

City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, OCTOBER 20, 2008 6:00 P.M.
MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 N. BRAZOSPORT BLVD.

AGENDA FORMAL SESSION

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of the approval of the October 6th & October 8th, 2008 Council Minutes. Pg. 1432-1438
5. Attending Citizens and Their Business.
6. Consideration of the approval of Resolution No. 2008- 2185 appointing Loren Stuart Hayes to the Board of Adjustment of the City. Pg. 1439
7. Consideration of the approval of an administrative appeal from Sonic Drive In, requesting a variance under the Sign Ordinance, Chapter 113.07 to install a changeable electronic variable message sign 50" x 94" . Pg. 1440-1449
8. **Public Hearing:** The reinstatement or termination of the employment of Gary Beverly as City Manager. Pg. 1450-1453
9. Consideration of the approval of reinstating or terminating the employment of Gary Beverly as City Manager.
10. Consideration of the approval of an Acting City Manager if the employment of Gary Beverly as City Manager is terminated under item # 9.
11. If the employment of Gary Beverly as City Manager is terminated under Item # 9 and an Acting City Manger is not appointed under item # 10, discuss and consider confirming the written designation of Mary Stotler as the qualified employee of the City who will perform the duties of the City Manager until an Acting City Manager is appointed by the City Council.

12. Any other action to be taken as a result of Executive Session.

Work Session:

A. Discussion regarding Rehabilitation of Central Lift Station Pg. 1454

Executive Session

Section 551.071, Government Code:

Consultation with City Attorney concerning pending or contemplated litigation, settlements offers or other matter 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;

- A. Response to Public Information Request
- B. Economic Development Corporation

Section 551.074, Government Code:

Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee, to wit:

- A. City Manager

Adjourn

NOTE: 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 American 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 meetings. Please contact the City Secretary office at 979.233.3526.

I, Delia Muñoz, City Secretary, City of Freeport, Texas, hereby 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 hour a day public access, 200 W. 2nd Street, Freeport, Texas, on October 15, 2008, at or before 5:00 p.m.

Delia Muñoz
City Secretary

State of Texas

Brazoria County

City of Freeport

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, October 6, 2008 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:

Larry L. McDonald
Clan A. Cameron
Jim Saccomanno
Ron Wise
Norma M. Garcia

Staff:

Gary Beverly, City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Larry Fansher, Park Director
Mary Stotler, Main Street Director
John Stanford, Fire Chief
Bob Welch, Finance Director
Jeff Pynes, Police Chief
Gus Flores, Police Captain

Visitors:

Bobby Casale	Jerry Meeks
Fred Bolton	Michael Jones
Kenny Kouches	Margorie Clark
Tobey Davenport	Rene Damian
Ron Damain	Chris Moore
Lila Floyd	Lavona Cameron
Susie Wise	Wright Gore, III
Roy Yates	Rosa McDonald
Loren Hayes	Alonzo Martinez
Yvette Ruiz	Melanie Oldham
Larry Shaefer	Judy Shaefer
Joyce Adkins	Joaquin Damian
Eileen Koenig	Jim Pirrung
Mark Sanford	Annette Sanford

Call to Order.

Mayor McDonald opened the meeting at 6:00 p.m.

Invocation.

Chris Moore of the Velasco Baptist Church offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of the approval of the September 26, 2008 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved September 26, 2008 Council Minutes.

Attending Citizens and Their Business.

Lavona Cameron, 806 W. 4th Street, complained that the city packets are being placed in her mail box.

Jim Pirrung, 101 Dolphin Lane, appreciated the City cleaning up the debris at Bridge Harbor Sub Division.

Pixie Floyd, 832 Leder Street, said it was a pleasure to work with great people, serving the National Guard, Fire Department, Police Department, and Forestry Department, Fema, truck drivers and others who came to eat at River Place, during Hurricane Ike. She thanked various city employees and citizens who helped.

Joyce Adkins, 102 North C, asked why the oleanders were being removed from the entrance way. Mr. Fansher stated that it was a safety concern.

Joaquin Damian, from San Antonio thanked Mayor McDonald and members of the council for not raising his taxes. He thanked Mayor McDonald for doing the job they were asked to do.

Bobby Casale, 135 Snapper Lane, said he was not aware that Councilwoman Garcia had been ill.

Consideration of the approval of Ordinance No. 2008-2211 enacting and adopting a supplement (S-12) to the Code of Ordinances of the City of Freeport.

Councilman Wise detected an error in the supplement (S-12) to the Code. Mr. Shaw explained that the page would be redone with the American Legal Publishing Corporation, with that said: On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved Ordinance No. 2008-2211 enacting and adopting a supplement (S-12) to the Code of Ordinances of the City of Freeport.

Consideration of the approval of authorizing the Mayor to sign a 2008-2009 Fiscal Year Interlocal Agreement between Brazoria County and the City of Freeport for street work.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved authorizing the Mayor to sign a 2008-2009 Fiscal year Interlocal Agreement between Brazoria County and the City of Freeport for Street work.

Consideration of the approval of selling the City's interest on Block 731, Lot 24, Velasco Townsite, ID # 8110-3293-000, known as 1323 North Ave. K.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 4 to 1, Council approved selling the City's interest on Block 731, Lot 24, Velasco Townsite, ID # 8110-3293-000, known as 1323 North Ave. K. Councilwoman Garcia opposed.

Consideration of the approval of selling the City's interest on Block, 692, Lot 3, Velasco Townsite, ID # 8110-2871-000, known as 1120 N. Ave. O.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 4 to 1, Council approved selling the City's interest on Block 692, Lot 3, Velasco Townsite, ID # 8110-2871-000, known as 1120 North Ave. O. Councilwoman Garcia opposed.

Consideration of the approval of selling the City's interest on Block 4, Lot 20, Bridge Harbor , Sec. 2, ID # 2190-0246-000, known as Bridge Harbor.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 4 to 1, Council approved selling the City's interest on Block 4, Lot 20, Bridge Harbor, Sec. 2, ID # 2190-0246-000, known as Bridge Harbor. Councilwoman Garcia opposed.

Consideration of the approval of appointing a qualified person to the Board of Adjustment Board.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 4 to 1, Council approved Loren Stuart Hayes to the Board of Adjustment. Councilwoman Garcia opposed.

Consideration of authorizing hurricane pay for salaried employees.

John Stanford, Fire Chief stated that all City employees pulled together during Hurricane Ike and requested salaried exempt employees be compensated.

On a motion by Councilman Wise, seconded by Councilman Saccomanno, with all present voting "aye", Council authorized over time pay for hurricane pay for salaried employees and 5 days vacation for employees that make over 60,000. Chief Stanford thanked council for the city employees.

Consideration of any action to be taken as a result of the Executive Session.

A motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 3 to 2 to suspend Gary Beverly with pay and direct the City Secretary to send notice pursuant to his contract a Public Hearing on October 20, 2008 at 6:00 p.m. Councilman Saccomanno and Councilwoman Garcia opposed.

Elected Official Report

Councilman Saccomanno stated that the Main Street board meets next week.

Work Session:

Administration Report

Gary Beverly stated that an agenda had been posted for October 8, 2008 at 6:00 p.m. to discuss the impact of the Velasco Boulevard road construction.

A. Discussion regarding Main Street grants.

Mary Stotler, Main Street Director explained accusations regarding grants that had been awarded to two of the board members. She explained how the grants work. The grant money awarded by the Main Street program is not taxpayer money. All grant money is raised by the board itself and through donations and fundraisers. All expenditures and invoices are justified.

Pixie Floyd asked why she and Sandra Leavey were singled out.

Councilman Cameron said questions had been answered satisfactorily and considered the issue resolved.

McDonald closed the work session and opened the Executive Session at 7:15 p.m.

Executive Session

Section 551.074, Government Code:

Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee, to wit:

A. City Manager

Mayor McDonald closed the Executive Session to reconvene the open meeting at 8:25 p.m. to take action on item #13 as a result of the Executive Session.

Adjourn

On a motion by Councilman Wise, seconded by Councilman Cameron, with all present voting "aye", the meeting was adjourned at 8:30 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor

State of Texas

Brazoria County

City of Freeport

BE IT REMEMBERED, that the City of Freeport, met in a special meeting on Wednesday, October 8, 2008 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: Larry L. McDonald - absent
 Jim Saccomanno
 Ron Wise – absent
 Clan Cameron
 Norma Garcia

Staff: Delia Munoz, City Secretary
 Nat Hickey, Property Manager
 B.R. Williams, Street Department

Visitors: Ron Damian Rene Damian
 Jim Pirrung Dorothy Pirrung
 Gary Pennington John Rerich
 Jerry Meeks Blanca Bustos
 Larry Shaefer Judy Shaefer
 Eric Hayes Lila Diehl
 Bobby Davis

Call to Order.

Mayor Pro Tem, Jim Saccomanno opened the meeting at 6:01 p.m.

Discussing the Velasco Boulevard road construction and drainage improvements and the impact to businesses and residents.

Rene Damian of Damian & Associates reviewed the Velasco Boulevard Pavement, Drainage and Utility Improvement Project, from Gulf Boulevard to Front Street and Second Street to Seventh Street. The project will construct by Matula & Matula Construction and will be in three phases: Gulf Boulevard Drainage, North Velasco Drainage, and South Velasco. He discussed the scope of work and answered the audience's questions.

Adjourn

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting “aye”, the meeting was adjourned at 7: 30 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor

RESOLUTION NO. 2008-2185

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON TO THE BOARD OF ADJUSTMENT OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, there are three (3) positions on the Board of Adjustment of the City of Freeport, Texas ("the City") which are vacant; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified person to fill one of such positions.

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

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified person to the Board of Adjustments of the City for a full term and until a successor for such person shall have been appointed and qualified, to-wit:
LOREN STUART HAYES.

SECTION TWO (2): DUTIES

The above named appointee shall perform all of the duties imposed on members of the Board of Adjustment of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, such appointee shall take the Constitutional Oath of Office and sign the affidavit required by law.

READ, PASSED AND ADOPTED this ____ day of _____, 2008

Larry McDonald, Sr., Mayor
City of Freeport, Texas

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

CITY OF FREEPORT, TEXAS
REQUEST TO BE PLACED ON A
PLANNING COMMISSION AGENDA

The Planning Commission meets on the fourth Monday of each month at 6:00 p.m., in the Police Department Municipal Courtroom, 430 N. Brazosport Blvd. In order for the Commission to act upon any item, the item must first be placed on an open meeting agenda, which must be posted continuously for at least 72 hours before the meeting commences. The current administrative policy is to have agenda items in hand by at least seven (7) business days preceding the scheduled meeting; this is to ensure that the staff has sufficient time to research material relating to the items. In many instances, the request(s) can be resolved at the staff level without the need for any Planning Commission action. All requests will first be directed to the Building Department for review. You may be requested to meet with the Building Official in an effort to satisfy your request. Each speaker will be given a chance to present his or her subject matter to the Planning Commission. *(All plats must be filed with the City Property Manager at least 14 days prior to the matter at which formal application for the plat approval is made to the Planning Commission.)*

Please print the following information:

Name of presenter/speaker: Paul LaChance

Organization (if any): Sonic Drive-In

Street/mailling address: 1605 Brazosport Blvd.

City, State, ZIP Code: Freeport, TX 77541

Phone number where you can be reached during regular business hours: (979) 299-0665

Subject matter of presentation (including a description of Commission action to be taken, if any):

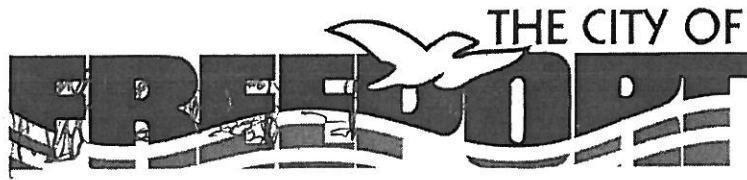
Sign Variance


Signature

8-26-08
Date

"All requests must be approved by the Building Official before being placed on a meeting agenda."

8569



Application for Variance

For Office Use Only

Date Filed: _____

ZBA Date: _____

Request for:

Variance

Nonconforming Use

1. Address or general location of site: 1605 N. Brazosport Blvd

2.	Subdivision	Block	Lots	Acres
	_____	_____	_____	_____

3. Current Zoning Classification: _____

4. Proposed or existing use of the site (please be specific): Fast Food Restaurant

5. Request a variance to the following sections of the Zoning Ordinance: Sign

I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application. The application fee of \$150.00, to cover the cost of this variance request application, has been paid to the City of Freeport on October 7, 2008. I also certify that I have been informed and understand the regulations regarding variances as specified in the Zoning Ordinance of the City of Freeport. I understand it is necessary for me or my authorized agent to be present at the Zoning Board of Adjustment public hearing.

Owner's signature: [Signature]

Owners name: Paul LaChance

Address: PO Box 877

City, State, Zip: Clute, TX 77531 Phone: 265-8569

In lieu of representing this request myself as owner of the subject property, I hereby authorize the person designated below, to act in the capacity as my agent for the application, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person with the city (and

Larry Ellis

From: Paul LaChance [paul@ksrestaurants.net]
Sent: Monday, September 08, 2008 10:52 AM
To: lellis@freeport.tx.us
Subject: FW: Freeport New SED

*Need
Windstorm*

From: Susan Cook Reavis [mailto:susan@cookneon.com]
Sent: Monday, September 08, 2008 10:08 AM
To: 'Paul LaChance'
Subject: RE: Freeport New SED

Here is updated drawing !

Thank you,

Susan Cook Reavis

Cook Neon Signs, Inc.
5382 New Manchester Hwy
Tullahoma, TN 37388

phone: 931.455.0944
toll Free: 800.488.0944
fax: 931.455.4536
email: susan@cookneon.com

From: Paul LaChance [mailto:paul@ksrestaurants.net]
Sent: Monday, September 08, 2008 9:49 AM
To: susan@cookneon.com
Subject: RE: Freeport New SED

Susan,

I also need a new picture showing the correct height. I'll then send it on to the City of Freeport for approval.

Paul

From: Susan Cook Reavis [mailto:susan@cookneon.com]
Sent: Friday, September 05, 2008 11:58 AM
To: 'Paul LaChance'
Subject: Freeport New SED

Good Morning Paul :

I finally got in the new updated SED. Please find it attached. Let me know if you get approval and want me to proceed.

Thank you,

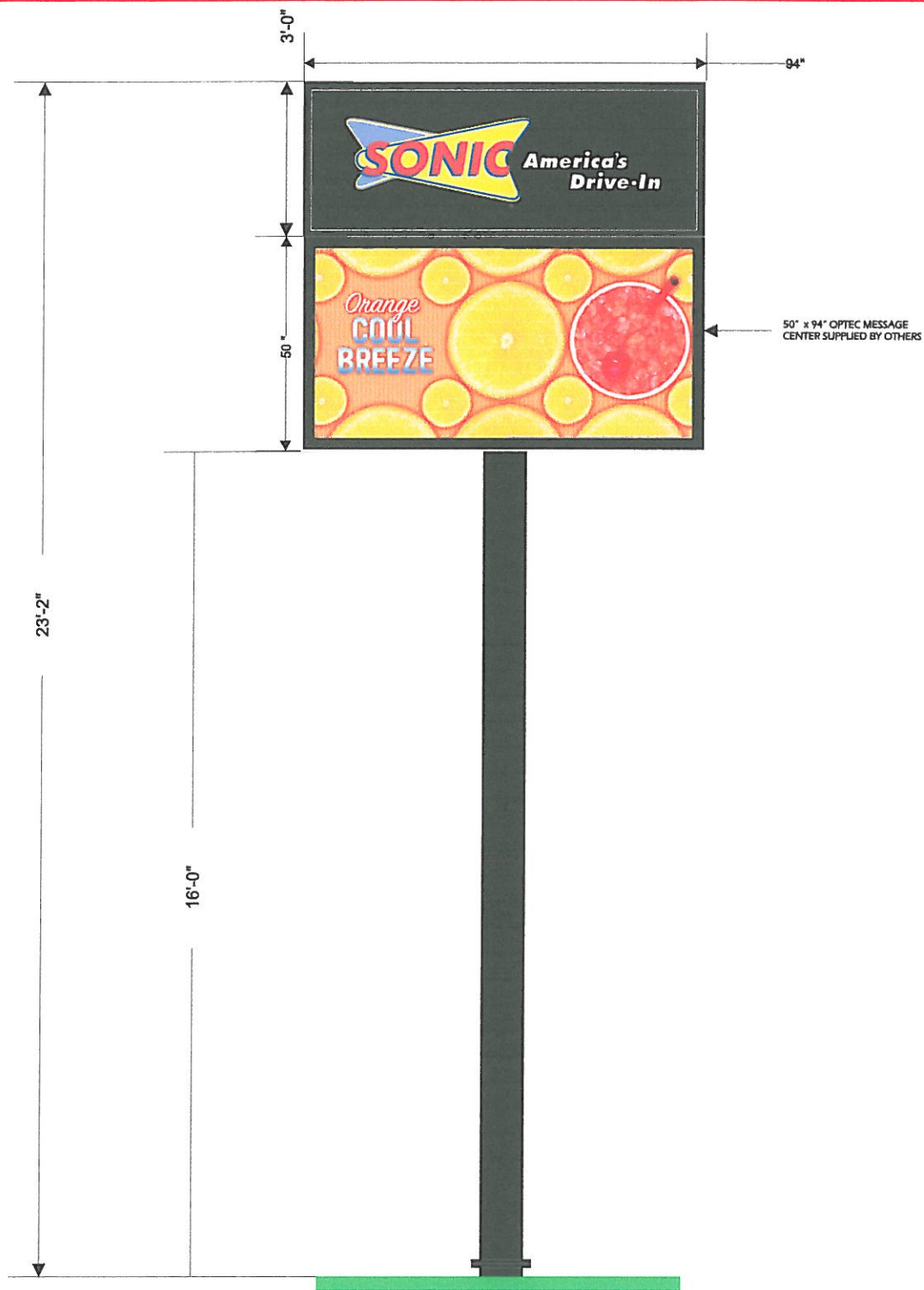
Susan Cook Reavis

9/8/2008

Pg. 1442

Cook Neon Signs, Inc.
5382 New Manchester Hwy
Tullahoma, TN 37388

phone: 931.455.0944
toll Free: 800.488.0944
fax: 931.455.4536
email: susan@cookneon.com



SONIC FAMILY OF SIGNS
 3' SONIC Header
 50" x 94" OPTEC EMC by Others



COLORS:
 CABINET: BLACK ANODIC ENAMEL
 FACE: DK. BLUE- PMS 2728
 RED- PMS 485
 LT. BLUE- PMS 278
 YELLOW- PMS 109

FACE:
 HIGH-IMPACT (.125) ACRYLIC
 SECOND SURFACE DECORATION
 PANNED, NOT EMBOSSED

COOK NEON SIGNS, INC.

5382 New Manchester Hwy
 Tullahoma, TN 37388
 931-455-0944

Family Owned and Operated for Over 50 Years

ORDINANCE NO. 2008-2198

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; AMENDING DIVISION (A) OF SECTION 113.07 OF THE CODE OF ORDINANCE OF SAID CITY REVISE THE DEFINITIONS OF ON-PREMISES SIGN AND OFF PREMISES SIGN AND TO ADD A DEFINITION OF CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN (CEVMS); AMENDING DIVISION (B) OF SAID SECTION 113.07 TO ADD AS Item (13) A PROHIBITION AGAINST CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS), WHETHER ON-PREMISES OR OFF-PREMISES; 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 10.99 THEREOF; PROVIDING THAT EACH DAY ANY SUCH VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THE PENAL PROVISIONS OF THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS BUT ALL OTHER PROVISIONS SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS ADOPTION.

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, Sections 51.072, 54.001, 54.004, 216.901 and 217.042 of the Local Government Code, and Section 316.021 of the Transportation Code and Sections 2.01 and Item (u) of Section 3.07 of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined that the definitions of on-premise sign and off-premise sign contained in Division (A) of said Section 113.07 should be amended in order to clarify the application of the provisions of Division (B) of said Section 113.07, as amended by this ordinance, and,

WHEREAS, the City Council of the City 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 the City and persons operating vehicles and pedestrians therein.

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

First, the City Council of the City finds that the facts recited in the preamble of this ordinance are true.

Second, the definitions of "on-premise sign" and "off-premise sign" contained in Division (A) of Section 113.07 are hereby amended to read as follows:

"Off-premises sign. A sign that identifies or advertises a business, person, activity, goods, products or services not located, sold or offered for sale on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained."

"On-premises sign. Any sign identify or advertising a business person activity, goods, products or services located, sold or offered for sale on the premises where the sign is installed and maintained, or that directs persons to a location on the premises where the sign is installed and maintained."

Third, the following new definition is hereby added to Division (A) of Section 113.07 of the Code of Ordinances:

"CHANGEABLE electronic variable message sign (CEVMS). Any sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard."

Fourth, Division (B) of Section 113.07 of the Code of Ordinances of the City is hereby amended to add thereto the following new Item (13) which shall read as follows:

"(13)CHANGEABLE electronic variable message sign (CEVMS), whether on-premises or off-premises."

Fifth, any person violating the Code of Ordinances of the City, as amended by this ordinance, shall be guilty of a misdemeanor and upon conviction therefor assessed a fine as prescribed in Section 10.99 of said Code; and each day such violation continues shall constitute a separate offense.

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.

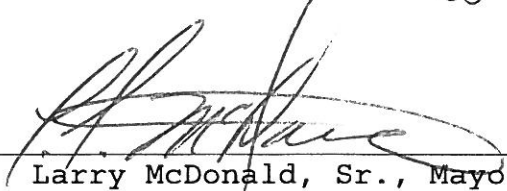
Seventh, this ordinance is cumulative of and in addition to all other ordinances of the City on the same subject and, unless otherwise herein, all such ordinances are hereby expressly saved from repeal. Provided however, where this ordinance and another ordinance conflict or overlap, whichever imposes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

Eighth, 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 hereof 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.

Ninth, 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.

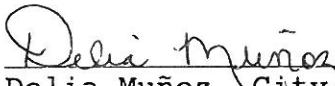
Tenth, the penal provisions of this ordinance shall take effect and be in force from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts, the official newspaper of the City, but all other provisions shall take effect and be in force from and after its passage and adoption.

READ, PASSED AND ADOPTED this 5th day of May, 2008.




Larry McDonald, Sr., Mayor,
City of Freeport, Texas

ATTEST:



Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:



Wallace Shaw, City Attorney,
City of Freeport, Texas


C\Freeport.Ord\Sign#4-Ord

DESIGNATION PURSUANT TO SECTION 4.01(d)
of the Home Rule Charter of Freeport, TX

The City Manager, Gary Beverly, having been suspended with pay by the City Council thereof and the City Council not yet having appointed an Acting City Manager, pursuant to Section 4.01(d) of the Home Rule Charter of the City of Freeport, Texas ("the City"), I hereby designated the following qualified employee of the City to perform the duties of the City Manager until a acting City Manager has been appointed by the City Council

MARY Stotler

Provided, however, such designation shall expire on the next day following the next regular meeting of the City Council unless confirmed by the City Council at such meeting.


Larry McDonald, Sr., Mayor of the
City of Freeport, Texas

Received Oct 7, 2008
Deed Muni



200 WEST SECOND STREET / FREEPORT, TEXAS 77541 / PHONE (979) 233-3526 / FAX (979) 233-8867 / www.freeport.tx.us

Certified Letter # 70051160000295774176

October 8, 2008

Gary Beverly
1408 CR 961 A
Brazoria, Texas 77422

Re: Public Hearing on whether or not to terminate your employment with the
City of Freeport.

Dear Mr. Beverly:

Please be and you are hereby advised that, on Monday, October 20, 2008, beginning at 6:00 p.m., or as soon thereafter as it can be reached on the agenda, as required by Section 3C4 of your employment contract with the City of Freeport, Texas ("the City"), the City Council of the City will conduct a public hearing on the question of terminating your employment on the grounds that the City Council lacks confidence in you as City Manager.

Very Truly Yours,

Delia Munoz, City Secretary
City of Freeport, Texas

Cc: Gary Beverly

October 8, 2008

Kings Apartments
% Gary Beverly
401 S. Brazosport Blvd. # 221
Freeport, Texas 77541

Re: Public Hearing on whether or not to terminate your employment with the
City of Freeport.

Dear Mr. Beverly:

Please be and you are hereby advised that, on Monday, October 20, 2008, beginning at 6:00 p.m., or as soon thereafter as it can be reached on the agenda, as required by Section 3C4 of your employment contract with the City of Freeport, Texas ("the City"), the City Council of the City will conduct a public hearing on the question of terminating your employment on the grounds that the City Council lacks confidence in you as City Manager.

Very Truly Yours,

Delia Munoz, City Secretary
City of Freeport, Texas

Cc: Gary Beverly

accountant. His report shall include a recapitulation of all audits made during the year and all audit reports shall be filed with the City Council, shall be available for public inspection, and shall be a part of the archives of this City. Such accountant, so selected, shall not maintain or keep any of the City's accounts or records. (Res. No. 803, § 3, 4-7-69)

SECTION 3.15. PUBLICATION OF FINANCIAL STATEMENT.

As soon as reasonably possible after the close of each quarter of the fiscal year, the City Manager shall cause a financial statement for such quarter to be prepared and made available for inspection by the public in the office of the City Secretary. (Amendment adopted by electorate 5-7-94)

ARTICLE 4. ADMINISTRATIVE SERVICES

SECTION 4.01. CITY MANAGER.

(a) *Appointment and Qualifications:* The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. He shall be chosen by the City Council solely on the basis of his executive and administrative training, experience and ability, and need not, when appointed, be a resident of the City of Freeport. No member of the City Council shall, during the time for which he is elected and for one year thereafter, be appointed City Manager.

(b) *Term and Salary:* The City Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the City Council by a vote of the majority of the entire Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the City Council. If the City Manager should be suspended, or if the office of City Manager is vacant

by reason of the death, resignation or removal of the City Manager, the City Council shall appoint some qualified person to perform the duties of such office as Acting City Manager until such suspension is lifted or a permanent City Manager is appointed and qualifies. The City Manager and any Acting City Manager shall receive such compensation as may be fixed by the City Council.

(c) Duties of the City Manager:

(1) Appoint, and when necessary for the welfare of the City, remove any employee of the City, except as otherwise provided by this Charter;

(2) Prepare the budget annually and submit it to the City Council, and be responsible for its administration after adoption;

(3) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

(4) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem desirable;

(5) Perform such duties as may be prescribed by this Charter or may be required of him by the City Council, not inconsistent with this Charter.

(d) Absence or disability of the City Manager.

If the City Manager is unable to perform the duties of such office as a result of absence or disability, or if such office becomes vacant and the City Council has not yet appointed an Acting City Manager, the Mayor may designate in writing, to be filed with the City Secretary, a qualified employee of the City to perform the duties of the City Manager during such absence or disability or, in the case of such office becoming vacant, until an Acting City Manager has been appointed by the City Council. Provided, however, any such designation shall expire on the day following the next regular meeting of the City Council unless confirmed by the City Council at such meeting.

(Amendment adopted by electorate 5-4-02)



Delia Munoz
City of Freeport
200 West Second St.
Freeport, TX 77541

Re: Rehabilitation of Central Lift Station

Dear Ms. Munoz:

I would like to request to be placed in the work session on Monday, October 20, 2008 at the City Council meeting in reference to the Rehabilitation of Central Lift Station.

If you have any questions, please call me.

Sincerely,

Jerry Meeks
Project Manager, Veolia Water