



**AGENDA
SPECIAL MEETING
FREEPORT CITY COUNCIL
MONDAY, MAY 13, 2024 AT 6:00 PM**

Mayor:

Brooks Bass

Council Members:

Jeff Pena

Jerry Cain

George Matamoros

Winston Rossow

City Manager:

Lance Petty

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, MAY 13, 2024 AT 6:00 PM, AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS

This meeting will be live streamed via YouTube Live and may be accessed on the City of Freeport Facebook page: <https://www.facebook.com/freeporttexas> or by visiting <https://www.youtube.com/@cityoffreeporttx8375/streams>

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER: The Mayor will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.

INVOCATION AND PLEDGE OF ALLEGIANCE: (Council Member)

COUNCIL BUSINESS – REGULAR SESSION:

1. Consideration and possible action approving Ordinance No. 2024-2730 canvassing the returns and declaring the results of the May 4, 2024 election. **(Lance Petty)**
2. Consideration and possible action approving Ordinance No. 2024-2731 canvassing the returns and declaring the results of the May 4, 2024 Charter Election. **(Lance Petty)**
3. Administer Oath of Office to Mayor, elected Council Members to Ward B and D, and signing the required affidavits. **(Clarisa Molina)**
4. Consideration and possible action of selecting a Mayor Pro Tem. **(Lance Petty)**

ADJOURNMENT:

5. 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).

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

ACCESSIBILITY STATEMENT This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 233-3526.

CERTIFICATE I certify the foregoing notice was posted in the official glass case at the front door of the City Hall, with 24 hours a day public access, 1201 North Avenue H., Freeport Texas, before 6:00 p.m. in accordance with Open Meetings Act.



Clarisa Molina,
City Secretary, City of Freeport, Texas





City Council Agenda Item #1.

Title: Consideration and possible action approving Ordinance No. 2024-2730 canvassing the returns and declaring the results of the May 4, 2024 election.

Date: May 13, 2024

From: Lance Petty, City Manager

Staff Recommendation: Staff recommends the approval of Ordinance No. 2024-2730 canvassing the returns and declaring the results of the May 4, 2024 election.

Item Summary: This ordinance declares that the election was legally conducted and certifies the results. Jerry Cain to be the Mayor of the City. In Ward B it declares that Jarvis Davis did receive a majority of votes and will take the Oath of Office to become the elected Councilman for Ward B. In Ward D it declares that Winston Rossow did receive a majority of votes and will take the Oath of Office to become the elected Councilman for Ward D.

Background Information: Annually the votes are canvassed from the Municipal Election by the City Council prior to being declared final.

Special Considerations: Because the Charter amendment passed that established Council terms to be changed to 3-years, Mayor Jerry Cain, Councilman Jarvis Davis, and Councilman Winston Rossow shall serve for terms extending through the City Council to be held in May 2027.

Financial Impact: We have currently paid a deposit with Brazoria County as part of our interlocal agreement for the election.

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. 2024 CANVAS ORDINANCE
2. FREEPORT20240504CUMULATIVE (1)

ORDINANCE NO. 2024-2730

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS, MAKING CERTAIN FINDINGS OF FACT REGARDING, CANVASSING THE RETURNS AND DECLARING THE RESULT OF THE ANNUAL GENERAL ELECTION HELD ON THE FIRST SATURDAY IN MAY, 2024, BEING MAY 4, 2024, IN AND THROUGHOUT SAID CITY FOR THE PURPOSE OF ELECTING, FOR A THREE (3) YEAR TERM, A PERSON TO BE MAYOR OF SAID CITY AND, IN WARDS B AND D OF SAID CITY, FOR THE PURPOSE OF ELECTING, FOR A TERM OF THREE (3) YEARS EACH, PURSUANT TO PASSAGE OF CHARTER AMENDMENT A, PERSONS TO FILL COUNCIL POSITION B AND COUNCIL POSITION D ON THE CITY COUNCIL OF SAID CITY; PROVIDING FOR RATIFICATION AND CONFIRMATION OF THE ACTION TAKEN BY THIS ORDINANCE BY THE MAYOR OF SAID CITY; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED AND ORDERED, RESPECTIVELY, BY THE CITY COUNCIL AND MAYOR OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS:

SECTION ONE--Scope of Ordinance

This ordinance relates to the annual General Election held on the Uniform Election Date, called by Ordinance No. 2024-2717 of the City of Freeport, Brazoria County, Texas, heretofore read, passed, adopted and ratified on January 22, 2024, by the City Council and Mayor of said City, ordaining and ordering, respectively, that an election be held in and throughout said city on the first Saturday in May, 2024, being May 4, 2024, for the purpose of electing to office, for a term of three (3) years a person to fill the office of Mayor of said city and for a term of three (3) years each, persons to fill the offices of Council Position B and Council Position D on the City Council of said City.

SECTION TWO--Findings of Fact Regarding Election

The Mayor and City Council of the City of Freeport, Texas, make the following findings of fact with respect to said election, to-wit:

First, that notice of said election was given in the manner and at the time required by law.

Second, that said election was duly called and held in the manner and at the time required by law, and said Ordinance No. 2024-2717, and that at said election only qualified voters were permitted to vote.

Third, that based on the returns of said elections, which are now

before the Mayor and City Council and which are found to be in due form and order and to have been regularly made as required by law, a total of 423 votes were cast in the election for Mayor, a total of 167 Council Position B and a total of 138 votes were cast in the election for Council Position D.

Fourth, that the following named candidates received the number of votes set opposite their names, to-wit:

<u>NAME</u>	<u>POSITION</u>	<u>TOTAL VOTES</u>
JERRY CAIN	MAYOR	313
MANNING ROLLERSON	MAYOR	110
LOREN ERIC HAYES	COUNCIL POSITION B	49
JARVIS DAVIS	COUNCIL POSITION B	118
WINSTON ROSSOW	COUNCIL POSITION D	105
PATRICIA RICHARDSON	COUNCIL POSITION D	33

Fifth, that the following named persons received the number of write-in votes for the position set opposite their names, to-wit: NONE.

SECTION THREE-Declaring the Results of Election for Mayor

The Mayor and City Council of the City of Freeport, Texas, hereby declare and ordain, respectively, that, Jerry Cain has been elected Mayor of the City of Freeport for a term of three (3) years or until his/her successor shall have been duly elected and qualified according to law.

SECTION FOUR-Declaring the Results of Election for Council Position B

The Mayor and City Council of the City of Freeport, Texas, hereby declare and ordain, respectively, that, in the election for Council Position B, Jarvis Davis received a majority of the votes cast and has been elected to Council Position B for a term of three (3) years or until his/her successor shall have been duly elected and qualified according to law.

SECTION FIVE-Declaring the Results of Election for Council Position D

The Mayor and City Council of the City of Freeport, Texas, hereby declare and

ordain, respectively, that, in the election for Council Position D, Winston Rossow received a majority of the votes cast and has been elected to Council Position D for a term of three (3) years or until his/her successor shall have been duly elected and qualified according to law.

SECTION SIX--Qualification

Upon filing the signed statement and taking the Constitutional Oath of Office as required by Article 16, Section 1 of the Texas Constitution Jerry Cain, Jarvis Davis and Winston Rossow has been elected for a term of three (3) years and until his successor shall be duly elected and qualified according to law.

SECTION SEVEN--Ratification and Confirmation by Mayor

By signing this ordinance, the undersigned Mayor of the City of Freeport, Texas, hereby ratifies and confirms as his action all matters herein above recited which by law come within his jurisdiction.

SECTION EIGHT--Effective Date

This ordinance shall be effective immediately upon its passage and adoption.

READ, PASSED AND ADOPTED this _____ day of _____, 2024.

Brooks Bass, Mayor,
City of Freeport, Texas

ATTEST:

Clarisa Molina, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

David Olson, Interim City Attorney,
City of Freeport, Texas

City of Freeport Cumulative Report

2024 Joint Local Election

Run Time10:19 PM

Run Date05/04/2024

Brazoria County

Joint Local Election

5/4/2024

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Unofficial Results

Registered Voters

435 of 5413 = 8.04%

Polling Places Reporting

32 of 32 = 100.00%

Mayor

Choice	Party	Absentee		Early Voting		Election Day		Total	
Jerry Cain		9	64.29%	200	77.52%	104	68.87%	313	74.00%
Manning Rollerson		5	35.71%	58	22.48%	47	31.13%	110	26.00%
Cast Votes:		14	100.00%	258	100.00%	151	100.00%	423	100.00%
Undervotes:		0		6		6		12	
Overvotes:		0		0		0		0	

Councilmember, Ward B

Choice	Party	Absentee		Early Voting		Election Day		Total	
Loren Eric Hayes		3	60.00%	24	22.64%	22	39.29%	49	29.34%
Jarvis Davis		2	40.00%	82	77.36%	34	60.71%	118	70.66%
Cast Votes:		5	100.00%	106	100.00%	56	100.00%	167	100.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

Councilmember, Ward D

Choice	Party	Absentee		Early Voting		Election Day		Total	
Winston Rossow		3	60.00%	67	80.72%	35	70.00%	105	76.09%
Patti Richardson		2	40.00%	16	19.28%	15	30.00%	33	23.91%
Cast Votes:		5	100.00%	83	100.00%	50	100.00%	138	100.00%
Undervotes:		0		1		0		1	
Overvotes:		0		0		0		0	

City of Freeport Proposition A

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	210	91.30%	127	90.07%	351	91.17%
Against		0	0.00%	20	8.70%	14	9.93%	34	8.83%
Cast Votes:		14	100.00%	230	100.00%	141	100.00%	385	100.00%
Undervotes:		0		34		16		50	
Overvotes:		0		0		0		0	

City of Freeport Cumulative Report

2024 Joint Local Election

Run Time10:19 PM

Run Date05/04/2024

Brazoria County

Joint Local Election

5/4/2024

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Unofficial Results

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32 of 32 = 100.00%

City of Freeport Proposition B

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	209	92.07%	117	86.67%	340	90.43%
Against		0	0.00%	18	7.93%	18	13.33%	36	9.57%
Cast Votes:		14	100.00%	227	100.00%	135	100.00%	376	100.00%
Undervotes:		0		37		22		59	
Overvotes:		0		0		0		0	

City of Freeport Proposition C

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	205	89.13%	112	84.21%	331	87.80%
Against		0	0.00%	25	10.87%	21	15.79%	46	12.20%
Cast Votes:		14	100.00%	230	100.00%	133	100.00%	377	100.00%
Undervotes:		0		34		24		58	
Overvotes:		0		0		0		0	

City of Freeport Proposition D

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		13	92.86%	202	88.60%	116	87.88%	331	88.50%
Against		1	7.14%	26	11.40%	16	12.12%	43	11.50%
Cast Votes:		14	100.00%	228	100.00%	132	100.00%	374	100.00%
Undervotes:		0		36		25		61	
Overvotes:		0		0		0		0	

City of Freeport Proposition E

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		10	71.43%	123	54.42%	70	53.85%	203	54.86%
Against		4	28.57%	103	45.58%	60	46.15%	167	45.14%
Cast Votes:		14	100.00%	226	100.00%	130	100.00%	370	100.00%
Undervotes:		0		38		27		65	
Overvotes:		0		0		0		0	

City of Freeport Cumulative Report

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Brazoria County

Joint Local Election

5/4/2024

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Unofficial Results

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32 of 32 = 100.00%

City of Freeport Proposition F

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	208	92.04%	114	87.69%	336	90.81%
Against		0	0.00%	18	7.96%	16	12.31%	34	9.19%
Cast Votes:		14	100.00%	226	100.00%	130	100.00%	370	100.00%
Undervotes:		0		38		27		65	
Overvotes:		0		0		0		0	

City of Freeport Proposition G

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	217	96.44%	128	94.81%	359	95.99%
Against		0	0.00%	8	3.56%	7	5.19%	15	4.01%
Cast Votes:		14	100.00%	225	100.00%	135	100.00%	374	100.00%
Undervotes:		0		39		22		61	
Overvotes:		0		0		0		0	

City of Freeport Proposition H

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		13	92.86%	194	84.72%	115	87.12%	322	85.87%
Against		1	7.14%	35	15.28%	17	12.88%	53	14.13%
Cast Votes:		14	100.00%	229	100.00%	132	100.00%	375	100.00%
Undervotes:		0		35		25		60	
Overvotes:		0		0		0		0	

City of Freeport Proposition I

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	207	91.59%	120	88.89%	341	90.93%
Against		0	0.00%	19	8.41%	15	11.11%	34	9.07%
Cast Votes:		14	100.00%	226	100.00%	135	100.00%	375	100.00%
Undervotes:		0		38		22		60	
Overvotes:		0		0		0		0	

City of Freeport Cumulative Report

2024 Joint Local Election

Run Time10:19 PM

Run Date05/04/2024

Brazoria County

Joint Local Election

5/4/2024

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Unofficial Results

Registered Voters
435 of 5413 = 8.04%

Polling Places Reporting
32 of 32 = 100.00%

City of Freeport Proposition J

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	200	88.50%	118	88.72%	332	89.01%
Against		0	0.00%	26	11.50%	15	11.28%	41	10.99%
Cast Votes:		14	100.00%	226	100.00%	133	100.00%	373	100.00%
Undervotes:		0		38		24		62	
Overvotes:		0		0		0		0	

City of Freeport Proposition K

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	207	92.83%	117	88.64%	338	91.60%
Against		0	0.00%	16	7.17%	15	11.36%	31	8.40%
Cast Votes:		14	100.00%	223	100.00%	132	100.00%	369	100.00%
Undervotes:		0		41		25		66	
Overvotes:		0		0		0		0	

City of Freeport Proposition L

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		13	92.86%	195	87.44%	113	85.61%	321	86.99%
Against		1	7.14%	28	12.56%	19	14.39%	48	13.01%
Cast Votes:		14	100.00%	223	100.00%	132	100.00%	369	100.00%
Undervotes:		0		41		25		66	
Overvotes:		0		0		0		0	

City of Freeport Proposition M

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	196	92.45%	105	82.68%	315	89.24%
Against		0	0.00%	16	7.55%	22	17.32%	38	10.76%
Cast Votes:		14	100.00%	212	100.00%	127	100.00%	353	100.00%
Undervotes:		0		52		30		82	
Overvotes:		0		0		0		0	

City of Freeport Cumulative Report

2024 Joint Local Election

Run Time10:19 PM

Run Date05/04/2024

Brazoria County

Joint Local Election

5/4/2024

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Unofficial Results

Registered Voters
435 of 5413 = 8.04%

Polling Places Reporting
32 of 32 = 100.00%

City of Freeport Proposition N

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		13	100.00%	202	92.66%	122	91.73%	337	92.58%
Against		0	0.00%	16	7.34%	11	8.27%	27	7.42%
Cast Votes:		13	100.00%	218	100.00%	133	100.00%	364	100.00%
Undervotes:		1		46		24		71	
Overvotes:		0		0		0		0	

City of Freeport Proposition O

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		13	100.00%	170	82.13%	98	75.97%	281	80.52%
Against		0	0.00%	37	17.87%	31	24.03%	68	19.48%
Cast Votes:		13	100.00%	207	100.00%	129	100.00%	349	100.00%
Undervotes:		1		57		28		86	
Overvotes:		0		0		0		0	

City of Freeport Proposition P

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	197	92.06%	113	85.61%	324	90.00%
Against		0	0.00%	17	7.94%	19	14.39%	36	10.00%
Cast Votes:		14	100.00%	214	100.00%	132	100.00%	360	100.00%
Undervotes:		0		50		25		75	
Overvotes:		0		0		0		0	

City of Freeport Proposition Q

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		13	92.86%	163	79.90%	86	69.92%	262	76.83%
Against		1	7.14%	41	20.10%	37	30.08%	79	23.17%
Cast Votes:		14	100.00%	204	100.00%	123	100.00%	341	100.00%
Undervotes:		0		60		34		94	
Overvotes:		0		0		0		0	

*** End of report ***



City Council Agenda Item #2.

Title: Consideration and possible action approving Ordinance No. 2024-2731 canvassing the returns and declaring the results of the May 4, 2024 Charter Election.

Date: May 13, 2024

From: Lance Petty, City Manager

Staff Recommendation: Staff recommends the approval of Ordinance canvassing the returns of the May 4, 2024 Charter Election.

Item Summary: The ordinance declares that the election was legally conducted and certifies the results.

<u>AMENDMENT NO.</u>	<u>FOR</u>	<u>AGAINST</u>
AMENDMENT NO. ONE	351	34
AMENDMENT NO. TWO	340	36
AMENDMENT NO. THREE	331	46
AMENDMENT NO. FOUR	331	43
AMENDMENT NO. FIVE	203	167
AMENDMENT NO. SIX	336	34
AMENDMENT NO. SEVEN	359	15
AMENDMENT NO. EIGHT	322	53
AMENDMENT NO. NINE	341	34
AMENDMENT NO. TEN	332	41
AMENDMENT NO. ELEVEN	338	31
AMENDMENT NO. TWELVE	321	48
AMENDMENT NO. THIRTEEN	315	38
AMENDMENT NO. FOURTEEN	337	27
AMENDMENT NO. FIFTEEN	281	68
AMENDMENT NO. SIXTEEN	324	36
AMENDMENT NO. SEVENTEEN	262	79

Background Information: This ordinance relates to the charter amendment election called by Ordinance No. 2024-2718 of the City of Freeport, Brazoria County, Texas, heretofore read, passed, adopted on January 22, 2024, by the City Council and Mayor of said City ordaining and ordering, respectively that such an election be held in and throughout the said City on the first

Saturday in May, 2024, to-wit, May 4, 2024, for the purpose of permitting the qualified electors of said City to vote for or against the adoption of seventeen (17) amendments to the Home Rule Charter of said City.

Special Considerations: N/A

Financial Impact: N/A

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. CANVASSING CHARTER ELECTION 2024
2. FREEPORT20240504CUMULATIVE (1)

ORDINANCE NO. 2024-2731

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS, MAKING CERTAIN FINDINGS OF FACT REGARDING AND CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A CHARTER AMENDMENT ELECTION HELD IN AND THROUGHOUT SAID CITY ON THE FIRST SATURDAY IN MAY, 2024 BEING THE 4TH DAY OF MAY, 2024, ON THE QUESTION OF THE ADOPTION OF SEVENTEEN (17) AMENDMENTS TO THE HOME RULE CHARTER OF SAID CITY; PROVIDING FOR RATIFICATION AND CONFIRMATION OF THE ACTION TAKEN BY THIS ORDINANCE BY THE MAYOR OF SAID CITY; PROVIDING FOR THE FILING OF A CERTIFIED COPY OF THIS ORDINANCE WITH THE SECRETARY OF STATE AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED AND ORDERED, RESPECTIVELY, BY THE CITY COUNCIL AND MAYOR OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS;

SECTION ONE--Scope of Ordinance

This ordinance relates to the charter amendment election called by Ordinance No. 2024-2718 of the City of Freeport, Brazoria County, Texas, heretofore read, passed, adopted on January 22, 2024, by the City Council and Mayor of said City ordaining and ordering, respectively that such an election be held in and throughout the said City on the first Saturday in May, 2024, to-wit, May 4, 2024, for the purpose of permitting the qualified electors of said City to vote for or against the adoption of seventeen (17) amendments to the Home Rule Charter of said City.

SECTION TWO--Findings of Fact Regarding Election

The Mayor and City Council of the City of Freeport, Texas make the following findings of fact with respect to said election:

First, that notice of said election was given in the manner and at the time required by law.

Second, that said election was duly called and held in the manner and at the time required by law, and said Ordinance No. 2024-2718, read, passed and adopted on January 22, 2024, and that only qualified voters were permitted to vote at said election.

Third, that based on the election returns of said election, which are now before the Mayor and City Council and which are found to be in due form and order and have been regularly made as required by law.

Fourth, at said election the following listed amendments received the total votes “for” and “against” set opposite the numbered amendment:

<u>AMENDMENT NO.</u>	<u>FOR</u>	<u>AGAINST</u>
AMENDMENT NO. ONE	351	34
AMENDMENT NO. TWO	340	36

AMENDMENT NO. THREE	331	46
AMENDMENT NO. FOUR	331	43
AMENDMENT NO. FIVE	203	167
AMENDMENT NO. SIX	336	34
AMENDMENT NO. SEVEN	359	15
AMENDMENT NO. EIGHT	322	53
AMEDMENT NO. NINE	341	34
AMENDMENT NO. TEN	332	41
AMENDMENT NO. ELEVEN	338	31
AMENDMENT NO. TWELVE	321	48
AMENDMENT NO. THIRTEEN	315	38
AMENDMENT NO. FOURTEEN	337	27
AMENDMENT NO. FIFTEEN	281	68
AMENDMENT NO. SIXTEEN	324	36
AMENDMENT NO. SEVENTEEN	262	79

SECTION THREE—Declaring the Results of Election

The Mayor and the City Council of the City of Freeport, Texas, hereby declare, order and ordain, respectively, that the following amendments have been duly adopted and are now a part of the Home Rule Charter of City of Freeport, Texas:

AMENDMENT NO. ONE

SECTION 3.02. QUALIFICATIONS IS AMENDED TO READ AS FOLLOWS:

The Mayor and each member of the City Council ... without a valid written excuse filed with the Mayor or Mayor Pro Tem ... and shall fill such vacancy as set forth in Section 3.06 of this Charter.

AMENDMENT NO. TWO

SECTION 3.06. VACANCIES. IS AMENDED TO READ AS FOLLOWS:

When a vacancy occurs in the City Council for a Council position that has an unexpired term of twelve (12) months or less, the remaining members thereof, shall appoint a qualified person to fill the unexpired term of such vacancy; provided, however, if the vacancy occurs with more than twelve (12) remaining on the unexpired term of such position, or in the event that more than one vacancy shall occur at the same time, then in such event a special election shall be held within one hundred and twenty (120) days from the date the last vacancy occurred, for the purpose of electing the successor or successors. In the event that the Mayor and Mayor Pro Tem should resign at the same time, the remaining members of the City Council, or any of them, shall have the right and power to issue legal notice of such election to be so held, and to elect and appoint election officials. Should all positions on the City Council become vacant at one time, then in

such event, the County Judge of Brazoria County, Texas, is hereby empowered and directed to issue notice of such special election for an on behalf of said City, and to appoint qualified persons as election officials.

AMENDMENT NO. THREE

SECTION 3.07. POWERS OF THE CITY COUNCIL IS AMENDED TO READ AS FOLLOWS:

(p) Exercise exclusive dominion, control and jurisdiction, including the right to close and abandon streets and alleys in, upon, over and under the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the City and provide for the improvement of same as provided by Chapter 311 of the Transportation Code, as now or hereafter amended;

(q) Exercise those powers related to harbor and port facilities provided by Chapter 54 of the Transportation Code, as now or hereafter amended;

AMENDMENT NO. FOUR & AMENDMENT NO. FIVE

SECTION 3.11. PROCEDURE FOR PASSING OF ORDINANCES IS AMENDED TO READ AS FOLLOWS:

Every ordinance shall be introduced in written or printed form and upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten days from the date of its passage; subject to the provisions of Article 7 of this Charter. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty of any such ordinance to be published in the official newspaper of the City of Freeport at least twice within ten days after the passage of said ordinance. The City Secretary shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the Charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the City for publication in book or pamphlet form. Except as otherwise provided by Article 7 of this Charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council. Every ordinance shall be authenticated by the signature of the mayor and City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the Council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The City Council shall have power to cause the ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as the Council deems advisable, and such printed code, when adopted by the Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

AMENDMENT NO. SIX

SECTION 3.14. AUDIT AND EXAMINATION OF CITY BOOKS AND ACCOUNTS IS AMENDED TO READ AS FOLLOWS:

City Council shall select a Certified Public Accountant for the purpose of performing a complete annual audit of all books, records and accounting systems being used by the City, in accordance with State law. 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 originals of the City's accounts or records.

AMENDMENT NO. SEVEN

SECTION 3.15. PUBLICATION OF FINANCIAL STATEMENT IS AMENDED TO READ AS FOLLOWS:

Within forty-five (45) days 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 and maintain such report on the City's website for the next succeeding quarter of the fiscal year.

AMENDMENT NO. EIGHT

SECTION 4.02. DEPARTMENT OF POLICE IS AMENDED TO READ AS FOLLOWS:

There shall be established and maintained a Department of Police to preserve order within the City and to secure the residents of said City from violence and the property therein from injury or loss.

(a) Chief of Police. The chief of police shall be the chief administrative officer of the department of police. He shall, with the approval of the City Manager, appoint and remove the employees of such department and shall perform such other duties as may be required of him by the city council. The chief of police shall be appointed by the city manager, with the approval of the city council, for an indefinite term. Within six (6) months of his or her appointment, the Chief of Police shall establish and thereafter maintain a place of residence within 30 miles from the city for the duration of his or her employment by the city in such capacity. The chief of police shall be responsible to the city manager for the administration of the police department and the carrying out of the directives of the city council. The chief of police may be removed from office by the city manager with the approval of the city council.

AMENDMENT NO. NINE

SECTION 4.08. HEALTH OFFICER IS AMENDED TO READ AS FOLLOWS:

(a) Appointment and Qualification. The City Council may appoint a City Health Officer who shall be a licensed physician qualified to practice medicine in the State of Texas and a resident of the City of Freeport. In the event no available licensed physician qualified to practice medicine in the State of Texas is a resident of the City of Freeport, the Council may appoint as City Health Officer a nonresident physician qualified to practice medicine in the State of Texas. When the office of City Health Officer is vacant, the County Health Officer of Brazoria County, Texas, may perform any of the duties of such office required by law to be performed by a licensed physician qualified to practice medicine in the State of Texas.

(b) Duties of the Health Officer. The City Health Officer shall advise with the City Council on a program of Public Health; shall cooperate with nearby cities on problems of health; shall cooperate with the Commissioners Court of Brazoria County and its agencies, and with the State Health Department and other departments of State Government in matters pertaining to health.

AMENDMENT NO. TEN

SECTION 4.08. FIRE AND E.M.S. DEPARTMENT IS AMENDED TO READ AS FOLLOWS:

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"). The Fire Chief shall be the chief administrative officer of the department of Fire and EMS. The Fire Chief shall, with the approval of the City Manager, appoint and remove the employees of such department and shall perform such other duties as may be required by the City Council. Within six (6) months of his or her appointment, the Fire Chief shall establish and thereafter maintain a place of residence within 30 miles from the city for the duration of his or her employment by the City in such capacity.

AMENDMENT NO. ELEVEN

SECTION 6.04. VARIOUS PAPERS CONSTITUTING PETITION IS AMENDED TO READ AS FOLLOWS:

The petition may consist of one or more copies, or subscription list, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this Article may be made by one or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than one hundred and eighty (180) days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers comprising a recall petition shall be filed with the person performing the duties of City Secretary on the same day, and the said Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to his Freeport address.

AMENDMENT NO. TWELVE

SECTION 8.03. PLANNING COMMISSION IS AMENDED TO READ AS FOLLOWS:

- (d) Powers and Duties: The Commission shall have the power and shall be required to:
 - (5) Make, and recommend to the City Council for adoption, plans for the clearance and rebuilding of substandard structures and blighted areas which may develop within the City;

AMENDMENT NO. THIRTEEN

SECTION 11.02. PERSONAL INTEREST IS AMENDED TO READ AS FOLLOWS:

No officer or employee of the City shall participate in the deliberation, vote, or other decision on any matter involving a business entity or real property in which the officer or employee has a substantial interest as provided by Chapter 171 of the Texas Local Government Code. For purposes of this section, an officer or employee has a substantial interest in a business entity if:

- (1) the officer or employee owns 10 percent (10%) or more of the voting stock or shares of the business entity or owns either 10 percent (10%) or more or \$15,000 or more of the fair market value of the business entity; or
- (2) funds received by the officer or employee from the business entity exceed 10 percent (10%) of the person's gross income for the previous year.

An officer or employee has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more. An officer or employee is prohibited from

participating in the deliberation, vote, or other decision involving such real property if it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the real property, distinguishable from its effect on the public. An officer or employee is considered to have a substantial interest under this section if a person related to the officer or employee in the first degree by consanguinity or affinity, as determined under Chapter 573, Texas Government Code, has a substantial interest under this section.

AMENDMENT NO. FOURTEEN

SECTION 11. 07. SPECIAL PROVISIONS COVERING DAMAGE SUITS IS AMENDED TO READ AS FOLLOWS:

Before the City shall be liable to damage claim or suit for personal injury, or damage to property, the person who is injured, or whose property is damaged, or someone in his behalf, shall give the City Manager or the person performing the duties of City Secretary, notice in writing within six (6) months after the occurrence of the alleged injury, or damage, stating specifically in such notice when, where and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses upon whose testimony such person is relying to establish the injury or damage. No action at law for damages shall be brought against the City for personal injury or damage to property prior to the expiration of 180 days after the notice hereinbefore described has been filed with the City Manager or the person performing the duties of City Secretary, not later than two (2) years after the occurrence of the injury or damage to the property. In case of injuries resulting in death, before the City shall be liable in damages therefor the person or persons claiming such damages shall within six (6) months after the death of the injured person give notice as above required in case of personal injury. Provided, however, that nothing therein contained shall be construed to mean that the City of Freeport waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, and Constitution and general laws of the State of Texas.

AMENDMENT NO. FIFTEEN

SECTION 11.10. INTERIM MUNICIPAL GOVERNMENT IS AMENDED TO READ AS FOLLOWS:

[delete section in its entirety]

AMENDMENT NO. SIXTEEN

SECTION 11.12. AMENDING THE CHARTER IS AMENDED TO READ AS FOLLOWS:

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by Chapter 9 of the Local Government Code, as now or hereafter amended.

AMENDMENT NO. SEVENTEEN

SECTION 11.14. SUBMISSION OF CHARTER TO VOTERS IS AMENDE TO READ AS FOLLOWS:

[delete section in its entirety]

SECTION FOUR--Notice to the Secretary of State

A certified copy of this ordinance shall be sent by the City Secretary to the Secretary of State.

SECTION FIVE--Effective Date

This ordinance shall be effective immediately upon its passage and adoption.

READ, PASSED AND ADOPTED this _____ day of _____, 2024.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Clarisa Molina, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

David Olson, Interim City Attorney,
City of Freeport, Texas

City of Freeport Cumulative Report

2024 Joint Local Election

Run Time10:19 PM

Run Date05/04/2024

Brazoria County

Joint Local Election

5/4/2024

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Unofficial Results

Registered Voters

435 of 5413 = 8.04%

Polling Places Reporting

32 of 32 = 100.00%

Mayor

Choice	Party	Absentee		Early Voting		Election Day		Total	
Jerry Cain		9	64.29%	200	77.52%	104	68.87%	313	74.00%
Manning Rollerson		5	35.71%	58	22.48%	47	31.13%	110	26.00%
Cast Votes:		14	100.00%	258	100.00%	151	100.00%	423	100.00%
Undervotes:		0		6		6		12	
Overvotes:		0		0		0		0	

Councilmember, Ward B

Choice	Party	Absentee		Early Voting		Election Day		Total	
Loren Eric Hayes		3	60.00%	24	22.64%	22	39.29%	49	29.34%
Jarvis Davis		2	40.00%	82	77.36%	34	60.71%	118	70.66%
Cast Votes:		5	100.00%	106	100.00%	56	100.00%	167	100.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

Councilmember, Ward D

Choice	Party	Absentee		Early Voting		Election Day		Total	
Winston Rossow		3	60.00%	67	80.72%	35	70.00%	105	76.09%
Patti Richardson		2	40.00%	16	19.28%	15	30.00%	33	23.91%
Cast Votes:		5	100.00%	83	100.00%	50	100.00%	138	100.00%
Undervotes:		0		1		0		1	
Overvotes:		0		0		0		0	

City of Freeport Proposition A

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	210	91.30%	127	90.07%	351	91.17%
Against		0	0.00%	20	8.70%	14	9.93%	34	8.83%
Cast Votes:		14	100.00%	230	100.00%	141	100.00%	385	100.00%
Undervotes:		0		34		16		50	
Overvotes:		0		0		0		0	

City of Freeport Cumulative Report

2024 Joint Local Election

Run Time10:19 PM

Run Date05/04/2024

Brazoria County

Joint Local Election

5/4/2024

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Unofficial Results

Registered Voters
435 of 5413 = 8.04%

Polling Places Reporting
32 of 32 = 100.00%

City of Freeport Proposition B

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	209	92.07%	117	86.67%	340	90.43%
Against		0	0.00%	18	7.93%	18	13.33%	36	9.57%
Cast Votes:		14	100.00%	227	100.00%	135	100.00%	376	100.00%
Undervotes:		0		37		22		59	
Overvotes:		0		0		0		0	

City of Freeport Proposition C

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	205	89.13%	112	84.21%	331	87.80%
Against		0	0.00%	25	10.87%	21	15.79%	46	12.20%
Cast Votes:		14	100.00%	230	100.00%	133	100.00%	377	100.00%
Undervotes:		0		34		24		58	
Overvotes:		0		0		0		0	

City of Freeport Proposition D

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		13	92.86%	202	88.60%	116	87.88%	331	88.50%
Against		1	7.14%	26	11.40%	16	12.12%	43	11.50%
Cast Votes:		14	100.00%	228	100.00%	132	100.00%	374	100.00%
Undervotes:		0		36		25		61	
Overvotes:		0		0		0		0	

City of Freeport Proposition E

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		10	71.43%	123	54.42%	70	53.85%	203	54.86%
Against		4	28.57%	103	45.58%	60	46.15%	167	45.14%
Cast Votes:		14	100.00%	226	100.00%	130	100.00%	370	100.00%
Undervotes:		0		38		27		65	
Overvotes:		0		0		0		0	

City of Freeport Cumulative Report

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Brazoria County

Joint Local Election

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Unofficial Results

Registered Voters

435 of 5413 = 8.04%

Polling Places Reporting

32 of 32 = 100.00%

City of Freeport Proposition F

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	208	92.04%	114	87.69%	336	90.81%
Against		0	0.00%	18	7.96%	16	12.31%	34	9.19%
Cast Votes:		14	100.00%	226	100.00%	130	100.00%	370	100.00%
Undervotes:		0		38		27		65	
Overvotes:		0		0		0		0	

City of Freeport Proposition G

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	217	96.44%	128	94.81%	359	95.99%
Against		0	0.00%	8	3.56%	7	5.19%	15	4.01%
Cast Votes:		14	100.00%	225	100.00%	135	100.00%	374	100.00%
Undervotes:		0		39		22		61	
Overvotes:		0		0		0		0	

City of Freeport Proposition H

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		13	92.86%	194	84.72%	115	87.12%	322	85.87%
Against		1	7.14%	35	15.28%	17	12.88%	53	14.13%
Cast Votes:		14	100.00%	229	100.00%	132	100.00%	375	100.00%
Undervotes:		0		35		25		60	
Overvotes:		0		0		0		0	

City of Freeport Proposition I

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	207	91.59%	120	88.89%	341	90.93%
Against		0	0.00%	19	8.41%	15	11.11%	34	9.07%
Cast Votes:		14	100.00%	226	100.00%	135	100.00%	375	100.00%
Undervotes:		0		38		22		60	
Overvotes:		0		0		0		0	

City of Freeport Cumulative Report

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Brazoria County

Joint Local Election

5/4/2024

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Unofficial Results

Registered Voters
435 of 5413 = 8.04%

Polling Places Reporting
32 of 32 = 100.00%

City of Freeport Proposition J

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	200	88.50%	118	88.72%	332	89.01%
Against		0	0.00%	26	11.50%	15	11.28%	41	10.99%
Cast Votes:		14	100.00%	226	100.00%	133	100.00%	373	100.00%
Undervotes:		0		38		24		62	
Overvotes:		0		0		0		0	

City of Freeport Proposition K

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	207	92.83%	117	88.64%	338	91.60%
Against		0	0.00%	16	7.17%	15	11.36%	31	8.40%
Cast Votes:		14	100.00%	223	100.00%	132	100.00%	369	100.00%
Undervotes:		0		41		25		66	
Overvotes:		0		0		0		0	

City of Freeport Proposition L

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		13	92.86%	195	87.44%	113	85.61%	321	86.99%
Against		1	7.14%	28	12.56%	19	14.39%	48	13.01%
Cast Votes:		14	100.00%	223	100.00%	132	100.00%	369	100.00%
Undervotes:		0		41		25		66	
Overvotes:		0		0		0		0	

City of Freeport Proposition M

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	196	92.45%	105	82.68%	315	89.24%
Against		0	0.00%	16	7.55%	22	17.32%	38	10.76%
Cast Votes:		14	100.00%	212	100.00%	127	100.00%	353	100.00%
Undervotes:		0		52		30		82	
Overvotes:		0		0		0		0	

City of Freeport Proposition N

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		13	100.00%	202	92.66%	122	91.73%	337	92.58%
Against		0	0.00%	16	7.34%	11	8.27%	27	7.42%
Cast Votes:		13	100.00%	218	100.00%	133	100.00%	364	100.00%
Undervotes:		1		46		24		71	
Overvotes:		0		0		0		0	

City of Freeport Proposition O

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		13	100.00%	170	82.13%	98	75.97%	281	80.52%
Against		0	0.00%	37	17.87%	31	24.03%	68	19.48%
Cast Votes:		13	100.00%	207	100.00%	129	100.00%	349	100.00%
Undervotes:		1		57		28		86	
Overvotes:		0		0		0		0	

City of Freeport Proposition P

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		14	100.00%	197	92.06%	113	85.61%	324	90.00%
Against		0	0.00%	17	7.94%	19	14.39%	36	10.00%
Cast Votes:		14	100.00%	214	100.00%	132	100.00%	360	100.00%
Undervotes:		0		50		25		75	
Overvotes:		0		0		0		0	

City of Freeport Proposition Q

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		13	92.86%	163	79.90%	86	69.92%	262	76.83%
Against		1	7.14%	41	20.10%	37	30.08%	79	23.17%
Cast Votes:		14	100.00%	204	100.00%	123	100.00%	341	100.00%
Undervotes:		0		60		34		94	
Overvotes:		0		0		0		0	

*** End of report ***



City Council Agenda Item #3.

Title: Administer Oath of Office to Mayor, elected Council Members to Ward B and D, and signing the required affidavits.

Date: May 13, 2024

From: Clarisa Molina, City Secretary

Staff Recommendation: Staff recommends that the City Secretary administer the Oath of Office to Jerry Cain, Jarvis Davis, Winston Rossow the newly elected, or re-elected Councilmen for Wards B, Ward D, and Mayor.

Item Summary: The City of Freeport Charter states "The Mayor and other members of the City Council and all appointed officers of the City, before they enter upon the duties of their offices, shall take and subscribe the oath or affirmation". This is to be filed and kept in the office of the City Secretary.

Background Information: N/A

Special Considerations: N/A

Financial Impact: N/A

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

None



City Council Agenda Item #4.

Title: Consideration and possible action of selecting a Mayor Pro Tem.

Date: May 13, 2024

From: Lance Petty, City Manager

Staff Recommendation: Staff recommends that a nomination be made and vote be taken by Council on the appointment of a Mayor Pro Tem to serve until the next regular election is held and canvassed.

Item Summary: With the election of Jerry Cain as Mayor for the City of Freeport, the Mayor Pro-Tem position has become vacant. It is important that another Councilmember be appointed to the Mayor Pro-Tem position in case Mayor Cain is absent or is unable to perform as Mayor.

Background Information:

Special Considerations: According to Section 3.04 of the Freeport Charter, "...the Council shall elect on a rotating basis among the Ward, a member of the City Council, who has been on City Council for at least two years to serve as Mayor Pro Tem".

Financial Impact: N/A

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

None