

NOTICE OF PUBLIC HEARING
THE FREEPORT CITY COUNCIL
MONDAY, FEBRUARY 16, 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 February 1, 2016 Council Minutes. Pg. 94-97
6. Consideration of approving Ordinance No. 2016-2105 amending Division (D) of Section 50.04 of the Code of Ordinance of said City to specify the type of cart that may be used and additional rules dealing with the placement of waste for collection; amending Division A of Section 50.06 of said Code of Ordinances to provide that the cost of each additional residential size cart at the same family unit shall be \$14.37 per month; amending Division (B) of Section 50.06 to provide that the charge for residential size carts and the collection and disposal of solid waste stored in such carts at each commercial or business location within the City shall be \$22.78 per month per cart and the charge for additional carts at the same location shall be \$14.37 each per month. Pg. 98-100
7. Consideration of advertising and setting a bid date for March 18th, 2016 to install license plates readers at various entry/ exit points to the City of Freeport. Pg. 101-102
8. Consideration of receiving and taking action on a petition to submit the question of amending the Home Rule Charter to change election by plurality to election by majority.
9. Consideration of receiving and taking action on a petition to submit the question of amending the Home Rule Charter to limit the number of consecutive terms the mayor and other city council members may serve.
10. Consideration of amending Ordinance No. 2016- 2104 by approving Ordinance No. 2016-2106 calling a Charter Amendment Election including agenda item No. 8 and 9, if either item is approved by the City Council, adopting amendments to the Home Rule Charter of the City of Freeport. Pg. 103-112
11. Consideration of approving a request for an extension for the gate closure at South Levee from the Velasco Drainage District for the repair of the South Levee Gravity Structure. Pg. 113

12. Consideration of purchasing a Case 580 Super N Tier 4 Final 4 Wheel Drive Backhoe for joint use between the Street Department and Veolia Water. Pg. 114
13. 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:

- Port Freeport – Interlocal Agreement

Section 551.074, Government Code:

Deliberations concerning the duties, employment, evaluation, employment contract of a public officer or employee:

- City Manager

Adjourn

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

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

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted 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, February 12, 2016 at or before 5:00 p.m.

Delia Munoz - City Secretary
City of Freeport, Texas

State of Texas

County of Freeport

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday, February 1, 2016 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
Councilman Johnathan Sublet
Councilman Fred Bolton
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Assistant City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager

Visitors: Bill Morris Lila Lloyd
Troy Brimage Sabrina Brimage
Moby Burr ridge Evelyn Burr ridge
Margaret McMahan Angela Slade
Nicole Mireles Sam Reyna
Keith Stumbaugh Melanie Oldham
Jacob Edmundson Nathan Edmundson
Moises Garcia Carlos Perez
Rolando Perez Nancy Gray
Magaly Luna Jerry Meeks
Steve Massolettie Ed Garcia
Larry Fansher Annette Sanford

Call to order.

Mayor Norma Moreno Garcia called the meeting to order at 6:00 p.m.

Invocation.

Councilman Sublet offered the invocation.

Pledge of Allegiance.

Rolando Perez of Boy Scouts Troop # 345 led the Pledge of Allegiance.

Attending citizens and their business.

Lila Lloyd approach Council with a sadden heart and her concern is that the Port Freeport is buying east end property. Port Freeport is a tax free entity. She observed an eighteen wheeler truck getting water from a fire hydrate on Skinner and Ave R.

Margaret McMahan of 1330 West 8th Street, spokesperson for the “Concern Citizens of Freeport”, stated that they conducted neighborhood surveys and the result is that they prefer majority over plurality voting in city elections and infrastructure improvements instead of a proposed sports/recreation complex and setting term limits for Council.

Consideration of approving January 4, 2016 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved the January 4, 2016 Council Minutes.

Public Hearing to discuss a proposed grant from the USDA Rural Development for the purchase of two radio console desks to be installed in the Police Department dispatch call center.

Mayor Norma Moreno Garcia opened the Public Hearing at 6:14 p.m. Captain Raymond Garivey discussed a proposed grant through the United States Department of Agriculture (USDA) for partial funding for two dispatch radio console desks, a judges desk, flooring, delivery and installation of all items. The total cost of the project is \$65,282.25 (HGAC-pricing). The Police Department already budgeted \$25,000 this year for the project and are asking the USDA for the remaining \$45,282.25 via a grant.

There being no further comments from staff or audience, Mayor Norma Moreno Garcia closed the Public Hearing at 6:16 p.m.

Consideration of approving a grant from the USDA Rural Development for the purchase of two new radio dispatch console desks to be installed in the Police Department dispatch call-center.

No action taken

Consideration of approving a Joint Election Agreement and contract for election services with the County Clerk of Brazoria and the City of Freeport.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting “Aye”, Council unanimously approved a Joint Election Agreement and contract for election services with the County Clerk of Brazoria and the City of Freeport.

Consideration of approving Ordinance No.2016-2103 calling the annual General Election for the City of Freeport for the first Saturday in May, 2016 being May 7, 2016, at which the voters of said City residing in Ward A and C shall be permitted to vote for or against the candidates for positions A and C on the City Council of the City of Freeport.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Ordinance No. 2016-2103 calling the annual General Election for the City of Freeport for the first Saturday in May, 2016 being May 7, 2016, at which the voters of said City residing in Ward A and C shall be permitted to vote for or against the candidates for positions A and C on the City Council of the City of Freeport.

Consideration of approving Ordinance No. 2016-2104 calling a Charter Amendment Election on the question of adopting six (6) amendments to the Home Rule Charter of said City.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Ordinance No. 2016-2104 calling a Charter Amendment Election on the question of adopting (6) amendments to the Home Rule Charter of said City.

Consideration of rescheduling February 15, 2016 Council Meeting to February 16, 2016 due to President's day holiday.

On a motion by Councilman Sublet, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved rescheduling February 15, 2016 Council Meeting to February 16, 2016 due to President's day holiday.

Consideration of approving and releasing the City's interest in trust property on Block 42, Lot 6, Velasco Townsite, known as 512 S. Avenue L, Tax Id. 8110-0436-110.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved releasing the City's interest in trust property on Block 42, Lot 6, Velasco Townsite, known as 512 S. Ave. L, Tax Id. 8110-0436-110.

Consideration of approving and releasing the City's interest in trust property on Block 50, Lot 16 & 17, Velasco Townsite, known as 415-417 South Avenue F, Tax Id. 8110-0486-000.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved releasing the City's interest in trust property on Block 50, Lot 16 & 17, Velasco Townsite, known as 415-417 South Avenue F, Tax Id. 8110-0486-000.

Consideration of approving and releasing the City's interest in trust property on Block 87, Lot 10, Velasco Townsite, known as 20 South Avenue F, Tax Id. 8110-0881-000.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved to decline releasing the City's interest in trust property on Block 87, Lot 10, Velasco Townsite, known as 20 South Avenue F, Tax Id. 8110-0881-000.

Consideration of advertising and setting a bid date for February 26, 2016 for installation of asphalt on Mystery Harbor Lane and Front Street.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved setting a bid date for February 26, 2016 for installing asphalt on Mystery Harbor Lane and Front Street.

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

No action taken.

Mayor Norma Moreno Garcia opened the Work Session at 6:20 p.m.

Work Session

Update transition of new solid waste collection services with Waste Connections.

Mr. Pynes updated Council on the trash collection transition.

Mayor Norma Moreno Garcia opened the Executive Session at 6:20 p.m.

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:

- Port Freeport.
- City annexation plan.

Section 551.074, Government Code:

Deliberations concerning the duties, employment, evaluation, employment contract of a public officer or employee:

- City Manager

Mayor Norma Moreno Garcia reconvened the formal session at 6:45 p.m.

Adjourn

On a motion by Councilman Sublet, seconded by Councilwoman Barbree, with all present voting "Aye", Mayor Norma Garcia adjourned the meeting at 6:45 p.m.

Mayor Norma Moreno Garcia
City of Freeport, Texas

City Secretary, Delia Munoz
City of Freeport, Texas

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING DIVISION (D) OF SECTION 50.04 OF THE CODE OF ORDINANCES OF SAID CITY TO SPECIFY THE TYPE OF CART THAT MAY BE USED AND ADDITIONAL RULES DEALING WITH THE PLACEMENT OF WASTE FOR COLLECTION; AMENDING DIVISION (A) OF SECTION 50.06 OF SAID CODE OF ORDINANCES TO PROVIDE THAT THE COST OF EACH ADDITIONAL RESIDENTIAL SIZE CART AT THE SAME FAMILY UNIT SHALL BE \$14.37 PER MONTH; AMENDING DIVISION (B) OF SECTION 50.06 TO PROVIDE THAT THE CHARGE FOR RESIDENTIAL SIZE CARTS AND THE COLLECTION AND DISPOSAL OF SOLID WASTE STORED IN SUCH CARTS AT EACH COMMERCIAL OR BUSINESS LOCATION WITHIN THE CITY SHALL BE \$22.78 PER MONTH PER CART AND THE CHARGE FOR ADDITIONAL CARTS AT THE SAME LOCATION SHALL BE \$14.37 EACH PER MONTH; 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, (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, 54.001 and 54.004 of the Local Government Code, Chapter 361 of the Health and Safety Code and Sections 2.01, 2.02, 3.07(k) and (o) and 10.04(e) 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 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.

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

First, Division (D) of Section 50.04 of the Code of Ordinances of the City is hereby amended to read as follows:

■(D) Additional Rules for the Placement of Waste for Collection:

(1) Refuse, rubbish, trash and untreated wood may not be placed in

the easement or right-of-way of any street. All untreated wood products must be cut into pieces of not more than five feet in length.

(2) Only Waste Connections polycarts may be used.

(3) Polycarts must be placed so that there is a three foot clearance on all sides.

(4) No more than two cubic yards of debris of any kind may be placed at the street. If more than two cubic yards is placed at the street, the resident will be charged for the excess on the water bill at the rate per yard defined by the City's contract with Waste Connections. Any debris of any kind placed at the street between Wednesday and Friday will be picked up and the water account for the property from which it is removed will be billed 100% of the cost of the removal at the rate defined by the contract with Waste Connections.

(5) Tree limbs and debris must be cut to five foot lengths.

(6) Stumps and bagged debris must weigh less than fifty pounds.

(7) Property owners are responsible for any outstanding balance for all charges on a water account for their property, whether such account is in the owner's name or the name of a tenant or lessee. No water account will be opened at that property until such balance is paid in full.

Second, Section 50.06 of said Code is hereby amended to read as follows:

The following charges and rates shall be made and collected by the city for solid waste collection:

(A) Residential: \$22.78 per month for a residential size cart and the collection and disposal of solid waste in such cart at each family unit within the city and \$14.37 per month for each additional cart at the same family unit. FAMILY UNIT shall be construed to mean any one-family residence or apartment, or any other one-family dwelling.

(B) Commercial or business: \$22.78 per cart for the collection and disposal of solid waste stored in each residential size container at a commercial or business location within the city. The charge for each additional container at such location shall be \$14.37 per month.

Third, this ordinance is cumulative of and in addition to all other ordinances of the City on the same subject and all such ordinances are hereby expressly saved from repeal.

Fourth, where this ordinance and another ordinance conflict or overlap, this ordinance shall prevail.

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

Sixth, if 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.

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

READ, PASSED AND ADOPTED this ____ day of _____, 2016.

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

INVITATION TO BID

NOTICE IS HEREBY GIVEN that the City of Freeport, Texas, is interested in hiring a company to help design and/or install a PORT INFORMATION NETWORK (PIN) through the City of Freeport Police Department using FEMA grant and city matching funds.

SEALED BIDS addressed to the Chief of Police (Dan Pennington) by any person, firm or corporation desiring to build such a PIN will be received at the office of the Chief of Police located at 430 North Brazosport Boulevard, Freeport, Brazoria County, Texas 77541, during normal business hours until 2:00 o'clock, p.m., on the 18th day of March, 2016, on which day, beginning at 2:00 o'clock, p.m., all such bids will be opened and publicly read aloud. Any bid received after 2:00p.m. on such date will be returned unopened. Bids must be submitted in hard copy format in triplicate (three) and in softcopy format in duplicate on (two) CD-ROMs.

COPIES OF THE SPECIFICATIONS for such PIN are available for public inspection at the office of the Chief of Police during normal business hours. A copy of such specifications may be obtained from such office upon payment of the customary copy charge.

A CASHIER'S OR CERTIFIED CHECK drawn on a bank payable to the order of said City, OR an ACCEPTABLE BID BOND with a corporate surety included on the latest list of surety companies holding certificates of authority from the State Board of Insurance, in the amount of not less than ten (10%) of the total bid or \$1,000.00, whichever is less, must accompany the bid as guarantee that if awarded the bid the bidder will enter into a contract with said City for the purchase, design and/or installation of such PIN within ten (10) days from the above date.

The contract will be awarded to:

- The lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality;
- The bidder who has the compatibility of integration with the Port of Freeport's surveillance system;
- The bidder who's company has successfully demonstrated an ability in deploying comparable surveillance systems at least three times in a City or Port environment;
- The bidder who provides at a minimum 1/3rd of the scope of work to a businesses and/or local vendors in the Freeport area (defined as being within approximately a 75 mile radius of Freeport);
- The bidder who can provide an on-sight warranty of support;
- The bidder who has twenty-four (24) hour call out service during the warranty period and subsequent service/maintenance contracts; and
- The bidder who issues a statement of guaranteed four-hour response time and to have a technician on-site when needed.

The City RESERVES the right to REJECT ANY AND ALL BIDS, to WAIVE any INFORMALITIES in bidding and, in the case of any AMBIGUITY OR LACK OF CLEARNESS, the City reserve the right to construe the same in a manner most advantageous to the City, or to reject the bid.

By Order of the City Council this 16th day of February, 2016.

Delia Munoz, City Secretary
City of Freeport, Texas
P101

PORT INFORMATION
NETWORK
LOCATIONS

Area of Operations:

This area includes all major ingress/egress points to the City of Freeport and the Freeport Police Department as detailed below.

Project sites:

Command & Control Site
Police Department
430 North Brazosport Blvd
Freeport, TX 77541
Phone: (979) 239-1211

LPR Sites
Intersection – 2600 block of Hwy 36 at FM 1495
Roadway – 700 block of Hwy 523
Hwy 36 Bridge - Hwy 36 at Brazos River & S Brazosport Blvd
Dow Bridge - N Brazosport Blvd at Entrance Road
Pine St Bridge – Pine St (i.e., FM 1495) near 2nd St

Abstract of the Investment:

- Police Station
 - Actual monitoring of the surveillance system will be done at the Police Station. The primary purpose of the Police Station system is to provide island wide vehicle surveillance. Centralizing the monitoring at the Police Station 24x7 allows the Police Department to have access to and manage those surveillance systems remotely and to alert officers when necessary.

- Bridge & Roadway Ingress/Egress Points
 - The five listed entry/exit points support the majority of the traffic coming in and out of the city. The Police Department has the responsibility of ensuring the safe flow of traffic on the described roadways, as well as providing public safety services for all individuals in Freeport. The requested surveillance system will assist in these activities by being installed at the five sites and transmitting vehicle crossing data to the police department around the clock. This capability is particularly important should a crisis event occur, a major crime, amber alert, etc.

G. L. KIDWELL
Chairman
Area 1
Lake Jackson, Texas

L. H. JONES
Vice Chairman
Area 3
Freeport, Texas

F. R. Hamlet
Secretary
Area 2
Clute, Texas

Velasco Drainage District

Phone (979) 265-4251 Fax (979) 265-7602

E-mail: vdd@velascodrainagedistrict.com

Mr. Gilbert Arispe,
Assistant City Manager, City of Freeport
200 West Second Street
Freeport, Texas 77541

February 12, 2016

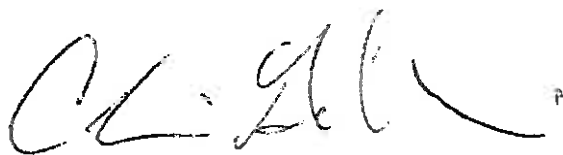
Re: Letter of Request for extension of time for the gate closure at South Levee

Dear Gilbert,

The repair of the South Levee Gravity Structure located on the South Levee will take us longer because the Velasco Drainage District staff will need to replace four of the rails for the positive closure gate. These rails have to be fabricated per field measurements and because of this fact; it will take at least three more months before this project can be completed.

Therefore, the District respectfully requests an extension of time for the gate closure. If the rails come in sooner and we are able to make the necessary repairs, I will let the city know and then we will reopen the gates.

Thank you for your patience.



Chris Gallion
Superintendent
Velasco Drainage District

Mail Address
Post Office Box 7
Clute, Texas 77531

Freight and Express
Drainage District Warehouse
915 Stratton Ridge Road
Clute, Texas 77531



CONTRACT PRICING WORKSHEET
For Standard Equipment Purchases

Contract No.:

EM06-15

Date Prepared:

2/5/2016

This Form must be prepared by Contractor and given to End User. End User issues PO to Contractor, and MUST also fax a copy of PO, together with completed Pricing Worksheet, to H-GAC @ 713-993-4548. Please type or print legibly.

Buying Agency:	City of Freeport	Contractor:	Associated Supply Company Inc.
Contact Person:	David Hoelwryn	Prepared By:	Tom Singletary
Phone:		Phone:	713-649-0940 281-627-1634
Fax:		Fax:	
Email:		Email:	tsingletary@ascoeq.com

Product Code:	07J	Description:	Case 580 Super N Tier 4 Final 4 Wheel Drive Backhoe
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A. Product Item Base Unit Price Per Contractor's H-GAC Contract: \$76,467.54

B. Published Options - Itemize below - Attach additional sheet if necessary - Include Option Code in description if applicable
(Note: Published Options are options which were submitted and priced in Contractor's bid)

Description	Cost	Description	Cost
12.00 X 16 10 Ply Front Tires	Standard	Seat Belt	Standard
19.5L X 24 10 Ply Rear Tires	\$234.82	700# front counterweight	\$435.42
Hydraulic Extendahoe	\$4,229.12	Lockup DEF Tank	\$91.20
Standard Backhoe Controls	Standard	Battery disconnect Jump Start	\$104.43
30" Trenching Bucket	\$969.37	Tool Box	\$116.82
Flip Stabilizer Pads	\$555.78	Ride Control For Smoother Safer Ride	\$923.94
82" Wide Loader Bucket with Bolt-on Edge	\$1,666.16	Power Lift on Backhoe for stronger lifting & digging	\$596.49
Factory Cab, A/C & Heater with LH Door	\$5,905.90		
AM/FM Radio	\$158.12		
Cloth Mechanical Suspension Seat with Arm Rests	\$356.40		
		Subtotal From Additional Sheet(s):	
		Subtotal B:	\$16,343.49

C. Unpublished Options - Itemize below - Attach additional sheet if necessary
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid)

Description	Cost	Description	Cost
		Subtotal From Additional Sheet(s):	
		Subtotal C:	\$0.00

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: 0%

D. Total Cost before any other applicable Charges, Trade-Ins, Allowances, Discounts, Etc. (A+B+C)

Quantity Ordered:	1	X Subtotal of A + B + C:	\$92,811.03	=	Subtotal D:	\$92,811.03
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E. Other Charges, Trade-Ins, Allowances, Discounts, Etc.

Description	Cost	Description	Cost
Warranty: One year on the machine unlimited hours and two (2) years or 2,000 hours on the engine, transmission and rear axle. No Travel Time or Mileage Charge during the Warranty period.		Factory Freight	1,800.00
		Delivery	400.00
		Subtotal E:	\$2,200.00

Delivery Date: **30 - 90 Days** **F. Total Purchase Price (D+E): \$95,011.03**

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