filing of August 8, 2014, is hereby suspended for an additional ninety (90) days, or at least until December 30, 2014.

Section 3. The statutory suspension period will be extended automatically day for day should CenterPoint extend its proposed effective date, and may be further extended if CenterPoint does not provide timely, meaningful, and proper public notice of its request to change rates, or if its application is materially deficient.

Section 4. The City continues its participation with other cities in a coalition of cities known as the Texas Coast Utilities Coalition of Cities with the understanding that the Steering Committee of TCUC is to provide direction and guidance to Special Counsel representing said cities.

Section 5. The City employs Herrera & Boyle, PLLC as Special Counsel to represent the City with regard to the requested change in rates by CenterPoint and related proceedings before local and state regulatory authorities and any court of law and authorizes Special Counsel to employ such rate experts as may be necessary for review and evaluation of CenterPoint's rate application.

Section 6. The City, in coordination with the Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to CenterPoint for reimbursement.

Section 7. **CenterPoint** shall reimburse the City on a monthly basis for the reasonable costs of attorneys and consultants and expenses related thereto, upon the presentation of invoices following review by the City.

Section 8. The City Secretary or other appropriate city official shall notify **CenterPoint** of this Resolution by **sending a copy of the Resolution to Mr. Matthew A. Troxle, Director of Rates, CenterPoint Energy Service Company, LLC, 1111 Louisiana Street, Houston, Texas 77002; and to Mr. Alfred R. Herrera, Herrera and Boyle, PLLC, 816 Congress Ave., Suite 1250, Austin, Texas 78701**

Section 9. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 10. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this _____ day of _____ 2014.

MAYOR

ATTEST:

CITY SECRETARY



September 10, 2014

The Honorable Norma Moreno Garcia
Mayor, City of Freeport
200 W 2nd St
Freeport, TX 77541

Dear Mayor Garcia:

I am writing regarding the appointment of your city's representative to H-GAC's 2015 General Assembly.

H-GAC's Bylaws provide that each member Home Rule city with a population under 25,000 as of the last (2010) Federal Census is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2015.

I am enclosing the appropriate form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body.

A dinner meeting of Home Rule city representatives will be scheduled for November. At that meeting, your 2014 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2015.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form no later than October 10. If you have any questions during the designation process, please call Rick Guerrero at 713-993-4598.

Sincerely,

Jack Steele

JS/kam

Enclosure

cc: City Secretary



**DESIGNATION OF REPRESENTATIVE AND ALTERNATE
HOUSTON-GALVESTON AREA COUNCIL
2015 GENERAL ASSEMBLY**

BE IT RESOLVED, by the Mayor and City Council of _____, Texas,
that _____ be, and is hereby designated as its Representative
to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2015.

FURTHER, that the Official Alternate authorized to serve as the voting representative should
the hereinabove named representative become ineligible, or should he/she resign, is
_____.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the
designation of the hereinabove named representative and alternate.

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

APPROVED:

Mayor

ATTEST:

By: _____