

NOTICE OF PUBLIC HEARING
THE FREEPORT CITY COUNCIL
MONDAY, JANUARY 4, 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.
5. Consideration of approving December 7, 2015 Council Minutes. Pg. 1-2
6. **Public Hearing** to consider designating the following described real property located within the corporate boundaries of the city as a reinvestment zone for the purpose of entering into an agreement with the owner or owners thereof granting a tax abatement: Lot 18, Block 1, Riverside Terrace, a subdivision in the City of Freeport, Brazoria County, Texas according to the map or plat of said subdivision on file in the Plat records of said county, known locally as 1935 N. Ave. G., Freeport, Texas. Pg. 3
7. Consideration of approving Ordinance No. 2016-2102 designating improvements to land located within the incorporated limits of said City as a reinvestment zone to be known as the Efrain and Maria Rodriguez reinvestment zone and providing for its initial term and the renewal thereof. Pg. 4-7
8. Consideration of approving Resolution No. 2016-2488 granting a tax abatement to Efrain and Maria Rodriguez pursuant to the terms and conditions of and authorizing the Mayor and City Secretary to execute and attest, respectively a tax abatement agreement with the said Efrain and Maria Rodriguez. Pg. 8-19
9. Receive and authorize publication of the final report of the Charter Review Committee-2015. Pg. 20-21
10. Discuss and Consider authorizing the City Attorney to prepare an ordinance calling an election to submit the following proposed recommended amendments recommended by the Charter Review Commission:
 - (1) **Amend the first and third sentences of Section 3.02 Qualifications to read respectively as follows:**

The Mayor and each member of the City Council shall be a registered voter and a resident of the City of Freeport for at least twenty-four (24) consecutive months and, in the case of members of the City Council other than the Mayor, a resident of the Ward sought to be represented for at least six (6) consecutive months, immediately preceding

his or her application to have his or her name placed on the official ballot and the filing of proof of his or her qualifications as required by law.

If any such officer shall fail to maintain the foregoing residence qualifications during his or her term of office or shall be absent from three (3) consecutive regularly scheduled meetings without a valid excuse, in writing filed with the City Secretary or sent to the City Secretary by e-mail or text message before the missed meeting, or fail to attend at least eighty (80%) of regularly scheduled meetings during any fiscal year, without a valid excuse, the City Council must at its next regularly scheduled meeting declare a vacancy to exist and shall fill such vacancy as set forth in Section 3.06 of this Charter.

(2) Amend Section 4.08 Fire Department to read as follows:

Section 4.08 Fire and E.M.S Department

For the protection of property and lives within the city, there is hereby established and there shall be maintained by the City a department to be known as the Freeport Fire and E.M.S (Emergency Medical Services).

(3) Amend Section 5.05 to substitute majority for plurality, to provide for a runoff election and to read as follows:

Section 5.05 Election by Majority Election to office shall be by majority with the candidate receiving a majority of the number of votes (if otherwise qualified) being deemed elected to office. If no candidate gains a majority of the votes, the city council shall cause to be held a runoff elections between the two (2) candidates with the most votes on to be held on the same calendar year and on a day permitted by the Texas Election Code. In the event of a tie at any election, lots shall be cast to determine a winner in accordance with the Texas Election Code.

(4) Amend Section 9.06 Notice of Public Hearing on Budget to read as follows:

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in both English and Spanish and in a newspaper of general circulation within the City of Freeport, a notice thereof setting forth the time and place of such hearing at least fifteen (15) days before the date thereof: and such notice shall be maintained on the City's website until after the date of such hearing.

(5) Amend Section 10.07 Consent of Property owners

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but such abutting and adjacent property shall thereafter be restored to its previsions condition and nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his or her property as now or hereafter provided by law.

(6) Amend Section 11.011 Selection of Newspaper for Publication, Subsection (a) , to read as follows:

Every ordinance or resolution adopted by the City Council, which is required or permitted to be published in a newspaper, shall designate in the body thereof, one or more newspapers of general circulation within the City of Freeport in which such ordinance or resolution, or the descriptive caption thereof, shall be published and it shall appear on the

City's website for a least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer.

11. Consideration of cancelling January 18th, 2016 Council Meeting to observe Martin Luther King Holiday.
12. Consideration of the approval of any action to be taken as a result of closed Executive Session.

Executive Session:

Section 551.071, Government Code Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- Pending Contractual Legal Negotiations – Waste Connections Contract.

Items not necessary discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

In compliance with the Americans with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meeting. Please contact the City Secretary office at 979-233-3526.

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, December 31, 2015 at or before 5:00 p.m.

Delia Munoz - City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday, December 7, 2015 at 6:00 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Norma Moreno Garcia – Absent
Councilman Johnathan Sublet
Councilman Fred Bolton
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree – Absent

Staff: Gilbert Arispe, Assistant City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manger
Dan Pennington, Police Chief

Visitors: Landis Adams J. Damian
Raul Ramirez Ruth Renobato
Ruben Renobato Lila Lloyd
Bobby Fuller Margaret McMahan
Melanie Oldham Annette Sanford
Nicole Mireles Sam Reyna
Ty Morrow

Call to order.

Councilman Fred Bolton called the meeting to order at 6:00 p.m.

Invocation.

Councilman Johnathan Sublet offered the invocation.

Pledge of Allegiance.

Councilman Fred Bolton led the Pledge of Allegiance.

Attending citizens and their business.

There were none.

Consideration of approving November 30, 2015 Council Minutes.

On a motion by Councilwoman Loeza, seconded by Councilman Sublet, with all present voting "Aye", Council unanimously approved the November 30, 2015 Council Minutes.

Consideration of approving Ordinance No. 2015-2100 amending Division (B) of Section 97.04 of the Code of Ordinances of said City to add thereto a new item, to be known as item (7) providing that the name of the street shown on the plat of the Freeport Townsite as Cherry Street shall hereafter be known as Martin Luther King Boulevard.

No action taken

Consideration of approving Ordinance No. 2015-2101 co-naming Martin Luther King Boulevard /Second Street.

On a motion by Councilwoman Loeza, seconded by Councilman Sublet, with all present voting "Aye", Council unanimously approved No. 2015-2101 with the correction of co-naming Second Street/Martin Luther King Boulevard.

Consideration of accepting a sealed proposal for solid waste collection services and authorizing the City Manager or his designee to negotiate a contract with the successful proposer.

On a motion by Councilwoman Loeza, seconded by Councilman Sublet, with all present voting "Aye", Council approved Waste Connections for solid waste collection services and authorizing the City Manager or his designee to negotiate a contact with the successful proposer.

Consideration of approving and authorizing the City Manager to expend funds for repairing City Hall roof.

On a motion by Councilwoman Loeza, seconded by Councilman Sublet, with all present voting "Aye", Council unanimously approved the City Manager to expend funds for repairing City Hall roof, not to exceed \$30, 000.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilman Sublet, with all present voting "Aye", Councilman Bolton adjourned the meeting at 6:13 p.m.

Mayor, Norma Moreno Garcia
City of Freeport, Texas

City Secretary, Delia Munoz
City of Freeport, Texas

NOTICE OF PUBLIC HEARING

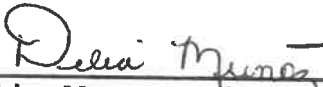
The City Council of the City of Freeport, Texas, will hold a public hearing on Monday, the 4th day of January, 2016, beginning at 6:00, p.m., in the Police Department Municipal Courtroom located therein at 430 North Brazosport Boulevard, Freeport, Brazoria County, Texas, to consider designating the following described real property located within the corporate boundaries of the City as a reinvestment zone for the purpose of entering into an agreement with the owner or owners thereof granting a tax abatement:

Lot 18, Block 1, RIVERSIDE TERRACE, a subdivision in the City of Freeport, Brazoria County, Texas, according to the map or plat of said subdivision on file in the on file in the Plat Records of said county, known locally as 1935 N. Ave. G, Freeport, TX 77541.

At the same hearing, the City Council will consider whether or not to enter into an agreement granting a tax abatement to the owner or owners of the above described property.

All interested persons will be given an opportunity to speak and present evidence for or against such designation and for and against such abatement.

By order of the City Council this 30th day of November, 2015.



Delia Munoz, City Secretary
City of Freeport, Texas

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT; DESIGNATING IMPROVEMENTS TO LAND LOCATED WITHIN THE INCORPORATED LIMITS OF SAID CITY AS A REINVESTMENT ZONE TO BE KNOWN AS THE EFRAIN RODRIQUEZ REINVESTMENT ZONE AND PROVIDING FOR ITS INITIAL TERM AND THE RENEWAL THEREOF; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Freeport, Texas, 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 and 54.004 of the Local Government Code, Subchapter B of Chapter 312 of the Property Tax Code and Sections 2.01, 2.02 and 9.18 of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of this Resolution; and,

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

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

First, the City Council of the City of Freeport, Texas, (herein after sometimes "the City") makes the following findings of fact:

(1) That on October 5, 2015, the City Council of the City, pursuant to Subchapter B of Chapter 312 of the Property Tax Code, adopted Resolution No. 2015-2483 establishing a tax abatement and reinvestment zone policy and adopting guidelines and criteria for the same.

(2) That pursuant to such guidelines and criteria, on October 28, 2015, ERAIN & MARIARODRIQUEZ (hereinafter sometimes "the Owners") filed a written application for a tax abatement for and the designation of a reinvestment zone consisting of improvements to the hereinafter described land for which the Owners are requesting a tax abatement.

(3) That the land on which the improvements for which the Owners seek to have designated as a reinvestment zone is within the corporate limits of the City.

(4) That the adoption of this ordinance designating such reinvestment zone was preceded by a public hearing at which all interested persons were given the opportunity to speak and present evidence for or against such designation.

(5) That written notice of such hearing was given to the presiding officer of each of the other taxing units having real property within such zone more than seven (7) days prior to the date of such hearing.

(6) That notice of such hearing was also published in a newspaper of general circulation within the City of Freeport, Texas, more than seven (7) days prior to the date of such hearing.

(7) That the improvements to be constructed on such land is a new residence which will add value to the tax roll of the City.

Second, the request of the Owners to have the improvements to the property known locally as 1935 N. Avenue G., Freeport, Texas 77541, designated as a reinvestment zone, as such zone is defined in Subchapter B of Chapter 312 of the Property Tax Code and in the guidelines and criteria adopted by the above mentioned resolution, is hereby approved and such improvements to such land are hereby designated as the Efrain & Maria Rodriques Reinvestment Zone.

Third, as provided in Subchapter B of Chapter 312 of the Property Tax Code, such designation shall last for an initial term of five (5) years from the date on which this ordinance is read, passed and adopted as indicated below; and such designation may be renewed, with the consent of the City Council of the City of Freeport, Texas, for successive periods up to five (5) additional years.

Fourth, 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.

Fifth, where this ordinance and the comprehensive zoning ordinance of the city conflict or overlap, the zoning ordinance shall prevail and where this ordinance and any other ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Sixth, 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.

Seventh, 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.

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

READ, PASSED AND ADOPTED this _____ day of _____, 2015.

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.Abt\Rodriguez-E-TxAbt-Ord

RESOLUTION NO. _____

AN RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; GRANTING A TAX ABATEMENT TO EFRAIN RODRIQUEZ PURSUANT TO THE TERMS AND CONDITIONS OF AND AUTHORIZING THE MAYOR AND CITY SECRETARY TO EXECUTE AND ATTEST, RESPECTIVELY, A TAX ABATEMENT AGREEMENT WITH THE SAID EFRAIN RODRIQUEZ; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS THEREOF.

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, Sections 51.072 and 54.004 of the Local Government Code, Subchapter B of Chapter 312 of the Property Tax Code and Sections 2.01, 2.02 and 9.18 of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of this Resolution; and,

WHEREAS, the City Council of the City of Freeport has determined to here now declare that the adoption of this resolution is necessary to the health, safety and general welfare of the inhabitants of the City and the economic development of the City.

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

First, the City Council of the City of Freeport (hereinafter sometimes "the City") makes the following findings of fact:

(1) That on October 5, 2015, by its Resolution No.2015-2483, the City Council, pursuant to Subchapter B of Chapter 312 of the Property Tax Code, established a tax abatement and reinvestment zone policy and adopting guidelines and criteria for the City.

(2) That on October 28, 2015, pursuant to such guidelines and criteria EFRAIN and MARIA RODRIQUEZ (hereinafter sometimes "the Owners") filed a written application requesting a tax abatement for the following land owned by the Owner, to-wit: Lot 18, Block 1, Riverside Terrace, a subdivision of the City of Freeport, Brazoria County, Texas, known locally as 1935 N. Ave. G, Freeport, TX 77541.

(3) That the land for which the Owner seeks a tax abatement is within the corporate limits of the City and in a reinvestment zone designated as such by Ordinance No.2015-_____.

(4) That more than seven (7) days prior to the adoption of this resolution written notice of the date and time of a public hearing to consider such application and of the intent of the City Council of the City to enter into a proposed tax abatement agreement and a copy thereof was sent to the presiding officer of all other taxing units having jurisdiction over such property.

(5) That notice of such hearing was also published in a newspaper having general circulation within the City was also published more than seven (7) days prior to the date of such hearing.

(6) That after conducting such hearing, the City Council finds that the granting of such tax abatement and entering into such agreement will result in the construction of a new residence which

will add value to the tax roll of the City.

Second, the tax abatement requested by the above mentioned application is hereby granted pursuant to the terms and conditions of and the Mayor and City Secretary of the City are hereby authorized to execute and attest, respectively, a Tax Abatement Agreement with the Owner.

Third, if any section or provision of this resolution is found to be unconstitutional, void or inoperative by a court of competent jurisdiction, such section or provision, if any, is hereby declared to be severable from the remaining sections and provisions hereof which provisions shall remain in full force and effect.

Fourth, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City.

READ, PASSED AND ADOPTED this _____ day of _____,
2015.

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.Abt\RODRIQUEZ-E&M-TxAbtAgmt-Rsl

TAX ABATEMENT AGREEMENT

This Tax Abatement Agreement (this "Agreement") is made by and between the City of Freeport, Texas a municipal corporation and home-rule city (the "City"), and EFRAIN and MARIA RODRIQUEZ, (the Owners"), individuals residing in or near Angleton, Texas, who receive mail at 24102 County Road 48, Angleton, TX 77515 and who are the owners of the real property located within the Zone (as defined below).

W I T N E S S E T H:

WHEREAS, the construction of new/modernization of existing residences within the City is paramount to the City's continued economic development; and

WHEREAS, the Owners desires to construct a dwelling costing in excess of \$5,000.00 to be used for the Owner's personal residence; and

WHEREAS, the Owners have filed a written request for tax abatement, dated as of October 28, 2015, in accordance with the City's Resolution No. 2015-2483 (hereinafter the Resolution), which establishes the property tax abatement program for the City of Freeport in designated reinvestment zones; and

WHEREAS, it is reasonably likely that this Agreement will attract major investment in the Zone that would be of benefit to property within the Zone and that would contribute to the economic development of the City; and

WHEREAS, the City Council has determined that the Improvements are practical and are of benefit to the land within the Zone and to the City; and

WHEREAS, City Council finds that there will be no substantial potential adverse effect on the provision of City services or on the tax base caused by this Agreement; and

WHEREAS, the Owners have represented that the facility will be designed and constructed to meet all applicable federal, state, and local environmental degradation of hazard; and

WHEREAS, the City Council finds that the planned use of the Improvements, when constructed and operated in accordance with applicable environmental standards, will not constitute a hazard to public health, safety, or morals; and

WHEREAS, City Council finds that the terms of this Agreement meet the applicable requirements of the Resolution and The Texas Tax Code; and

NOW THEREFORE,, the parties hereto, for and in consideration of the premises and mutual promises stated herein, agree as follows;

1. Definitions

The following terms shall have the meanings assigned below, unless otherwise defined or the context clearly requires otherwise.

"Abatement Period" means that period which commences on the first day of the Effective Date of Abatement and ends three (3) years thereafter.

"BCAD" means the Brazoria County Appraisal District.

"City" means the City of Freeport, Texas.

"City Manager" means the City Manager of the City.

"Effective Date of Abatement" means the January 1, 2016.

"Eligible Property" means the new residential structure which expands the local tax base as that term is defined in the Guidelines and Criteria for Tax Abatement in the City of Freeport attached to and adopted by the Resolution.

"Improvements" means the improvements to the property, more fully described in Section 5 below constituting the Project.

"Ordinance" means City of Freeport Ordinance Number 2015---, which created the Zone.

"Owners" mean EFRAIN and MARIA RODRIQUEZ.

"Project" means the improvements to be constructed by the Owner on the Property as more fully described in Section 5(c) below.

"Property" means the real property to be improved, as more fully described in Section 3(a) below.

"Resolution" means City of Freeport Resolution 2015-2483 adopted October 5, 2015, establishing the current property tax abatement program for the City in designated reinvestment zones, for which an abatement is being granted.

"Tax Code" means the Texas Property Tax Code, as amended.

"Zone" means the EFRAIN and MARIA RODRIQUEZ REINVESTMENT ZONE, which is more particularly described in the Ordinance.

2. Authorization

This Agreement is authorized by Resolution which established the property tax abatement program for properties in designated reinvestment zones and by the Ordinance.

3. Property

(a) The Street Address of the taxable real property to be improved under this Agreement is Lot 18, Block 1, Riverside Terrace, a subdivision of the City of Freeport, Brazoria County, Texas, known locally as 1935 N. Ave. G, Freeport, TX 77541.

(b) The BCAD tax account number of the Property is 7310-0017-000.

4. Representations and Warranties by the Owners

(a) The Owners represent and warrant (1) the Owners own the Property and that the Property is located within the boundaries of the Zone; (2) the Owners are authorized to execute this Agreement and to complete the Improvements described in Section 5 hereof and in the project description marked Exhibit "B" and attached hereto; (3) that as of January 1, 2015, the Property had an approximate appraised value of \$5,860.00; (4) the construction of the Improvements described in Paragraph 3 above will began after January 1, 2016, and that construction of the Improvements will be completed as of the effective date of this Agreement; (5) the construction of the Improvements shall be completed as described in Exhibit "A", all for the purpose of constructing the dwelling therein described; and (6) The total size of the Property is approximately 0.1792 acres or 7,807.00 square feet.

(b) The Owners represent and warrants that the value of the Property will increase by at least \$75,000.00 upon completion of the Improvements.

(c) The Owners represent and warrant that the Improvements will not solely or primarily have the purpose of transferring employment from one part of the City to another.

(d) The Owners represent and warrant that Owner will construct and operate the Project described in Exhibit "A" attached hereto and incorporated herein by this reference.

(e) The Owners represents and warrants that the Improvements will be designed, constructed, and occupied in accordance with all applicable federal, state and local

environmental regulations and that the construction and occupation of the Improvements will not cause environmental degradation or hazard to the Property or environs of the City.

5. Terms of the Agreement

(a) The Owners shall make the Improvements substantially in conformity with the descriptions, plans and specifications as described in Exhibit "A" attached hereto.

(b) The Improvements shall be completed in accordance with the provisions of Exhibit "A" and the City's Building Code and other Uniform Codes and shall conform to the City's Zoning Ordinance. In case of any conflict, the Building or other Uniform Code, or Zoning Ordinance, as the case may be, shall prevail. In addition, the Owner shall comply with City's Subdivision Ordinance, if applicable.

Upon completion of the Improvements, the Owner shall use the Property for the proposed use specified in this paragraph during the Abatement Period specified in Section 6 hereof. However, the City Council may approve a change from the proposed use in writing, if the City Council determines that the change is consistent with the guidelines adopted by the Resolution and with the City's general purpose of encouraging development or redevelopment of the Zone during the Abatement Period specified in Section 6 hereof. The proposed use of the Property (unless and until the City Council approves a change in use) is for a private dwelling pursuant to and to the extent described in Exhibit "A", attached hereto and incorporated herein.

(d) The Owners shall allow the City's employees access to the Property for the purpose of inspecting the Improvements to ensure that the Improvements were completed and are being maintained in accordance with the terms of this Agreement. All inspections will be made only after giving the Owner notice at least twenty-four (24) hours in advance thereof, and will be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the Project. All inspections will be made with one (1) or more representatives of the Owner and in accordance with the owner's safety and security standards, but this shall not act as a limitation on the City's ability to perform any inspection or enter the affected property pursuant to the Code of Ordinances, the Building or other Uniform Code or otherwise.

(e) The Owners shall maintain the Improvements in good repair and condition during the Abatement Period specified in Section 6 hereof.

(f) The Owners shall provide the City's employees access to all records requested and necessary for the purpose of conducting an audit of the Project. Any such audit shall be made only after giving the Owner notice at least seven (7) days in

advance thereof, and will be conducted in such a manner as to not unreasonably interfere with the operation of the Project.

(g) The Owner shall not assign this Agreement without the written approval of the City Council. In addition, the document making such assignment must be approved by City Council.

6. Tax Abatement

(a) Abatement on the Improvements specifically listed in Exhibit "A" shall be permitted only for the value of new "eligible property" constructed or added after January 1, 2015, subject to the limitation stated in subsection 5(c) above. In addition, this exemption from taxation is specifically subject to the rights of the holders of outstanding bonds of the City. The portion of the value of new eligible Improvements subject to the abatement shall be 100% of the value of such improvement being abated the first year, 75% of such value the second year and 50% of such value the third year. If the construction period extends beyond three (3) years from the Effective Date of Abatement, the Improvements shall be considered completed for purposes of abatement and, in no case, shall the Abatement Period exceed three (3) years from the Effective Date of Abatement.

(b) From the Effective Date of Abatement to the end of the Abatement Period, taxes shall be payable as follows:

1. The value of (i) the property on which the project is located without regard to any improvements thereon and (ii) any tangible personal property not attached to the land and for which an abatement has not been specifically granted shall be fully taxable;

2. The base year value of any improvements on the property which are not eligible improvements shall be fully taxable;

3. The additional value of the eligible improvements constructed after January 1, 2015, but before the effective date of this Agreement, shall be taxable in accordance with Section 6(a) of this Agreement.

4. The City shall enter into only one tax abatement agreement for the Project described in Exhibit "A" of this Agreement during the existence of the Reinvestment Zone.

7. Default and Recapture

(a) This Agreement shall terminate in the event that the use and operation of the facility for the purpose specified in Section 5(c) above is discontinued, for any reason excepting fire, explosion, other casualty or accident, or natural disaster,

continuously for a period in excess of twelve (12) month during the Abatement Period. The Owner shall not be entitled to the abatement of taxes for that twelve (12) month period during which the Improvement was not used and occupied for such purpose. The taxes abated during that twelve (12) month period shall become immediately due and payable, and shall be paid to the City within sixty (60) days from the date of termination of this Agreement.

(b) The Owner shall be in default hereof in the event that the Owner:

1. allows ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protect and/or contest; or

2. has made any material representation which is determined to be false or misleading in any respect; or

3. is in breach of any material warranty and fails to cure within 60 days from the date notice is provided thereof as described below (the "Cure Period"); or

4. violates any of the terms and conditions of this Agreement and fails to cure during the Cure Period.

(c) Should the City Council determine that the Owner is in default according to the terms and conditions of this Agreement, the City Manager shall notify the Owner in writing at the address stated in this Agreement, and if such default is not cured during the Cure period, then this Agreement may be terminated as to all parties and all taxes previously abated by virtue of this Agreement, shall be recaptured, and paid by the Owner within sixty (60) days of the termination.

8. Administration

(a) For purposes of this Agreement, the value of th real and personal Property comprising the Zone, including the value of the Improvements listed in Exhibit "A" hereof, shall be the same as the value of the Improvements determined annuallyby the chief appraiser of BCAD. Each year, the Owners shall furnish the City with such information as may be necessary for calculating the amount of abatement. Once the value of the Improvements has been established and the amount of the abatement calculated, the chief appraiser of the BCAD shall notify the affected jurisdictions that levy taxes of the amount of assessment.

(b) Upon the completion of construction of the

Improvements, the City Manager shall annually evaluate each Improvement receiving abatement to ensure compliance with this Agreement and prepare a report of any violations of this Agreement.

9. Compliance with State and Local Regulations

Except as specifically provided herein, nothing in this Agreement shall be construed to alter or affect the obligation of the Owner to comply with any ordinance, rule or regulation of the City, or the laws and regulations of the State of Texas and the United States.

10. Merger

The parties agree that this Agreement contains all of the terms and conditions of the understanding of the parties relating to the subject matter hereof. All prior negotiations, discussions, correspondence and preliminary understandings between the parties and others relating hereto are superseded by this Agreement.

11. Notice

All notices shall be in writing and unless hand delivered, shall be sent by U.S. Mail certified, return receipt requested. If mailed, any notice or communication shall be deemed to be received three (3) days after the date of deposit in the United States Mail. Unless otherwise provided in this Agreement, all notices shall be delivered to the following address:

To the Owners, if mailed or personally delivered

24102 County Road 48
Angleton, TX 77515

To the City, if mailed or personally delivered:

City Manager
200 West Second Street
Freeport, TX 77541

Each party may designate a different address by giving the other party written notice ten (10) days in advance

of such designation. Notice to one of the Owners shall constitute notice to both of the Owners.

12. Effective Date

If approved by the Mayor and City Council, the Effective Date of this Agreement shall be the Effective Date of Abatement as defined in Section 1 hereof.

This agreement has been executed by the parties in multiple originals, each having full force and effect.

Efrain Rodriguez, Owner

Maria Rodriguez, Owner

THE CITY OF FREEPORT, TEXAS

BY _____
Its Mayor

ATTEST:

Its City Secretary

APPROVED AS TO FORM

Its City Attorney

CITY OF FREEPORT
CHARTER REVIEW COMMISSION

FINAL REPORT

To the Honorable Mayor and City Council:

The Charter Review Commission for the June to December, 2015, term, having reviewed the Home Rule Charter of the City of Freeport, Texas (the City), and having consulted with the City Manager, the City Attorney and others who are to be consulted, and having conducted several meetings attended by members of the general public, notice of each of which was given in accordance with the Texas Open Meetings Act. At each of such meetings an opportunity to speak was given to members of the public who were present. We recommend that the following proposed changes, each of which is indicated by underlining, be submitted to citizens of the City at the next annual election to be held on the first Saturday in May, 2015:

1) Amend the first and third sentences of Section 3.02 Qualifications to read respectively as follows:

■The Mayor and each member of the City Council shall be a registered voter and a resident of the City of Freeport for at least twenty-four (24) consecutive months and, in the case of members of the City Council other than the Mayor, a resident of the Ward sought to be represented for at least six (6) consecutive months , immediately preceding his or her application to have his or her name placed on the official ballot and the filing of proof of his or her qualifications as required by law.■

■If any such officer shall fail to maintain the foregoing residence qualifications during his or her term of office or shall be absent from three (3) consecutive regularly scheduled meetings without a valid excuse, in writing filed with the City Secretary or sent to the City Secretary by e-mail or text message before the missed meeting, or fail to attend at least eighty (80%) of regularly scheduled meetings during any fiscal year, without a valid excuse, the City Council must at its next regularly scheduled meeting declare a vacancy to exist and shall fill such vacancy as set forth in Section 3.06 of this Charter.■

2) Amend Section 4.08 Fire Department to read as follows

Section 4.08. FIRE AND E.M.S. DEPARTMENT

For the protection of property and lives within the city, there is hereby established and there shall be maintained by the city a department to be known as the Freeport Fire and E.M.S. (Emergency Medical Service)▲.▲

3) Amend Section 5.05 to substitute ~~majority~~ for ~~plurality~~, to provide for a runoff election and to read as follows:

~~Section 5.05 ELECTION BY MAJORITY~~

Election to office shall be by majority with the candidate receiving a majority of the number of votes (if otherwise qualified) being deemed elected to office. If no candidate gains a majority of the votes, the city council shall cause to be held a runoff election between the two (2) candidates with the most votes on to be held on the same calendar year and on a day permitted by the Texas Election Code. In the event of a tie at any election, lots shall be cast to determine a winner in accordance with the Texas Election Code..

4) Amend Section 9.06 Notice of Public Hearing on Budget to read as follows:

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in both English and Spanish and in a newspaper of general circulation within the City of Freeport, a notice thereof setting forth the time and place of such hearing at least fifteen (15) days before the date thereof; and such notice shall also be maintained on the City's website until after the date of such hearing..



5) Amend Section 10.07 Consent of Property Owners

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but such abutting and adjacent property shall thereafter be restored to its previous condition and nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his or her property as now or hereafter provided by law..

6) Amend Section 11.011 Selection of Newspapers for Publication, Subsection (a), to read as follows:

(a) Every ordinance or resolution adopted by the City Council, which is required or permitted to be published in a newspaper, shall designate in the body thereof, one or more newspapers of general circulation within the City of Freeport in which such ordinance or resolution, or the descriptive caption thereof, shall be published; and it shall appear on the City's website for at least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer..

Respectfully Submitted this 16th day of December, 2015.


Nino Herrera, Chairperson

Reuben Cuellar, Vice Chairperson


Beatriz Gonzalez, Member


Angela Fisher, Member


Daniela Ramirez, Secretary