

NOTICE OF PUBLIC HEARING
THE FREEPORT CITY COUNCIL
MONDAY, SEPTEMBER 19th 2016, 6:00 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
FREEPORT, TEXAS
AGENDA

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Attending citizens and their business.

Public Appearances:

Members of the public are allowed to address the City Council at this time. Note, specific factual information or a recitation of existing policy may be furnished in response to an inquiry made, but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open Meetings Act unless said notice appears herein. The public is reminded that there is a (4) minute time limit as approved by City Council on June 21, 2010.

5. Consideration of approving Ordinance No. 2016-2120 accepting the certified appraisal roll from the Brazoria County Appraisal District for the 2016 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. Pg. 701-708
6. Public Hearing: To review the Juvenile Curfew Ordinance of said City codified as Section 130.20 through 130.99 of said Code of Ordinances, for purpose of determining whether or not to abolish, continue or modify said ordinances. Pg. 709-718
7. Consideration of voting for the election of Places 6-9 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Pg. 719-724
8. Consideration of approving a Led Street Light installation agreement with CenterPoint Energy Houston Electric, LLC and the City of Freeport. Pg. 725-726

9. Consideration of authorizing the City Manager to expend funds for removing a sunken boat.
Pg. 727-728

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:

- Councilwoman Nicole Mireles
- Park Department Employees

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 in the official glass case at the rear door of the City Hall, within 24 hours a day public access, 200 West 2nd Street, Freeport Texas, September 16, 2016 at or before 5:00 p.m.

Delia Munoz - City Secretary
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 2016 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, 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 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, the City has a city manager form of government and under Section 102.001(b), Local Government Code and Chapter 9 of said Charter, 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 tax rate must be set by ordinance, resolution or order which, if the rate exceeds the effective tax rate, must be adopted by a motion with a record vote of the governing body of the City, such motion must be made in the form prescribed in Section 26.05(b), at least sixty (60) percent of the members of the governing body are required to vote in favor of the motion to adopt such ordinance, resolution or order and, if the ordinance, resolution or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the City that exceeds the amount of taxes imposed for that purpose in the preceding year, additional requirements regarding the contents of such ordinance, resolution or order and the giving of notice of the home page of any Internet website operated by the City must be met; and,

WHEREAS, Section 26.05(d) of the Tax Code, the City is only required to conduct two public hearings and satisfy the notice and voting requirements of Section 26.06 and Section 26.065 of the 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 2016 tax year on the 29TH day of July, 2016.

(2) The original of the proposed budget for the City's Fiscal Year 2016-2017 was filed by the City Manager of the City with the City Secretary on the 12th day of August, 2016.

(3) On the 22nd day of August, 2016, the Assessor and Collector of Taxes calculated and on the 22nd day of August, 2016, caused to be published in the Brazosport Facts a notice of the effective and roll back tax rates for such tax year, being \$0.628005 and \$0.664739, respectively, per \$100.00 valuation.

(4) That at a meeting of the City Council held on the 15th day of August, 2016, the following motion was made and seconded:

"I propose adopting a tax rate of \$0.628005 per \$100.00 valuation for the 2016 tax year, which is effectively a 0.41 percent increase in the tax rate.

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

Councilwoman Nicole Mireles	<u> No </u>
Councilwoman Sandra Kay Barbree	<u> Yes </u>
Councilman Fred Bolton	<u> Yes </u>
Councilman Larry McDonald	<u> No </u>
Mayor Norma Moreno Garcia	<u> Yes </u>

(5) On August 30, 2016, and on September 16, 2016, there was published in the Brazosport Facts a notice that a public hearing would be held on the proposed budget for the 2015-2016 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 \$79,896.00 OR 3.23%, AND OF THAT AMOUNT, \$88,450.00 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

(6) A public hearing on such proposed budget was held at a meeting of the City Council held on the 16th day of September, 2016, beginning at 6:00 p.m., at such courtroom.

(7) At such meeting of the City Council, but after such hearing, an ordinance adopting such budget was read, being Ordinance No. 2016-_____. A motion to adopt such ordinance was made and seconded and record vote was taken as follows: Nicole Mirales

Councilwoman Nicole Mireles	<u> </u>
Councilwoman Sandra Kay Barbree	<u> </u>
Councilman Fred Bolton	<u> </u>
Councilman Larry McDonald	<u> </u>
Mayor Norma Moreno Garcia	<u> </u>

Such ordinance includes the following statement:

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$79,896.00 OR 3.23%, AND OF THAT AMOUNT, \$88,450.00 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

(8) 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 2016-2017 fiscal year.

(9) The meeting at which this ordinance is being adopted began at 6:00 p.m. and it is being held on the 19th day of September, 2016, 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 to adopt a tax rate of 0.628005 that represents 0.485915 for maintenance and operation and 0.142090 for interest and sinking,

(10) 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 Nicole Mireles _____

Councilwoman Sandra Kay Barbree _____

Councilman Fred Bolton _____

Councilman Larry McDonald _____

Mayor Norma Moreno Garcia _____

(11) That any notices mentioned above that were required by the Tax Code were given in the manner and form and at the time required by such Code.

(12) That there is no additional sales and use tax revenue that will be used to pay debt service, is \$0.628005 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 \$0.142090 for the tax year 2016.

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 \$0.485915 for the tax year 2016.

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

THE TAX RATE WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000.00 HOME BY APPROXIMATELY \$0.485915 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.

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

THE TAX RATE WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000.00 HOME BY APPROXIMATELY \$0.485915 PER \$100.00 VALUATION.

SECTION SIX (6) - Tax Levy; Assessment and Collection

Ad valorem taxes for the tax year 2016 are hereby levied and shall be assessed and collected as herein above set forth City as the ad valorem tax for said year, to-wit: a total tax of \$0.628005 on each \$100.00 valuation of taxable property situated in the City.

SECTION SEVEN (7) - 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 EIGHT (8) - Effective Date

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

PASSED AND ADOPTED this _____ day of _____, 2016.

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.Tax\2016 Tax Levy-Ord

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS; CONTAINING FINDINGS OF FACTS AND CONCLUSION OF LAW; DECLARING THE PRESENCE OF MINORS IN PUBLIC PLACES, ON THE PUBLIC STREETS, AND IN THE COMMERCIAL ESTABLISHMENTS OF SAID CITY DURING THE NOCTURNAL AND DAYLIGHT HOURS HEREINAFTER SPECIFIED TO BE A PUBLIC NUISANCE AND PROVIDING FOR THE ABATEMENT THEREOF AS THEREIN PROVIDED; AMENDING CHAPTER 130 OF THE CODE OF ORDINANCES OF SAID CITY, PROVIDING A CURFEW FOR MINORS; REGULATING USE OF STREETS BY MINORS DURING NOCTURNAL AND DAYLIGHT HOURS, AND PROVIDING FOR RELATED MATTERS SUCH AS PERMITS, REGULATIONS AND DEFENSES, PARENTAL RESPONSIBILITIES, POLICE PROCEDURES AND PENALTIES, AS WELL AS IMPLEMENTATION THROUGH VOLUNTARY RESEARCH AND LOCAL ACTION FOR THE PREVENTION OF JUVENILE DELINQUENCY; PROVIDING THAT ANY PERSON VIOLATING SAID CODE, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE BUT NOT EXCEEDING FIVE HUNDRED (\$500.00) DOLLARS; PROVIDING THAT EACH DAY ANY SUCH VIOLATION CONTINUES AND EACH PART OF ANY DAY DURING WHICH ANY SUCH VIOLATION SHALL OCCUR SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; PROVIDING FOR CONTINUED EVALUATION OF THIS CURFEW ORDINANCE BY CITY COUNCIL WITH PUBLIC HEARINGS TO BE HELD BEFORE THE THIRD ANNIVERSARY OF THE ADOPTION HEREOF; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE ON FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Freeport, Texas, 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, Sections 51.072, 54.001, 54.004, 370.002 and 217.042 of the Local Government Code of Texas, Article 45.06 of the Code of Criminal Procedure of Texas and Sections 2.01 and 2.02 of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City of Freeport, Texas, is concerned about an increase in juvenile violence, juvenile gang activity, and crime by persons under the age of 18 in the City of Freeport, Texas, resulting in juveniles being involved in a wide range of unacceptable behavior including vandalism, public drinking and littering, drug use, breaking and entering, and harassment of residents; and,

WHEREAS, the City Council has determined the many of these problems involving minors occur during normal school hours as well as at night and early morning hours; and,

WHEREAS, the City Council has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and,

WHEREAS, the City Council believes that a curfew imposed upon those persons of compulsory school age will encourage participation in educational activities and will promote the public good; and,

WHEREAS, the City Council believes that a curfew for those under the age of 18 will help to attain the foregoing objectives and will serve to diminish the undesirable impact of such conduct on the citizens of the City of Freeport, Texas, and will promote the public good, safety and welfare;

WHEREAS, on the same day as but prior to the adoption hereof the City Council conducted a public hearing on the need to continue this curfew ordinance and to consider amendments thereto; and

WHEREAS, the City Council has determined and does here now declare that the re-adoption of this ordinance, as amended, is necessary to the health, safety and general welfare of the inhabitants of the City of Freeport, Texas.

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

First, Section 130.20 through 130.99 of the Code of Ordinances of the City of Freeport, Texas, added to said Code by Ordinance No. 1767, read, passed and adopted on the 20th day of June, 1994, and amended by Ordinance No. 1785, passed and adopted on the 19th day of June, 1995, and continued by Ordinance No. 2001-1957, read, passed and adopted on the 19th day of November, 2001, by Ordinance No. 2004-2069, read, passed and adopted on the 15th day of November, 2004, Ordinance No. 2007-2179, read, passed and adopted on the 5th day of November, 2007, and Ordinance No. 2010-2264, read, passed and adopted on the 18th day of October, 2010, is hereby re-adopted in its entirety to read as follows:

*Sec. 130.20 SHORT TITLE

This subchapter shall be known and may be cited as 'the Curfew Ordinance of the City of Freeport, Texas.'

Sec. 130.21 PURPOSES; FINDINGS; CONCLUSIONS.

(A) This subchapter is enacted in accordance with the prevailing community standards and regulations for the conduct of minors on streets, in public places and in private businesses during normal school hours, at night, and during early morning hours for the good of minors in the City, to promote family responsibility here, and for the public good, safety and welfare of the citizens of the City.

(B) The City Council finds that the curfew established by this Curfew Ordinance meets a very real local need and should, based on the published experiences of other local governments, be a significant factor in minimizing juvenile delinquency in the City in the years ahead. The community sense of the proper time for the cessation of all outdoor activities by minors on the streets, in public places and in private businesses, is reflected in the curfew hours declared by this subchapter which takes into consideration those hours when minors are normally in school as well as those dangerous nocturnal and early morning hours when the accumulation of minors poses a special risk due to their special susceptibility to peer pressure, their immaturity and their lack of experience, all tendencies normally associated with those of youthful years.

(C) The City Council finds that the City is not overcrowded. Local school facilities and adequate indoor living space permits minors in the City to healthfully occupy their time during daytime and nighttime hours. Commercial recreational facilities are almost nonexistent and there is little or nothing for minors to do outdoors, but roam the streets and frequent the commercial establishments of the City which are open after the curfew hours which this subchapter declares.

(D) The City Council finds that minors roaming the streets, public places and frequenting commercial establishments during the curfew hours which this Curfew Ordinance declares constitutes a public nuisance which should be abated as hereinafter provided.

(E) The City council finds that School hours should generally be used for educational activities by minors.

(F) Parental responsibility for the whereabouts of children is the norm. Legal sanctions to enforce such results have had a demonstrated effectiveness over the years. As parental control increases, the likelihood of juvenile delinquency decreases. There is a need for daytime and nighttime curfew hours for minors in order to achieve, under local conditions, the purposes hereinbefore stated.

Sec. 130.22 DEFINITIONS.

For the purpose of this subchapter, the following terms and phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present terms include the future, words in the plural number include the singular and words in the singular number include the plural. The word 'shall' is always mandatory and not merely directory.

CHIEF OF POLICE. 'Chief of Police' means the Chief of Police of the City or his or her designated representative.

COMMERCIAL ESTABLISHMENT. 'Commercial establishment' means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment, and includes the entire premises thereof and all adjacent parking areas under the control of the owner of the commercial establishment.

CUSTODY. 'Custody' includes possession of a minor by a parent of such minor, possession by the guardian of the person of such minor, or possession by any other person to whom legal conservatorship or other legal custody of the minor has been given by order of a court of competent jurisdiction.

CURFEW HOURS. 'Curfew hours' shall mean:

(1) For any minor 14 years of age or younger, on each day of the week from 10:00 p.m. until 5:00 a.m. of the following day;

(2) For any minor 15 years of age or older, on any Sunday, Monday, Tuesday, Wednesday, or Thursday, from 11:00 p.m. until 5:00 a.m. of the following day, and on any Friday or Saturday, from 12:00 midnight until 5:00 a.m. of the following day;

(3) For any minor, on any day when school is in session within the Brazosport Independent School District during the fall and spring semesters, from 7:30 a.m. through 3:30 p.m., unless a later arrival time or earlier dismissal time has been authorized at the school of appropriate attendance for such minor, in which event such earlier or later time shall apply.

DIRECT ROUTE. 'Direct route' means the shortest path of travel through a public place to reach a final destination without detour or stops along the way.

MINOR. 'Minor' means any person under the age of 18, or, in equivalent phrasing often herein employed, any person 17 or less years of age, provided, however, such definition shall not include any married person or any person who has had the disabilities of minority removed in accordance with the Texas Family Code.

PARENT. 'Parent' means:

(1) The mother, a man presumed to be the biological father, a man who has been adjudicated to be the biological father by a court of competent jurisdiction, or an adoptive mother or father of a minor, but does not include any person whose parent-child relationship with a minor has been terminated by a court of competent jurisdiction.

(2) A person who stands in loco parentis to a minor.

(3) A person to whom guardianship, conservatorship or other legal custody of the minor has been given by order of a court of competent jurisdiction.

PUBLIC PLACE. 'Public place' means a physical location which is owned by the public or by a political subdivision of the State of Texas or the federal government.

REMAIN. 'Remain' means to stay behind, to tarry and to stay unnecessarily upon the streets, public places or the premises of commercial establishments including congregating in groups of minors (or the interacting of individual minors together) in which any minor included would not be using the streets for a purpose declared to be a defense in Section 130.24.

STREET. 'Street' means a way or place of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes legal right-of-way, including, but not limited to, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term street is implied irrespective of what it is called or formally named, whether alley, avenue, court, road or otherwise.

TIME OF NIGHT. 'Time of night' as referred to herein is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public in the City. Proof that a particular time was observed by the City's Police Department on any calendar day shall be prima facie evidence in the Municipal Court of the conformity of such time to the then prevailing standard of time.

YEAR OF AGE. 'Year of Age' continues from one birthday, such as the seventeenth to (but not including the day of) the next, such as the eighteenth birthday, making it clear that '17 or less years of age' is herein treated as equivalent to the phrase, 'under 18 years of age'.

Sec. 130.23 CURFEW FOR MINORS.

It shall be unlawful for a minor to be or remain in or upon the streets, public places or commercial establishments within the City during the curfew hours defined in Section 130.22 above.

Sec. 130.24 DEFENSES.

(A) It is a defense to prosecution of a minor under this subchapter for such minor being in or upon the streets, public places or commercial establishments within the City during the daytime or nighttime hours designated by this subchapter as times at which it is unlawful for such minor to remain in or upon such streets, public places or commercial establishments when such minor is:

(1) Accompanied by a parent having custody of such minor.

(2) Accompanied by an adult authorized by a parent of such minor having custody to take said parent's place in accompanying said minor for a designated period of time. For the purposes of this ordinance it shall be presumed that a step-parent of a minor who is accompanying such minor has been so authorized by a parent of a minor to take such parent's place in accompanying said minor.

(3) Exercising his or her rights under the First Amendment to the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by first delivering to the Chief of Police, at the City's Police Department, a written communication, signed by such minor and countersigned if practicable by a parent of such minor having custody of such minor, stating the home address and telephone number of the minor and the parent, addressed to the Chief of Police and specifying when, where and in what manner said minor will be on the streets at night or during hours when this subchapter is otherwise applicable to said minor in the exercise of a First Amendment Right which right shall be specified in such communication. This written communication shall be delivered to the office of the Chief of Police at least one week prior to the time specified in such communication as being the time when the minor will be exercising his or her First Amendment Right therein specified.

(4) Involved in a case of reasonable necessity, but then only after a parent of a minor or an employee of a public or private school has communicated to the City's police dispatcher, orally or in writing, the facts establishing such reasonable necessity, relating the same to specified streets at a designated time and a described purpose, including points of origin and destination. A copy of such written communication, or of the police record of an oral communication, in either case, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and addresses of such parent and minor, shall be admissible in evidence in the Municipal Court of the City as prima facie proof of the truth of all facts set forth therein.

(5) On the residential property where such minor resides, or where a parent of such minor resides.

(6) A student enrolled in a private school who was in fact released from attending class on the hour charged due to an official school holiday or in service day. Because of Court rulings requiring that students being home schooled receive equal protection of law with those in private schools, children who are being home schooled are also hereby placed under this defense.

(7) Engaged in an organized athletic activity sponsored by an official group or voluntary association comprised of adults and directly supervised by an adult or adults.

(8) Engaged in an out-of-school educational activity or an activity of a religious or other voluntary association attended by such minor. "Out-of-school educational activity" shall include organized trips for minors to parks, libraries, museums, recreation centers and other such private and public places so long as such trips are planned or permitted by a public school, a private school or by a group or association of home schoolers, and provided that such trips are directly supervised by an adult or adults.

(9) Returning home by a direct route from and within 30 minutes of release from school or from the excepted activities described in (A) (7) or (A) (8) of this Section.

(10) A student on his or her regular school lunch break.

(11) Authorized, by special permit from the Chief of Police, carried on the person of such minor thus authorized, as follows: When normal or necessary daytime or nighttime activities of a minor, particularly a minor well along the road to maturity, may be inadequately provided for by other provisions of this subchapter, then a request may be made to the Chief of Police, either for a regulation as provided in (A) (12) of this Section or for a special permit under this division (A) (11), as the circumstances warrant. Upon the Chief of Police's finding of necessity for the use of the streets to the extent warranted by a written application by a minor and by a parent of such minor, if feasible, stating (i) the home, age and address of such minor, (ii) the name, address and telephone number of a parent thereof, (iii) the height, weight, sex, color of eyes and hair and other physical characteristics of such minor, (iv) the reason or necessity which requires each minor to remain upon the streets during the curfew hours otherwise prohibited, (v) the street or route and the beginning and ending of the period of time involved by date and hour, and (vi) a photo of the minor and (vii) school attended, if any, and current grade enrolled in by this minor.

The Chief of Police may grant a permit in writing for the use by such minor of such streets at such hours as in the Chief of Police's opinion may reasonably be necessary. In an emergency this may be handled by telephone, or other effective communication, with a corresponding record being made contemporaneously, either to the Chief of Police or, if unavailable, by a police officer authorized by the Chief of Police to act on his behalf in an emergency, at the police station. A special permit may also be issued to minors, ages 16 and 17 with a Texas driver's license, whereby the parent makes written application as set out above, except (iv) and (v) and where the parent assumes all responsibility and liability for the actions of the minor, releasing the City from any liability from non-enforcement of this Curfew Ordinance as to that minor.

(12) Authorized, by regulation issued by the Chief of Police, in other similar cases for reasonable necessity, similarly handled, but adapted to normal or necessary daytime or nighttime activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the Chief of Police permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved not to extend more than 10 minutes beyond the time for termination of such activity as therein specified, the reason for such minors attending such activity and a showing that such regulation is reasonably necessary and is consistent with the public interest and the purposes of this Curfew Ordinance. An application for such a regulation shall be in writing, signed by the applicant and be delivered to the office of the Chief of Police at least one week prior to the activity.

(13) In possession of a certified card of employment, signed by the Chief of Police and identifying the minor as outlined in (A) (11) of this Section. Such card shall be renewable every two months when the current facts so warrant.

(14) With parental consent, in a motor vehicle. This contemplates normal travel. From excess of caution, this clearly exempts bona fide interstate movement through the City. This also exempts interstate travel beginning or ending in the City.

(B) Each of the foregoing defenses, and their several limitations, such as provisions for notification, shall be severable.

Sec. 130.25 PARENTAL AND COMMERCIAL ESTABLISHMENT RESPONSIBILITY.

(A) It shall be unlawful for a parent or other person having custody of a minor as defined in this subchapter to knowingly permit or by inefficient control to allow such minor to be or remain upon any City street in violation of Section 130.23, under circumstances not constituting a Defense under Section 130.24, or otherwise beyond the scope of this subchapter. The term 'knowingly' includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor. It shall be prima facie evidence of a violation of this division by a parent charged hereunder, if such parent having legal custody of a minor had no knowledge of such minor's whereabouts at the time when such minor was cited for the underlying violation of Section 130.23 that forms the basis of the charge against the parent.

(B) It shall be unlawful for the owner or operator of a commercial establishment to knowingly allow a minor to remain at such commercial establishment during the hours of curfew established in this ordinance beyond the time necessary to conduct and complete an expected activity associated with the normal business of that commercial establishment. It shall be no defense to this subdivision that a minor made a purchase, if the minor did not immediately make such purchase upon arrival and depart immediately thereafter. It shall be a defense to prosecution under this subdivision that the owner or operator of such commercial establishment has promptly notified the Police Department dispatcher that a minor or minors who are present on the premises after hours have refused to depart. A copy of the police record of such notification, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received, shall be admissible in evidence in the Municipal Court of the City as prima facie proof of the truth of all facts set forth therein.

Sec. 130.26 POLICE PROCEDURES.

(A) A police officer of the City, upon finding or having his or her attention called to any minor in public places, on the streets of the City or at any commercial establishment within the City who appears to be in prima facie violation of this subchapter and not clearly subject to any Section 130.24 defenses, shall, subject to divisions (B), (C), and (D) of this section, take such minor to the City's police station where a parent of such minor having custody shall immediately be notified to come for such minor. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the police supervisor then on duty for accurate, effective, fair, impartial and uniform enforcement, and recording, thus making available experienced supervisory personnel, the best of facilities and access to information and records. In the absence of convincing evidence such as a birth certificate or a driver's license or other similar identification, a police officer on the street shall in the first instance use his or her best judgment in determining age. The officer may issue a notice to appear as provided in Section 33.11 of this code.

(B) Where a minor has been picked up pursuant to an apparent prima facie violation of the daytime curfew provisions of this subchapter the police officer having such minor in his custody shall, prior to transporting such minor to the police station, attempt to ascertain whether or not the minor is enrolled as a student at a public school. If it appears the minor is truant from attendance at a school at which he or she is enrolled, then the officer shall as a first alternative attempt to immediately transport such minor to the appropriate school where the minor is enrolled in attendance, and release the minor to a truant officer or other school official with the authority to take responsibility for such minor, if possible. If it is not possible the officer shall transport the minor to the police station and follow the procedure outlined in the other provisions of this section in handling such minor. In any event, the officer shall make or cause to be made a report to the appropriate school truant officer for the public school where the minor is enrolled in attendance. If it is determined that the minor is not enrolled in a public school, the police officer shall follow the procedure outlined in division (A) of this section, in handling such minor.

(C) Police procedures shall constantly be refined in the light of experience and may provide, among other things, that the police officer may deliver to a parent thereof the minor under appropriate circumstances, as for example, a minor of tender age near his or her home and whose identity and address is already known to the officer or may readily be ascertained.

(D) In any event, when a minor is taken into custody by a police officer under this section, the officer shall, without unnecessary delay:

(1) Release the minor to the minor's parent, guardian, custodian, or appropriate school official;

(2) Take the minor before the municipal court to answer the charge;

or

(3) Take the minor to a place designated by the chief of Police as a juvenile curfew processing office.

(E) In any event, any police officer who has taken a minor into custody for a curfew violation under this subchapter, shall, within 24 hours, file a written report with the Chief of Police or shall participate (to the extent of the information for which he or she is responsible) in the preparation and filing of such a report by such supervisor within 24 hours.

(F) When a parent having custody has come to take charge of such minor and the appropriate information has been recorded, such minor shall immediately be released to the custody of such parent. If a parent having custody cannot be located, or fails to take charge of the minor within a reasonable time, then the minor shall be released to the juvenile authorities having jurisdiction over such minor (with referral by the municipal court judge of the City if required by the statutes applicable to such juvenile authorities) or the minor may temporarily be entrusted to another relative, neighbor or other person who will on behalf of a parent having custody assume the responsibility of caring for the minor pending the availability or arrival of such parent.

(G) To insure parental notice in the case of a first violation by a minor, the Chief of Police shall, by certified mail and return receipt requested, send to a parent having custody written notice of said violation with a warning that any subsequent violation will result in full enforcement of this subchapter against a parent of a minor in violation and of the applicable penalties.

(H) In the event a police officer of the City, upon finding or having his or her attention called to any minor remaining at a commercial establishment in apparent violation of Section 130.25(B), shall undertake action against such minor under this subchapter, such officer shall first ascertain from the Police Department dispatcher whether or not the owner or operator of such establishment has a defense as outlined above under Section 130.25(B) by virtue of having made a report to the police department dispatcher as therein provided. If no such report has been made then the officer shall issue a Municipal Court Misdemeanor Citation to such owner or operator charging a violation of Section 130.25(B).

Sec. 130.97 REPORTS OF VIOLATIONS AND TRANSFER OF CASES TO THE BRAZORIA COUNTY JUVENILE PROBATION DEPARTMENT.

(A) Any minor who has been twice convicted of a violation of any of the provisions of the subchapter and who stands charged with a third violation hereof shall be reported by the Chief of Police to the Brazoria County Juvenile Probation Department pursuant to the Texas Family Code.

(B) At the discretion of the Chief of Police, a similar report may be made to the Brazoria County Juvenile Probation Department concerning any other minor who has been taken into custody for a curfew violation, whenever the Chief deems it appropriate.

(C) The Municipal Court Judge may transfer to the Brazoria County Juvenile Probation Department any minor offender, whether for a first offense or subsequent offense, where such judge determines that there is a real need for supervision of said minor.

Sec. 130.98 PENALTY.

(A) Should any person, firm, or corporation, their agent, servant, or employee, charged with a violation of any provision of this subchapter, be convicted by a court of competent jurisdiction, such person, firm, or corporation, their agents, servants or employees, may be fined any sum not less than \$1 nor more than \$500 for each violation, provided however, that convictions of violations of Section 130.25(A) shall be subject to minimum fines for enhanced offenses as specified by Division (B) of this section.

(B) If, after a Section 130.26(G) notice of a first violation of Section 130.23 by a minor has been given to a parent or other person with custody of such minor as defined by this subchapter, such parent violates Section 130.25(A) (in connection with a second violation of Section 130.23 by such minor), such violation by such parent or other person having custody shall constitute a first offense of Section 130.25(A) by such parent or other person having custody and, upon conviction such parent or other person having custody shall be fined not less than \$25.00 for such first offense. If in the trial of a second offense under Section 130.25(A), enhanced, it is shown that the said parent or other person having custody has already been convicted of one previous violation of said Section, upon conviction the said parent or other person having custody shall be fined not less than \$50.00. If in the trial of a third or additional offense under Section 130.25(A), enhanced, it is shown that such parent or other person having custody has been convicted, respectively, of two or more violations of said Section as specified in the enhancement paragraph, such parent or other person having custody shall be fined not less than \$75.00 upon conviction of a third offense, enhanced, not less than \$100.00 for conviction of a fourth offense, enhanced, and so forth in increasing increments of \$25.00 for each subsequent conviction shown as alleged in the enhancement paragraph, up to a maximum of \$500.00. The judge presiding in a Municipal Court case filed under this subchapter, upon finding a parent or other person having custody guilty of a second or subsequent violation of Section 130.25(A), shall not only sentence such parent or other person having custody to pay such fine and the costs of prosecution but shall also assess any other punishment available to such judge under the laws of the State of Texas.

(C) Any person violating any of the provisions of this subchapter for which no penalty is otherwise provided shall be subject to the penalty set forth in Section 10.99.

Sec. 130.99 CONTINUING EVALUATION BY CITY COUNCIL

(1) Before the third anniversary of each re-adoption of this subchapter in its entirety, the City Council will hold public hearings to review and evaluate the provisions of this subchapter, and consider modifications of this subchapter to comply with Section 370.002 of the Local Government Code. Provided, however, such evaluation and consideration of updating may occur more often at the request of the Chief of Police.

(2) There shall be compiled and informally reported to the City Council through effective channels (such as the normal by-weekly distribution by the City Manager, to each member of the City Council, the Chief of Police and the City Attorney of noteworthy material) all exceptional cases hereunder of reasonable necessity, the notices of school and other activities, the special permits issued by the Chief of Police and the regulations adopted by the Chief of Police, as herein above authorized, for use by the City Council in connection with its evaluation and consideration of updating this subchapter.

(3) For the same reasons, as well as for the implementation beyond these legal aspects of the basic purposes hereof, the Chief of Police, City Manager and City Council, in coordinated efforts, shall work with existing, and may organize, voluntary groups and shall seek volunteer leadership in programs of research and of action dealing constructively on neighborhood and local bases, with juvenile delinquency and the prevention, control or containment thereof, in all its implications and with practicable steps toward attaining a better life for minors 17 or less years of age, and with the working of this Curfew Ordinance, community-wise and in individual cases, as one much needed legal goal toward that end, as well as for continuing present protection of minors and of other persons, and of property and other interests important to the welfare of the people of the City."

Second, each day any violation of this ordinance continues and each part of any day any such violation occurs shall constitute a separate offense.

Third, this ordinance is cumulative of and in addition to all other ordinances of the City of Freeport, Texas, on the same subject and all such ordinances are hereby expressly saved from repeal. Provided however, where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Fourth, no offense committed and no fine, forfeiture or penalty incurred prior to the effective date of this ordinance is to be affected by the adoption of this ordinance but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this ordinance had not been adopted.

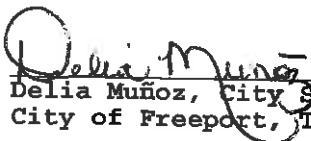
Fifth, in the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

Sixth, this ordinance shall take effect from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts, the official newspaper of said City.

READ, PASSED AND ADOPTED this 7th day of October, 2013.


Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:


Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:


Wallace Shaw, City Attorney,
City of Freeport, Texas

C:\Freeport.Ord\Curfew-6Ord

OFFICIAL BALLOT

Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

This is the official ballot for the election of Places 6 – 9 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name or writing in the name of an eligible person in the space provided. You can only vote for one candidate for each place.

The officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees.

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2016. Ballots received after September 30, 2016, cannot be counted. **The ballot must be properly signed and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P.O. Box 149194, Austin, Texas 78714-9194. If the ballot is not signed, it will not be counted.**

PLACE 6

Mary Gauer (Incumbent). Ms. Gauer has served on the TML Risk Pool Board of Trustees since 1998 and as Chair from 2010 to 2012. She served on the Harker Heights City Council from 1991 to 1998, and as Mayor from 1998 to 2004. Ms. Gauer serves as an elected citizen member of the Executive Committee of the Central Texas COG. She has served as President of the TML Association of Mayors, Councilmembers and Commissioners and the TML Region 9. She has also served as chair or member of several TML legislative committees.

Kyle J. Jung. City Manager for Manvel (Region 14) since January 17, 2012. Mr. Jung has more than 20 years of local government experience working for the cities of Flatonia and Sour Lake as City Manager, cities of Lubbock and Big Spring in various administrative roles, and with the Texas Municipal League. At the Texas Municipal League, he was chiefly responsible for the governance of the Texas City Management Association. Mr. Jung has a Master's degree in public administration with an emphasis in budgeting and personnel management from Texas Tech University.

WRITE IN CANDIDATE:

PLACE 7

- Richard Jorgensen.** City Manager of Giddings (Region 10). Previously, he served as City Manager for Vidor, Silsbee, and Sour Lake. Mr. Jorgensen has 20 years' experience in city government preparing, coordinating and monitoring the annual fiscal budget. He has also been involved in 4A and 4B economic development corporations for 13 years as either chairman or as a director. He has a Bachelor's degree in business administration and a Master's degree in public administration. He is involved with the Texas City Managers Association, serving on the Board for two years.

- C.J. Wax (Incumbent).** Mayor of Rockport since 2010. Mr. Wax is the current President of TML and served as the TML Region 11 Board Representative to the TML Board from 2011-15. He has served on the TML Risk Pool Board since 2013. He also has served on the Care Regional Board of Trustees since 2014 (currently as Chairman), on the Texas Windstorm Task Force under Chairman Todd Hunter, and on the Rockport Planning and Zoning Commission from 2009-10. He currently represents Rockport on the Coastal Bend COG, Aransas County Pathways, and Storm Water Advisory Committees.

WRITE IN CANDIDATE:

PLACE 8

Jim Cox. City Administrator for the City of Leonard (Region 13) since October 1, 2015. He previously served as City Administrator in Lindale, Texas, and Groesbeck, Texas. He also served for two terms on the City Council and on the Home Rule Charter Commission for Bay City, Texas. Mr. Cox is active in TCMA serving on the Membership Committee and Small Cities Advisory Board. He is a graduate of the Certified Public Manager Program at Stephen F. Austin University and attended the University of Texas at Arlington majoring in Business Administration.

Andrea M. Gardner. City Manager for the City of Copperas Cove (Region 9) since 2007. Previously, she was the Assistant City Manager/Director of Finance for Copperas Cove, Director of Finance for Pearland, and the Senior Budget Coordinator for Pasadena. She holds a Bachelor's degree in Accounting from the University of Houston and is a Certified Public Manager. Ms. Gardner also serves on the Metropolitan Planning Organization Technical Committee as the City's representative and the Central Texas COG's Executive Committee as a Citizen Liaison.

Larry Melton (Incumbent). Mayor for Odessa (Region 4) from 2001 to 2012. Mr. Melton also served three years as a councilmember. He has served on the TML Risk Pool Board of Trustees since 2009 and as Chair since 2014. He is the Chief Executive Officer of a regional public accounting firm, Johnson, Miller and Company, where he is responsible for all administrative and human resources areas of the firm. Previously, Mr. Melton was in the banking business for approximately 30 years. He is active in the United Way of Odessa and Odessa Chamber of Commerce. In 1993, he was honored as Odessa's outstanding citizen.

WRITE IN CANDIDATE:

PLACE 9

- Richard L. Davis.** City Manager for Baytown (Region 14) since 2015. Mr. Davis also served as City Manager for West Jordan, Utah; Town Manager for Fountain Hills, Arizona; and City Manager for West Point City, Utah. He has a Bachelor's degree in Public Relations from BYU and a Master's degree in Public Administration from BYU. He is a graduate of the Romney Institute of Public Management (Marriott School of Management) and the recipient of the Lennis M. Knighton Award for high academic achievement. He is a credentialed Municipal Manager by the International City and County Management Association.

- Andres Garza (Incumbent).** City Manager for the City of Wharton (Region 14) since 1994. Mr. Garza has served on the TML Risk Pool Board of Trustees since 1984, serving as Chair from 1994-1996. He served as the Pearsall City Manager from 1980 to 1994. Mr. Garza has been in public service for over 39 years of which 36 have been as a City Manager. He serves on the TML Small City's Advisory Council, has a BBA degree from Southwest Texas State University, and is a member of TCMA and ICMA.

- Rick A. Schroder.** City Administrator for the City of Helotes (Region 7) since September 2008. Mr. Schroder also served Helotes as the Economic Development Corporation's Specialist from November 2006 to September 2008. He graduated Magna Cum Laude from Trinity University in 2004 and earned a Master of Public Service and Administration in 2006 from the George H.W. Bush School of Government and Public Service at Texas A&M University. He interned for Congressman Henry Bonilla and for Ron Kaufman, former White House Political Director for President George H.W. Bush.

WRITE IN CANDIDATE:

Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness by hand, this _____ day of _____, 2016.

Signature of Authorized Official

Title

Printed Name of Authorized Official

Printed Name of Political Entity

LED STREET LIGHT INSTALLATION AGREEMENT

This LED Street Light Installation Agreement is entered into by and between CenterPoint Energy Houston Electric, LLC (“CenterPoint” or the “Company”) and the City of Freeport, Texas (“City”) (collectively, the “Signatories”).

1. CenterPoint will procure and install LED luminaires and new photoelectric relays for all street lights within the City for which replacements satisfactory to the City and CenterPoint are commercially available (hereinafter the “Project”). A current list of satisfactory and commercially available LED luminaire replacements for existing mercury vapor, high pressure sodium, and metal halide street lights is set forth in section 6.1.1.1.6 of CenterPoint’s Tariff for Retail Delivery Service (the “Tariff”).
2. The Project shall commence within six months of the effective date of this agreement and shall be complete no later than one year after commencement. The Company reserves the right to change that completion date depending on the demand for LED luminaires by other retail customers to ensure an efficient and non-discriminatory deployment of LED luminaires throughout the Company’s service territory. After commencement of the Project, all new streetlights installations within the City will consist of LED luminaires satisfactory to the City and CenterPoint that are commercially available, unless otherwise agreed to in writing by CenterPoint and the City.
3. The City acknowledges that the Company’s ability to commence and complete the Project on the timeline set forth in paragraph 2 above is dependent upon factors such as workforce availability and vendor production constraints which could affect the commencement and completion dates. The Company will notify the City upon the occurrence of any event that will affect the commencement and completion dates.
4. The City acknowledges that CenterPoint may request recovery of the capital (including a reasonable return) and expenses associated with the Project through either a distribution capital recovery factor application under Public Utility Commission of Texas Substantive Rule 25.243 or other rate proceeding. The City agrees that the Project is prudent, reasonable and necessary and acknowledges that CenterPoint may request recovery by CenterPoint of all used and useful capital (including a reasonable return) and the reasonable and necessary expenses associated with the Project.
5. During the Project period, CenterPoint will work in good faith with vendors to identify satisfactory LED replacement luminaires for those street light luminaires within the City that are not currently part of the Project. As the Company and the City agree on additional LED replacement luminaires, the Company will seek regulatory approval of rates for those street lights not currently part of the Project, if different than the rates described in the Company’s Tariff, and following regulatory approval, if needed, will add those street lights to the Project.
6. The Signatories agree that this agreement may be executed in multiple counterparts.
7. This agreement is effective on the date it is signed by all parties.

CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC

By: _____
Name: _____
Title: _____
Date: _____

CITY OF FREEPORT, TEXAS

By: _____
Name: _____
Title: _____
Date: _____



Norma Moreno Garcia
Mayor

Jeff Pynes
Chief Executive Officer
City Manager

Gilbert Arispe
Assistant City Manager

September 14, 2016

RE: Sunken Shrimp boat

Dear Mr. Jeff Pynes,

On September 7, 2016, the City of Freeport received a telephone call that the M/V: Miss Kenzie was coming apart and leaking oil. The National Response line was called for notification. The Texas General Land Office responded to the request along with the City of Freeport. In investigation it was determined that there was no leaking oil just an oil sheen that burned off when exposure to sunlight.

Bob Brock, Texas General Land Office Response Officer, stated that the State did not have the funds to remove any vessels from the waterway. I followed up with local contractor for a bid for removal of the vessel. The proposal is attached for your review.

The vessel does need to be removed. The structural integrity is compromised with the vessel sitting on the bottom and rolling with the tide. The boat rope has crushed the side rails to the deck. The outriggers and mast have started to rotate to the river side away from the vessel. Today, the vessel has rolled more on its side, since yesterday's high tide.

We are unable to locate an owner since she is deceased. This was confirmed through the Texas General Land Office. Please advise in how to address this abandon vessel.

Respectfully,

Christopher D. Motley



www.freeport.tx.us

P727



City of Freeport, Remove and dispose of wooden/fiberglass shipboat, J&S, Scott Glick, Sept 8, 2016

Removal and disposal includes entire vessel, if a large amount of fuel and or oil is discovered additional cost will be incurred, given the age of the vessel this is not expected. Disposal does not include hazardous materials not normally found on commercial shrimp boats . Three to five days required to remove from site.

1. Dig up and place on barge.....	\$28,800.00
2. Haul debris to landfill and dispose of.....	\$18,390.00
Total.....	\$47,190.00

No sales tax included, price good for 60 days