

NOTICE OF PUBLIC HEARING  
THE FREEPORT CITY COUNCIL  
MONDAY, SEPTEMBER 18TH, 2017 6:00 P.M.  
FREEPORT MUNICIPAL COURT ROOM  
430 NORTH BRAZOSPORT BOULEVARD  
FREEPORT, TEXAS  
AGENDA

1. Call to order.
2. Invocation
3. Pledge of Allegiance.
4. Attending citizens and their business.  
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 the September 5, 2017 Council Minutes. Pg. 651-655
6. Acknowledgement/Presentation by Mayor Troy T. Brimage to the Brazoria County Salvation Army for their efforts and support during Hurricane Harvey.
7. **Joint Public Hearing:** The City Council and the Planning Commission of said city will conduct a joint public hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance of said city, codified as Chapter 155 of the Code of Ordinances of said City, adding a new zoning district, to be known as PUD-2, and changing the zoning Classification for the following described real property from the present zoning classifications of such property to a new zoning classification of PUD-2:

BEGINNING at the boundary of the established W-4 Zoning District and the shoreline of the Brazos River at the eastern end of Brazos Boulevard, then along the south ROW line of Brazos Boulevard to the intersection of the east ROW of Oak Street; then proceeding south to the point of the south ROW of First Street; then proceeding west along the south ROW line of First Street to the northeast corner of Block 97, Freeport Townsite; then proceeding south to the north ROW line of Second Street; then proceeding west along the north ROW line of Second Street to the eastern boundary of the established PUD of the Brazos Landing Subdivision, then proceeding along the boundary of the established PUD to the southern ROW line of the City owned levee easement; then proceeding along the ROW line of the City owned levee easement to the east ROW line of Brazosport Boulevard; then proceeding

north to the intersection of the south ROW line of Avenue A; then proceeding east along the south ROW line of Avenue A to its intersection with the east ROW line of McNeal Street; then proceeding south to the northern boundary of the established W-1R Zoning District; then proceeding west along the northern boundary of the established W-1R Zoning District; then proceeding south along the western boundary of the established W-1R Zoning District to the water line of the Brazos River. Pg. 656

8. Consideration of approving Ordinance No. 2017-2139 amending Chapter 155 of the Comprehensive Zoning Ordinance of the City, now codified as Chapter 155 of the Code of Ordinances of the City, to add new sections, to be codified as Section 155.045-01, and which shall be applicable only to the land located within the Old Brazos River corridor, as described in that section; providing regulations and requirements for the development of such land; amending said comprehensive zoning ordinances to change the current classification of all land located within the boundary of such new district, as designated in Exhibit "A" from its present zoning classification to such new zoning classification of PUD-2; ratifying and confirming all actions previously taken by the Planning Commission of said City or the City Council, or both. Pg. 657-665
9. Consideration of approving Ordinance No. 2017-2138 adopting a budget for said City for the Fiscal Year 2017-2018. Pg. 666-669 (attached)
10. Consideration of approving Ordinance No. 2017-2140 accepting the certified appraisal roll from the Brazoria County Appraisal District for the 2018 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. 670-677

#### Work Session:

- A. Mayor Troy T. Brimage announcements and comments.
- B. Councilman McDonald Ward A announcements and comments.
- C. Councilman Bass Ward B announcements and comments.
- D. Councilwoman Mireles Ward C announcements and comments.
- E. Councilman Yates Ward D announcements and comments.

#### Adjourn

Items not necessarily 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, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, September 14, 2017 at or before 5:00 p.m.

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Delia Munoz, City Secretary  
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport met on Tuesday, September 5, 2017 at 6:15 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council:

Mayor Troy T. Brimage  
Councilman Larry L. McDonald  
Councilman Brooks Bass  
Councilwoman Nicole Mireles  
Councilman Roy E. Yates

Staff:

Jeff Pynes, City Manager/Interim Chief of Police  
Gilbert Arispe, Assistant City Manager  
Julian "Pat" Taylor, Deputy City Attorney  
Delia Munoz, City Secretary  
Nat Hickey, Property Manager  
Bob Welch, Finance Director  
Chris Motley, Fire Chief  
Kim Townsend, Park Supervisor  
Jennifer Hawkins, Economic Development Director  
Raymond Garivey, Police Captain

Visitors:

Melanie Oldham	Ed Garcia
Sam Reyna	Ruth Renobato
Larry Fansher	Jerry Meeks
Christi Mercado	

Call to order.

Mayor Troy T. Brimage called the meeting to order at 6:15 p.m.

Invocation

Councilman Bass offered the invocation.

Pledge of Allegiance.

Mayor Troy T. Brimage led the Pledge of Allegiance.

Attending citizens and their business.

Melanie Oldham of 922 West 5<sup>th</sup> Street hearing very positive remarks about the City during Hurricane Harvey.

Edward Garcia expressed his appreciation to the City Manager Jeff Pynes, Mayor Troy T. Brimage and City Staff, for keeping the City safe during Hurricane Harvey. A job well done.

Economic Development Director Jennifer Hawkins thanked Mayor Troy T. Brimage and Staff for hurricane preparedness was Exemplary.

Consideration of approving the August 7th, 15th, 16th, 17th, 2017 Council Minutes.

On a motion by Councilman Bass, and seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved the August 7th, 15th, 16th, 17th Council Minutes with a correction on the August 7, 2017 to add Odgen Bass from Freeport and Nan Chambers of 108 N. A, from Velasco Townsite to the minutes.

Consideration of approving a request from the Texas Department of Transportation and authorizing the Mayor and the City Secretary to sign a Memorandum of Agreement and a Temporary Construction Easement for staging equipment for repairing FM 1495 Bridge, on Block 30, Lot 2, of the Freeport Townsite, known locally as 207 East Second Street.

On a motion by Councilwoman Mireles, seconded by Councilman Bass, with all present voting "Aye", Council unanimously approved a request from the Texas Department of Transportation and authorizing the Mayor and the City Secretary to sign a Memorandum of Agreement and a Temporary Construction Easement for staging equipment for repairing/replacing FM 1495 Bridge, on Block 30, Lot 2, of the Freeport Townsite, known locally as 207 East Second Street.

Consideration of authorizing the City Manager to make improvements on the City's parking lot located East of East Park Avenue, between the 100 Block of East Second Street and the 100 Block of East Broad Street.

Mr. Pynes is seeing growth downtown; one major corporation business has 60 employees. Businesses are looking at downtown Freeport as a location option. He received a bid from a contractor that has done work in the City and quoted him a price of \$45,000 for improving the City's parking lot. Improving downtown parking is a good investment.

Jennifer Hawkins with the Economic Development Corporation is requesting parking for downtown. The Brazosport College, FLNG, Freeport Museum and another building are being sold. She is talking to an investor about opening a restaurant. Parking is needed to accommodate growth.

Councilman Yates feels that FLNG is not permanent and as soon as their project is over they will leave.

Mr. Garcia personally feels that the business owners should provide adequate parking for their employees. He is against making the parking improvements. Mayor Troy T. Brimage asked Edward Garcia to contact downtown business owners on their needs.

Councilman McDonald has a business downtown and has never seen downtown full and does not see the need for the parking improvement.

Melanie Oldham talked to Ben Miller who is in real estate and working with Greg Flaniken, who stated that FLNG is very temporary. She stated that City Hall parking is beginning to be difficult as well.

Councilman Bass suggested replacing the parking spaces and/or comparing the cost improvements. More research is needed.

This item was reagendaed.

Consideration of approving a request from Rodney S. Rhoades to purchase Block 3, Lot 26, Bridge Harbor Subdivision, Tax Id. No. 193466.

No action taken.

Consideration of approving a request to purchase and close and abandon a fifty (50) foot wide portion of Division Street Right-of-Way adjacent to Lot 13, Block 501 and Abstract 99 Eli Mitchell Tract F, Property Id. 158326.

No action taken.

Mayor Troy T. Brimage closed the Formal Session and opened the Work Session at 6:42 p.m.

Work Session:

Hurricane Harvey Update.

Mayor Troy T. Brimage commented on the City staff for a job well done.

Mayor Troy T. Brimage announcements and comments.

He commended Captain Ray Garivey and the Police Department, Fire Chief Chris Motley and his firemen, Park Supervisor Kim Townsend and her crew, Street Supervisor David Hoelwyn and street department, working together; clearing the drainage ditches, rescuing people from Slaughter Road to releasing dogs that were still in back yards. He thanked Tony Woods from Baywoods, Sweet "T's", Phat Boyz Restaurant, Maria's Kitchen and Brazos Blends and Brew for staying open and offering their service. He thanked Brazoria County Judge Matt Sebesta, Representative Dennis Bonnen, Senator Joan Huffman and Dow Chemical for offering assistance.

Councilman McDonald Ward A announcements and comments.

Councilman McDonald thanked everybody from all City levels. He also was out checking the water levels, drainage inlets, taking photos and found trees are still restricting the water flow. He also commended Jerry Meeks of Veolia Water, David Hoelwyn and Kenny Collins from the Street Department for a fantastic job.

Councilman Bass Ward B announcements and comments.

Flooding on Velasco Boulevard still continues and glad that the budget was allocated for contracting an engineer to determine where the water needs to go. The 1500-1600 Block of West 2nd Street, the street needs cutting to grade. It is important that the gutters continue to be sprayed. Two more Hurricanes are pending out in the Gulf. He noted where someone dumped 6 to 7 tires off Velasco off the loop road. He recommends an evaluation of the storm on the pros and cons be done. He thanked Mayor Troy T. Brimage on the preparation of Hurricane Harvey. A gentleman living on 11th Street would clear the drainage every morning during the storm, but one early morning a city employee was already there clearing the drainage ditch. That city employee was Mayor Troy T. Brimage. He wanted that mentioned and to thank him for doing that chore.

Councilwoman Mireles Ward C announcements and comments.

Councilwoman Mireles feeling very grateful that Freeport didn't flood. She thanked City Manager Jeff Pynes and Mayor Troy T. Brimage for keeping open the communications. She also had people contacting her about the storm and thankful that communications were transmitted very well. She asked about the mosquito spraying.

Councilman Yates Ward D announcements and comments.

Councilman Yates received at least 15" of rain over a period of days. He did get out and check the Freeport Pump Station and the other at the rail road tracks off Velasco. All was well and pumps running. He commended the City employees for a great job.

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:

- Velasco Drainage District

Adjourn

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting "Aye", Mayor Troy T. Brimage closed the meeting at 7:18 p.m.

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Mayor Troy T. Brimage  
City of Freeport, Texas

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City Secretary Delia Munoz  
City of Freeport, Texas



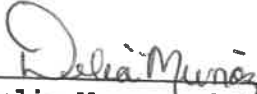
TO ALL PERSONS IN INTEREST, CITIZENS, CORPORATIONS, AND FIRMS, THEIR AGENTS AND ATTORNEYS, AND TO ALL PERSONS, FIRMS, AND CORPORATIONS OWNING ANY INTEREST IN THE LAND DESCRIBED IN THE ATTACHMENT HERETO OR ANY LAND LOCATED WITHIN TWO HUNDRED (200') FEET THEREOF AND TO ALL INHABITANTS AND LAND OWNERS OF AND IN THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS.

N O T I C E

A joint public hearing will be held on Monday, the 18th day of September, 2017, at 6:00 o'clock p.m., central standard time, at the Police Department Municipal Courtroom of the City of Freeport, Texas, located at 430 North Brazosport Boulevard, within the corporate limits of said city, in Brazoria County, Texas, at which time and place the City Council and the Planning Commission of said city will conduct a joint public hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance of said city, codified as Chapter 155 of the Code of Ordinances of said City, adding a new zoning district, to be known as PUD-2, and changing the zoning classifications of such property to a new zoning classification of PUD-2:

BEGINNING at the boundary of the established W-4 Zoning District and the shoreline of the Brazos River at the eastern end of Brazos Boulevard, then along the south ROW line of Brazos Boulevard to the intersection of the east ROW of Oak Street; then proceeding south to the point of the south ROW of First Street; then proceeding west along the south ROW line of First Street to the northeast corner of Block 97, Freeport Townsite; then proceeding south to the north ROW line of Second Street; then proceeding west along the north ROW line of Second Street to the eastern boundary of the established PUD of the Brazos Landing Subdivision, then proceeding along the boundary of the established PUD to the southern ROW line of the City owned levee easement; then proceeding along the ROW line of the City owned levee easement to the east ROW line of Brazosport Boulevard; then proceeding north to the intersection of the south ROW line of Avenue A; then proceeding east along the south ROW line of Avenue A to its intersection with the east ROW line of McNeal Street; then proceeding south to the northern boundary of the established W-1R Zoning District; then proceeding west along the northern boundary of the established W-1R Zoning District; then proceeding south along the western boundary of the established W-1R Zoning District to the water line of the Brazos River.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,  
made on the 7th day of August, 2017.

  
\_\_\_\_\_  
Delia Munoz, City Secretary,  
City of Freeport, Texas

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING CHAPTER 155 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, NOW CODIFIED AS CHAPTER 155 OF THE CODE OF ORDINANCES OF THE CITY, TO ADD A NEW SECTION, TO BE CODIFIED AS SECTION 155.045-01, AND WHICH SHALL BE APPLICABLE ONLY TO THE LAND LOCATED WITHIN THE OLD BRAZOS RIVER CORRIDOR, AS DESCRIBED IN THAT SECTION; PROVIDING REGULATIONS AND REQUIREMENTS FOR THE DEVELOPMENT OF SUCH LAND; AMENDING SAID COMPREHENSIVE ZONING ORDINANCE TO CHANGE THE CURRENT CLASSIFICATION OF ALL LAND LOCATED WITHIN THE BOUNDARY OF SUCH NEW DISTRICT, AS DESIGNATED IN EXHIBIT "A", FROM ITS PRESENT ZONING CLASSIFICATION TO SUCH NEW ZONING CLASSIFICATION OF PUD-2; RATIFYING AND CONFIRMING ALL ACTIONS PREVIOUSLY TAKEN BY THE PLANNING COMMISSION OF SAID CITY OR THE CITY COUNCIL, OR BOTH; PROVIDING THAT ANY PERSON VIOLATING SAID CODE OF ORDINANCES, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 155.999 OF SAID CODE OF ORDINANCE AND THAT EACH DAY ANY SUCH VIOLATION OCCURS AND EVERY DAY IT CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THIS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Freeport, Texas ("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, Subchapter A of Chapter 211 of the Local Government Code of Texas and Item (g) of Section 3.07 of the Home Rule Charter of the City authorizes the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined to here now declare that it is necessary to the health, safety and general welfare of the inhabitants of the City for there to be established a new zoning classification to be known as Planned Unit Development-2 (PUD-2) District, to specify the boundaries thereof and regulations therefore, and to change the zoning classifications of all land within such new zoning district from its present zoning classification to the new zoning classification of Planned Unit Development-2 (PUD-2) District.

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

SECTION ONE--Findings of Fact and Conclusions of Law.

The City Council of the City makes the following findings of fact and conclusions of law, viz:

First, that the public hearings required by the Zoning Enabling Act of the State of Texas, codified as Chapter 211 of the Texas Local Government Code, and the present Comprehensive Zoning Ordinance of the City, codified as Chapter 155 of the Code of Ordinances of the City, have been conducted in the manner and at the time required.

Second, that not less than fifteen (15) days prior to the date of such hearings, public notice thereof was published once in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City, stating the date, time and place of such hearings.

Third, that after considering evidence submitted at such hearings, the City Council of the City is of the opinion and finds that the health, safety, morals and general welfare of the inhabitants of the City will best be served by the creation of the new zoning classification and district, to be known as Planned Unit Development-2 (PUD-2), within the boundaries and with the regulations hereinafter set forth.

Fourth, the conditions which warranted the classification of the property included within the boundaries hereinafter set forth at the time of such classification have substantially changed and conditions now exist which indicate that the present zoning classification of such property is no longer appropriate; and,

Fifth, considering the community as a whole and the present Comprehensive Zoning Plan of the City, such property should be reclassified for purposes of zoning and the zoning of such property changed to Planned Unit Development-2 (PUD-2) District.

Sixth, the health, safety, morals and general welfare of the inhabitants of the City will best be served by changing the zoning classification of all property located within such boundaries from the present zoning classification thereof to the new Planned Unit Development-2 (PUD-2) classification.

#### SECTION TWO--Comprehensive Zoning Ordinance Amended

The Comprehensive Zoning Ordinance of the City of Freeport, Texas, read, passed and approved as Ordinance No. 1100 on the 3rd day of April, 1964, now codified as Chapter 155 of the Code of Ordinances thereof and hereinafter called "the Zoning Ordinance," is hereby amended to add thereto new Section, 155.045-01, which shall read as follows:

#### SECTION 155.045-01- PLANNED UNIT DEVELOPMENT DISTRICT- 2 (PUD-2)

For the definition and purpose of a Planned Unit Development District, please refer to the definition of Planned Unit Development contained in Section 155.002.

(A) The City Council declares that, the Old Brazos River Corridor is a unique and historic feature of the City of Freeport that must be developed in a manner that enhances the quality of life of the citizens of Freeport and represents the key to the future economic development of the City of Freeport. It is of utmost importance to the City and its citizens that development of the Old Brazos River Corridor must promote access to the Old Brazos River by the general public to enjoy its beauty and recreational activities, balanced with development as a place of residence and commerce. The portion of the Old Brazos River Corridor described in Exhibit "A", attached hereto and made a part hereof as if set forth in full at this point, is included within the Planned Unit Development District-2 (PUD-2).

(B) Minimum requirements for lot area and setback shall be the same as provided elsewhere within the Zoning Ordinance for the particular use or uses specified in the ordinance creating the PUD-2 district.

(C) See 155.060 (D) and (E) for temporary use permits that may be granted by the Board of Adjustment and specific use permits that may be recommended by the City Planning Commission under certain circumstances and conditions.

(D) Permitted uses.

#### PUD-2 PERMITTED USES

##### Permitted Commercial Uses

Art, supply store, art sales, antiques, gallery or museum.  
Amusement park rides and games.  
Auditorium, arena, coliseum, or theatre.  
Bakery retail.  
Bank, loan company.  
Barber shop, beauty salon, nail salon or spa.  
Bait store.  
Book store or library.  
Boat dock or water taxi.  
Boat or watersport equipment rental, lease or sale.  
Boat launching; by specific use permit only.  
Camera or photographic supply store.  
Candy, nut, confectionary store.  
Caterer.  
Clothing including formal wear and costumes.  
Club or lodge.  
Convenience store.  
Cultural Arts display or use including digital arts, fine arts, history, nature, or literary displays.  
Department store.  
Docking and service facilities, including fueling, for pleasure boats, including fishing charter and recreational boats.  
Docking for pleasure boats and recreational boats.  
Eating establishment open or enclosed.  
Florist shop.  
Food or grocery store retail.  
Furniture store.

Fur shop or hat shop.  
Gift, novelty shop.  
Hobby shop or supply store.  
Hotel.  
Jewelry store.  
Lounges servings alcoholic beverages.  
Manufacturing of baked goods, candy, delicatessen foods and ice cream.  
Motel.  
Music store.  
Newspaper distribution station.  
Office, any type.  
Optical goods, optician, optometrist.  
Pet shop.  
Photographic studio or store or decorators shop.  
Physical culture and health studios.  
Radio, television or recording studio.  
Restaurant or café, indoor or outdoor.  
Sporting goods store.  
Souvenir shop, tourist products.  
Stationary store.  
Studio for professional work or for teaching any form of fine arts.  
Tailor shop seamstress, alterations.  
Toy store.  
Tshirt shop.  
All others by Specific-Use Permit.

Permitted Residential Uses

Single family unit.  
Accessory building, garage or carport, domestic storage, mechanical building.  
Condominium or townhouse.  
Public park, playground or playfield.  
Swimming pool.

(E) Size requirements

These requirements apply to all development within this Planned Unit Development District-2 (PUD-2), regardless of size.

(F) Public Access and Pedestrian Levee Easement

All development in the Planned Unit Development-2 (PUD-2) District shall promote public access and use of the Brazos River as a common area and enable use of the public of a pedestrian right of way along the levee.

(G) Where a Planned Unit Development is proposed for land within this district, the Planning Commission and the City Council, in accordance with the procedure specified in Section 155.023, may vary the specific requirements of this section if the building development is planned with adequate provision for light and air, vehicular and pedestrian circulation and recreational facilities equal to or better than the detailed requirements of this chapter.

(H) Application and procedure for a planned unit development. To develop property located in the Planned Unit Development-2 (PUD-2), as provided for in this section, the applicant must complete all of the steps in the following process:

(1) Pre-application conference.

Prior to the formal application for a PUD-2 development permit, the applicant shall meet with the Planning Commission to discuss the elements of PUD-2 zoning, including but not limited to:

- (a) Project location.
- (b) Project size.
- (c) Project's intended land uses.
- (d) The variation from normal zoning provisions needed to implement the plan.
- (e) The relationship of the proposed project to the existing adjacent development.
- (f) Plan to enable and encourage access by the general public to the Old Brazos River and the pedestrian right of way levee easements.
- (g) The proposed document concerning maintenance of the common areas.

Such document shall provide at a minimum a trust instrument or equivalent device that shall establish an institution, other than the city, to assure maintenance of the common areas in case of financial or other emergency.

The purpose of the pre-application conference is to clarify, for the applicant, the city's policies regarding planned unit development and for the city to provide an informal, non-binding option on the acceptability of the proposal.

(2) Preliminary plan

To receive preliminary approval of a request for a development permit for land located in the Planned Unit Development-2 (PUD-2) district, the applicant shall submit the following:

- (a) A preliminary plan including:
  - (1) A location diagram at a convenient scale; and
  - (2) A land use plan at a scale of 1" = 100' illustrating the boundaries of the property, any existing land uses on the proposed tract, any interesting or unusual existing features of the tract including, but not limited to: topography, vegetation or flooding and design including public access plan to the Old Brazos River and pedestrian path the levee.
- (b) Two (2) copies of a plan of the proposed development at a scale of 1" = 100' illustrating all of the elements of the proposal including, but not limited to:

- (1) Land uses and drainage.
- (2) Circulation and parking.
- (3) Public access to the Old Brazos River and pedestrian path on the levee.
- 4) Common areas.

(c) Sketches and/or elevation drawings illustrating visually the general features of the proposed plan.

(d) A written statement outlining the applicant's views on the relationship of the proposal to any existing adjacent development.

The Planning Commission and the City Council shall hold a joint public hearing as specified in Section 13-2 and 13-3 of the Zoning Ordinance. The City Council's approval of a Planned Unit Development shall designate and define the boundaries of the Planned Unit Development and include such conditions as the City Council finds are necessary to secure and protect the public health, safety, morals and general welfare. Upon the approval of the preliminary plan by the City Council, such approval shall be binding as to the general intent and apportionment of land for buildings, stipulated uses and circulation patterns, but shall not be construed to render inflexible the ultimate design or final plans of the project.

(3) Final plan

To complete the permitting process, the applicant shall, as soon as possible following action on the preliminary plan, and within one year from said date (which said one year period may be extended by an additional twelve months at the discretion of the Planning Commission), submit the following for review and final approval:

(a) two (2) copies of a plan of the proposed development at a scale of 1"=100' illustrating all of the elements of the proposal and reflecting all elements and changes required by the Planning Commission and/or City Council during the preliminary plan review process. Such changes shall be reviewed and approved by the Planning Commission.

(b) two (2) copies of a legal instrument or instruments setting forth a plan or method of permanent care and maintenance of open spaces, recreational areas and commonly owned properties.

The Council shall notify the applicant of their approval or disapproval. The approval shall be by the issuance by the Building Official of a permit authorizing the use of the land as requested in the application for the development permit.

When considering whether or not to authorize the issuance of a development permit in a Planned Unit Development-2 (PUD-2) zone, the unique nature of each proposal for a Planned Unit Development may require under proper circumstances the departure from the strict enforcement of certain present codes and ordinances, for example and without limitation, parking, the width and surfacing of streets, alleyways, curbs gutters, sidewalks, public parks, storm drainage, water supply and distribution, sanitary sewers, etc,

Final approval of the PUD-2 zoning by the City Council shall constitute authority for such flexible planning to the extent that the PUD-2, as approved, departs from existing codes and ordinances.

SECTION THREE--Changing Zoning Classification of All Property Located Within the boundaries of the New Plan Unit Development 2 (PUD-2) Classification.

The zoning classification of all property included within the Old Brazos River Corridor as described in Exhibit "A" attached hereto and made a part hereof is changed from its present zoning classification to the new zoning classification of Plan unit development 2 (pud-2).

SECTION FOUR--Ratification and Confirmation.

The City Council of the City of Freeport, Texas, hereby ratifies and confirms any and all action taken by the Planning Commission of said City or the City Council of said City, or both, in connection with the change in zoning classification evidenced by this ordinance, including but not limited to the calling of a public hearing required by said Zoning Enabling Act and the Zoning Ordinance, the giving of public notice of such hearings, the giving of written notice to the owners of property which is the subject of such and to the adjoining property owners, the making of preliminary and final reports with respect to such change and the conducting of the public hearings required by said Act and the Zoning Ordinance.

SECTION FIVE--Penalty

Any person violating the Zoning Ordinance, as amended by this ordinance, shall be guilty of a misdemeanor and upon conviction therefor assessed a fine as prescribed in Section 155.999 of said ordinance; and each day such violation continues shall constitute a separate offense.

SECTION SIX--Savings Clauses

(a) Nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

(b) This ordinance is cumulative of and in addition to all other ordinances of the City 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, this ordinance shall prevail.

(c) 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.

SECTION SEVEN--Severance Clause.

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.

SECTION EIGHT--Effective Date.

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

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Troy T. Brimmage, Mayor,  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Delia Munoz, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Wallace Shaw, City Attorney  
City of Freeport, Texas

C:\Freeport.Zon\OldBrazosRiverCorridorZoning-PUD-2-Ord

Exhibit "A"

BOUNDARY DESCRIPTION OF PUD-2 DISTRICT

BEGINNING at the boundary of the established W-4 Zoning District and the shoreline of the Brazos River at the eastern end of Brazos Boulevard, then along the south ROW line of Brazos Boulevard to the intersection of the east ROW of Oak Street; then proceeding south to the point of the south ROW of First Street; then proceeding west along the south ROW line of First Street to the northeast corner of Block 97; then proceeding south to the north ROW line of Second Street; then proceeding west along the north ROW line of Second Street to the eastern boundary of the established PUD of the Brazos Landing Subdivision, then proceeding along the boundary of the established PUD to the southern ROW line of the City owned levee easement; then proceeding along the ROW line of the City owned levee easement to the east ROW line of Brazosport Boulevard; then proceeding north to the intersection of the south ROW line of Avenue A; then proceeding east along the south ROW line of Avenue A to its intersection with the east ROW line of McNeal Street; then proceeding south to the northern boundary of the established W-1R Zoning District; then proceeding west along the northern boundary of the established W-1R Zoning District; then proceeding south along the western boundary of the established W-1R Zoning District to the water line of the Brazos River.

This description includes the entirety of the following blocks and all land adjacent to such blocks extending to the center of the waterway of the Brazos River:

45, 62, 63, 80, 81, 97, 98, 113, 114, 129, 669, 668, 631, 630, 595 and all property owned by City of Freeport adjacent to the Freeport Community House, the levee along the southern side of the Brazos River, around to and including all parcels of Municipal Park.

ORDINANCE NO. 2017-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; ADOPTING A BUDGET FOR SAID CITY FOR THE FISCAL YEAR 2017-2018; PROVIDING FOR THE FILING THEREOF; APPROPRIATING FUNDS FOR THE VARIOUS EXPENDITURES THEREIN ENUMERATED AND AUTHORIZING THE CITY MANAGER TO EXPEND SUCH FUNDS AND EXECUTE AGREEMENTS FOR SUCH EXPENDITURES; CONTAINING EXCEPTIONS; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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 requires the adoption of an annual budget; and,

WHEREAS, under Section 102.001(b) of the Local Government Code, because the City has a City Manager form of government, the City Manager is the budget officer of the City municipality and 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 Chapter 9 of said Charter, the governing body of the municipality is required to adopt a budget not later than fifteen (15) days prior to the beginning of the fiscal year; and,

WHEREAS, under Section 102.006(a) and (b) of the 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) of the 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) of the 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, 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.

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

SECTION ONE (1) - Findings of Fact

In connection with the adoption of the 2017-2018 ANNUAL BUDGET, the City Council hereby makes the following findings:

(1) The proposed budget for the City's Fiscal Year 2017-2018, a copy of which is attached hereto as Exhibit "A", is the result of several workshop meetings: August 15, 2017 and August 16, 2017, each of which were conducted in accordance with and notice of each of which was given in the manner required by the Texas Open Meetings Act, now codified as Chapter 551 of the Government Code.

(2) On the 3<sup>rd</sup> day of August, 2017, the City Manager filed with the City Secretary the original of such proposed annual budget.

(3) A public hearing on such proposed budget was held on the 18<sup>th</sup> day of September, 2017, beginning 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.

(4) Notice of such hearing was published in the Brazosport Facts, a newspaper having general circulation within the City, on the 16<sup>th</sup> and 27<sup>th</sup> day of August, 2017.

(5) This ordinance is being adopted at the conclusion of such hearing and on the same date as the date on which such hearing was held.

(6) The contingent appropriations in such budget do not exceed three percent (3%) of the total budget appropriations.

(7) The estimated expenditures of the General Fund and Debt Service Fund stated in such budget do not exceed total estimated resources of each fund.

SECTION TWO (2) - Proposed Annual Budget Adopted; Appropriations

The PROPOSED ANNUAL BUDGET for the City's FISCAL YEAR 2017-2018, attached hereto and made a part hereof as Exhibit "A", is in its complete form, as heretofore filed with the City Secretary, and with any changes thereto made following such workshop meetings and the public hearing mentioned above, and is hereby ADOPTED; the several amounts set forth therein as proposed expenditures are hereby APPROPRIATED to and for the objects and purposes therein specified and the City Manager is hereby AUTHORIZED to expend and to execute agreements for the expenditure of the funds therein budgeted for the purposes and in the amounts specified in such budget UNLESS the item purchased or the amount expended at any one time is required to be advertized for bidding or City Council action or approval is otherwise required by the general law of the state, an ordinance or any provision of the Home Rule Charter of the City or by the City Council.

**THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$167,751 OR 6.66%, AND OF THAT AMOUNT, \$40,396 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.**

SECTION THREE (3) - Filing of Copies

A copy of this ordinance and of the attached complete copy of such budget, attached hereto as Exhibit "A", shall be filed with the City Secretary of the City of Freeport, Texas and shall be maintained with the official records of the City. Certified copies thereof shall be filed by the City Secretary with the County Clerk of Brazoria County, Texas and the office of the State Comptroller of Public Accounts for the State of Texas.

SECTION FOUR (4) - 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 remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

SECTION FIVE (5) - Effective Dates

This ordinance shall be effective from and after its passage and the annual budget adopted hereby shall be in effect for the Fiscal Year of the City beginning October 1, 2017, and ending September 30, 2018.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Troy T. Brimage, 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.Bud\2017-2018 Bud-Ord

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 2018 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 2018 tax year on the 20<sup>th</sup> day of July, 2017.

(2) The original of the proposed budget for the City's Fiscal Year 2017-2018 was filed by the City Manager of the City with the City Secretary on the 3<sup>rd</sup> day of August, 2017.

(3) On the 10<sup>th</sup> day of August, 2017, the Assessor and Collector of Taxes calculated and on the 10<sup>th</sup> day of August, 2017, caused to be published in the Brazosport Facts a notice of the effective and roll back tax rates for such tax year, being \$0.593056 and \$0.631016, respectively, per \$100.00 valuation.

(4) That at a meeting of the City Council held on the 7th day of August, 2017, the following motion was made and seconded:

"I propose adopting a tax rate of \$0.628005 per \$100.00 valuation for the 2017 tax year, which is effectively a 5.89 percent increase in the tax rate.

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

Mayor Troy T. Brimage	<u>Aye</u>
Councilman Larry McDonald	<u>Nay</u>
Councilman Brooks Bass	<u>Aye</u>
Councilwoman Nicole Mireles	<u>Aye</u>
Councilman Roy Yates	<u>Aye</u>

(5) On the 16<sup>th</sup> and 27<sup>th</sup> day of August, 2017, there was published in the Brazosport Facts a notice that a public hearing would be held on the proposed budget for the 2017-2018 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 \$167,751 OR 6.66%, AND OF THAT AMOUNT, \$40,396 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 18<sup>th</sup> day of September, 2017, 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 2017-2138. A motion to adopt such ordinance was made and seconded and recorded vote was taken as follows:

Mayor Troy T. Brimage	_____
Councilman Larry McDonald	_____
Councilman Brooks Bass	_____
Councilwoman Nicole Mireles	_____
Councilman Roy Yates	_____

Such ordinance includes the following statement:

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$167,751.00 OR 6.66%, AND OF THAT AMOUNT, \$40,396 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 2017-2018 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 18<sup>th</sup> day of September, 2017, 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 0.0628005 that represents 0.492570 for maintenance and operation and 0.135435 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:

Mayor Troy T. Brimage	_____
Councilman Larry McDonald	_____
Councilman Brooks Bass	_____
Councilwoman Nicole Mireles	_____
Councilman Roy Yates	_____

(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 \$0.135435 for the tax year 2018.

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 \$0.492570 for the tax year 2018.

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

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 7.34 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATION ON A \$1000,000 HOME BY APPROXIMATELY \$6.65.

SECTION FIVE (5) - INTERNET WEBSITE

The City Secretary shall cause the following to be included on the homepage of the City 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 EFFECTIVELY BE RAISED BY 7.34 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATION ON A \$1000,000 HOME BY APPROXIMATELY \$6.65.

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

Ad valorem taxes for the tax year 2018 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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Troy T. Brimage, 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\2018 Tax Levy-Ord



# THE CITY OF



# FREEPORT

200 West Second St • Freeport, TX 77541

979.233.3526 • Fax 979.233.8867

**Troy Brimage**  
Mayor

**Jeff Pynes**  
Chief Executive Officer  
City Manager

September 14, 2017.

Mayor Troy Brimage  
Freeport City Council Representatives

**Gilbert Arispe**  
Assistant City Manager

Attached is the proposed City budget as presented and adjusted based on recommendations and direction provided by City Council in our public hearings. We are pleased that this year we have negotiated new revenues along with our normal revenues that will provide the City the following revenues compared to the current (2016 -2017) budget year:

2016 – 2017 Revenues	2017 – 2018 Revenues	Difference
\$20,003,862.00	\$ 25,811,007.00	\$5,807,145.00

In this budget, we placed a high priority on infrastructure and financial measures that will advance Freeport within our infrastructure and quality of life amenities for our existing and future residents. The following are the expenditures for 2017 – 2018 proposed budget compared to the current 2016 – 2017 budget:

2016 - -2017 Expenditures	2017 – 2018 Expenditures	Difference
\$21,622,808.00	\$ 23,269,462.00	\$1,646,654.00

## Overall Budget Expenses Summary by Fund

DEPARTMENT	PROJECTED 09/30/2017	PROPOSED 09/30/2018
GENERAL FUND	\$ 13,742,782.00	\$ 15,196,891.00
GOLF FUND	\$ 752,524.00	\$ 748,730.00
BEACH FUND	\$ 4,500.00	\$ 6,500.00
HOTEL MOTEL FUND	\$ 11,250.00	\$ 11,250.00
EMS FUND	\$ 757,720.00	\$ 827,443.00
WATER & SEWER FUND	\$ 5,775,603.00	\$ 5,899,228.00
2003 COO FUND	\$ 280,099.00	\$ 279,806.00
2008 COO FUND	\$ 298,330.00	\$ 299,614.00

**\$ 21,622,808.00    \$ 23,269,462.00**



[www.freeport.tx.us](http://www.freeport.tx.us)



The City of Freeport has operated under a vetted salary matrix since roughly 2009, when Mayor McDonald was in office. The salary matrix fairly allocates raises to all fulltime employees based on tenure and employment position. Every employee of the city moves through the scale based on their years of service with the city. In this year's budget proposal, all of the matrix categories remained the same except for Police, Fire and EMS employees. In our pay scale matrix, we have a 40% uplift from the base over a 20-year employment period with the City. At the time of implementation of the matrix, all employees of the City were set at the 40% uplift of the base except for Police, Fire and EMS who were at a 25% uplift from the base based on market demands. In this budget to remain competitive, we have increased the uplift from the base over a 20-year period to 50% only for Police, Fire and EMS employees. All other employee categories base and uplift are sufficient and will continue getting annual increases within the matrix.

Each year on top of the pay scale matrix, the City Council considers a Cost of Living Adjustment (COLA). The federal COLA for 2018 is published at 1.7%. In the budget hearings, we proposed an across the board COLA increase for all employees at 3%. In addition we had discussions on how the 3% affects the amount received by employees based on their annual salaries. We were charged with proposing a fair across the board system where the COLA increase is spread evenly with all employees. So, we took the total financial impact of the proposed 3% COLA can came up with a value of \$ 187,944.00. We propose taking this total COLA allocation and evenly divide it with all employees. In this proposal, each employee would receive the same COLA incentive in a lump sum check during the budget year. The gross value of the COLA payment would be \$1,468.00 per employee. We additionally propose to allow each employee to decide when they receive the payment during the budget year. The check could be taken immediately or on a birthday, Christmas, or anniversary or any date within the budget year chosen by the employee.

In this budget after all expenditures and debt service payments, we have a positive revenue surplus of \$ 2,541,615.00, which will be placed in the unrestricted general fund revenues. These revenues can only be used by the order of the Freeport City Council.

**2017-2018 PROPOSED BUDGET SUMMARY**

	2016-2017	2017-2018	DIFFERENCE
<b>OVERALL BUDGET REVENUE COMPARISON</b>	\$ 20,003,862.00	\$ 25,811,007.00	\$ 5,807,145.00
<b>OVERALL BUDGET COMPARISON</b>	\$ 21,622,808.00	\$ 23,269,462.00	\$ 1,646,654.00
<b>UNRESTRICTED CASH RESERVE</b>	\$ 8,696,394.00	\$ 14,196,394.00	\$ 5,500,000.00



We would like to thank Mayor Troy Brimage for his hard work and dedication to this budget and each member of council for your vital input. All adjustment recommendations made by council members was either added or retracted based on the request. If you have any additional questions related to the budget before the meeting on Monday, please contact Mayor Brimage or myself anytime for clarification.

Once again, thank you for your time and input in this vital process.



Jeff Pynes  
City Manager



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SIGN IN SHEET  
CITY COUNCIL MEETING 9-18-17

Name	Address
Casey Cundieff	113 Brazos Landing Ct
Melanie Oldham	922 W. 5th St
Shay May & Shay May	322 West 7th St
Susan & Debbie Garcia	107 Brazos Landing Ct
Dinorah M. Chavez	318 W 1st St. Freeport, Tx. 77541
Carol Horton	115 Brazos Landing Freeport
ROMAN A KOUCE	414 E 410 W 2nd
Ruben Renobato	1507 W. 2nd
M. McManis	1330 W. 8th St
Amber Newman	202 W. 1st Street Freeport TX
Floza Castillo	524 N A W A

Ruth Renobato

Trey Girouard

Cheri Duncan

Kenny Kouces

Sabrina Brimley

Kerli Stumbaugh

Ed Garcia

Jordan Travis