

NOTICE OF PUBLIC HEARING  
THE FREEPORT CITY COUNCIL  
TUESDAY , FEBRUARY 17, 2015, 6:00 P.M.  
FREEPORT MUNICIPAL COURT ROOM  
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.  
FREEPORT, TEXAS  
AGENDA  
FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the February 2, 2015 Council Minutes. Pg. 107-111
5. Attending citizens and their business.
6. **Proclamation:** Brazoria County Head Start Early Learning Schools Proclamation. Pg. 112
7. **Announcement :** Freeport Police Department receives “Recognized Law Enforcement Agency” from the Texas Law Enforcement Recognition Program. Pg. 113
8. Consideration of approving Resolution No. 2015-2462 Supporting the creation of the Lower Brazos River Coalition, the mission of which is to protect the interests of its members by increasing the current flows in the Brazos River. Pg. 114
9. Consideration of approving Resolution No. 2015-2463 approving issuance up to a maximum amount of \$59,000.000 Brazosport Water Authority Water Supply System Revenue Bonds; and containing other provisions relating to the subject. Pg. 115-120
10. Consideration of approving Ordinance No. 2015-2083 amending the definition of unsafe building or structure contained in Section 150.025 (k) of the Code of Ordinances. Pg. 121-124
11. Consideration of approving Ordinance No. 2015-2084 abandoning the unopened and unused right-of-way for the 500 Block of East Fourth Street shown on the plat of the Freeport Townsite as the right-of-way between Block 3 and 4 of said Townsite, and repealing Ordinance No. 2015-2079. Pg. 125-127
12. Consideration of approving Ordinance No. 2015-2085 amending Ordinance No. 2015-2082 of said City, which the Annual General Election for the City of Freeport for the second Saturday in May 2015, being May 9, 2015 at which the voters of said City residing in Ward B and D shall be permitted to vote for or against the candidates for Position B and D on the City Council of the City of Freeport and at which time the voters of said City

shall elect at large a Mayor for said City; amending the provisions of said ordinance designating polling places for early voting; providing for ratification and confirmation by the Mayor of said City of the action taken by this ordinance; and providing for an effective date of this ordinance. Pg. 128-130

13. Consideration of approving and authorizing the Mayor to sign an Amendment (2) to the PSG agreement for operation, maintenance and management services, known as Veolia Water. Pg. 131-132
14. Consideration of approving and setting a bid date for street striping at a per lineal foot price within the City. Pg. 133
15. Consideration of approving and setting a bid date for street replacement of asphalt streets, including catch basins, for portions of Seventh Street and Ash Street within the City. Pg. 134
16. Consideration of approving and setting a bid date for street replacement of concrete streets, including curbs, gutters catch basins and sidewalk, for portions of Cedar Street and North Ave. J. within the City. Pg. 135
17. Consideration of approving the modified truck route in the City of Freeport. Pg. 136
18. Consideration of taking action on any item discussed in Executive Session.

Work Session:

- A. Discussion regarding residential housing initiatives.
- B. Discussion regarding improvements on alleys.
- C. Discussion regarding public infrastructure improvements.

Executive Session:

Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, settlement 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:

- USOR Site PRP Group v A & M Contractors, et al., Us District Court, Southern District of Texas.

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 13, 2015 at or before 5:00 p.m.

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Delia Munoz - City Secretary  
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council met on Monday, February 2, 2015 at 6:00 p.m., at the Freeport Court Room, Freeport Police Department, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Norma Moreno Garcia  
Councilman Larry McDonald  
Councilman Fred Bolton  
Councilwoman Sandra Loeza  
Councilwoman Sandra Barbree - absent

Staff: Jeff Pynes, City Manager  
Delia Munoz, City Secretary  
Wallace Shaw, City Attorney  
Brian Davis, Fire Chief  
Dan Pennington, Police Chief  
Nat Hickey, Property Manager  
Kola Olayiwola, Building Inspector

Visitors: Manning Rollerson Nicole Mireles  
Sam Reyna Elijah Galicia  
Lucy Martinez Ella Mae Williams  
Odis Williams, Jr. Karen Medway  
Lila Lloyd Martin Velez  
Misty Bosley Chris Jennings  
Leighan Jennings Jose Salazar  
Annette Sanford Melanie Oldham  
Ronald Barnes Wilford James  
Efren Garcia Jennifer Hawkins  
Edward Garcia Eric Hayes

Call to order.

Mayor Norma M. Garcia called the meeting to order at 6:05 p.m.

Invocation.

Wallace Shaw led the Invocation.

Pledge of Allegiance.

Lucy Martinez led the Pledge of Allegiance.

Consideration of approving the January 20, 2015 Council Minutes.

On a motion by Councilwoman Loeza, seconded by Councilman McDonald, with all present voting “Aye”, Council unanimously approved the January 20, 2015 Council Minutes.

Attending citizens and their business.

Manning Rollerson stated that he had a threatening phone call about the body cameras on police officers. The officer put their lives at risk and there shouldn't be any excuses for the body cameras not to be working. This was not acceptable.

Annette Sanford stated that there was a structure on Cherry Street and West Broad that was unsafe.

Nicole Mireles thanked City Manager Mr. Pynes for immediately responding to a sewer call.

**Recognition** of the American Cancer Society, South Brazoria Relay for Life.

Lucy Martinez, Team Captain for the American Cancer Society thanked Council for supporting the American Cancer Society for South Brazoria Relay for Life. February is awareness month .

**Public Hearing:** City Council of the City of Freeport, Texas sitting as the Board of Adjustments and Appeals under the Standard Unsafe Building Abatement Code adopted by Sections 150.025 and 150.026 of the Code of Ordinances of the City (hereinafter “the Standard Code”) for the purpose of determining whether or not the structures located on hereinafter described real property located within the corporate limits of the City fail to meet the standards set forth in the Standard Code and is/are therefore “unsafe” as that term is defined in the Standard Code:

- Block 8, Lot 7, South View Gardens, known as 1003 West 11<sup>th</sup> Street
- Block 12, Lot 14, Freeport Townsite, known as 410 East 6<sup>th</sup> Street
- Block 87, Lot 4, Freeport Townsite, known as 619 West 6<sup>th</sup> Street
- Block 87, Lot 3, Freeport Townsite, known as 623 West 6<sup>th</sup> Street.
- 0.203 Acres, Tract 14, Block I-II, A0089 JNO McNeel, known as 3434 Bowie Lane
- Block 86, Lot 4-5, Freeport Townsite, known as 615 West 5<sup>th</sup> Street
- Block 22, Lot 2, Freeport Townsite, known as 307 East 7<sup>th</sup> Street.

Mayor Garcia opened the Public Hearing at 6:15 p.m. for the purpose of determining whether or not the structures located on hereinafter described real property located within the corporate limits of the City fail to meet the standards set forth in the Standard Code and is/are therefore “unsafe” as that term is defined in the Standard Code:

1003 West 11<sup>th</sup> Street, - Mr. Kola Building Inspector stated the property is vacant and in the process of foreclosure. The structure is at the point of collapsing. He requested demolition be granted.

410 E. 6<sup>th</sup> Street, - Mr. Kola Building Inspector stated that the property is vacant. Building is falling apart and in poor condition. Mr. Otis Williams requested a 4 week extension. He is negotiating with the Port of Freeport to sale.

619 W. 6<sup>th</sup> Street – Mr. Kola Building Inspector stated that the property is vacant. Roof damage and fatigued and fallen structural components. He requested demolition be granted .

623 W. 6<sup>th</sup> Street- Mr. Kola Building Inspector stated that the property is vacant. He has been working with the owner since 2011. Roof damage, interior and exterior are in poor condition. He requested demolition be granted.

3434 Bowie Lane- Mr. Kola Building Inspector stated that the property is vacant. The property has roof damage with gaping holes, interior is gutted. He requested demolition be granted.

615 W. 5<sup>th</sup> Street- Mr. Kola Building Inspector stated that the property is vacant. Structural components are falling apart, unsafe structure; poor condition. He requested demolition be granted.

307 East 6<sup>th</sup> Street - Mr. Kola Building Inspector stated that the property is vacant. Structural components are falling apart. Structure is in poor condition and unsafe. Mr. Barnes of said property stated that the house was not going to fall and the house was solid and the yard was being kept up.

Manning Rollerson stated that commercial buildings have roofs fallen too, that we need to be looking at those as well.

Mayor Norma M. Garcia closed the Public Hearing at 6:48 p.m.

Consideration of authorizing the Mayor to sign an order of findings that the above structures fail to meet the standards set forth in the Standard Unsafe Building Abatement Code and is/are therefore unsafe as that term is defined in such Standard Code be unsafe.

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved to exclude 410 E. 6<sup>th</sup> and 307 E. 7<sup>th</sup> Street from the list and authorized the Mayor to sign an order of findings that the above structures fail to meet the standards set forth in the Standard Unsafe Building Abatement Code and is/are therefore unsafe as that term is defined in such Standard Code be unsafe.

Consideration of approving Ordinance No. 2015- 2082 calling the Annual General Election for the City of Freeport for the second Saturday in May 2015, being May 9, 2015 at which the voters of said City residing in Ward B and D shall be permitted to vote for against the candidates for positions B and D on the City Council of the City of Freeport and at which the voters of said City shall elect at large a Mayor for said City.

On a motion by Councilman McDonald, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved Ordinance No. 2015-2082 calling the Annual General Election for the City of Freeport for the second Saturday in May 2015, being May 9, 2015 at which the voters of said City residing in Ward B and D shall be permitted to vote for against the candidates for positions B and D on the City Council of the City of Freeport and at which the voters of said City shall elect at large a Mayor for said City.

Consideration of approving Resolution No. 2015-2460 providing that the Annual Election called by the City Council of said City for the election of a Mayor and Council members for Council positions B and D called for the 9<sup>th</sup> day of May 2015, be held jointly with all elections called for the same day by other political subdivision located in Brazoria County; and authorizing the Mayor and City Secretary to execute and attest a contract with the County Clerk of Brazoria County to conduct such joint election.

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Resolution No. 2015-2460 providing that the Annual Election called by the City Council of said City for the election of a Mayor and Council members for Council positions B and D called for the 9<sup>th</sup> day of May 2015, be held jointly with all elections called for the same day by other political subdivision located in Brazoria County; and authorizing the Mayor and City Secretary to execute and attest a contract with the County Clerk of Brazoria County to conduct such joint election.

Consideration of approving Resolution No. 2015-2461 making findings of fact regarding the TDMA Radio Completion Project; approving the grant application by the City for a grant for such project; agreeing to provide applicable funds as required by the Harris-Galveston 2015-2016 grant application; agreeing to return grant funds in the event of misuse; designating City Manager Jeff Pynes as the City's representative for such grant and specifying his powers and duties.

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Resolution No. 2015-2461 making findings of fact regarding the TDMA Radio Completion Project; approving the grant application by the City for a grant for such project; agreeing to provide applicable funds as required by the Harris-Galveston 2015-2016 grant application; agreeing to return grant funds in the event of misuse; designating City Manager Jeff Pynes as the City's representative for such grant and specifying his powers and duties.

Consideration of approving and releasing the City of Freeport trust property on Block 37, Lots 8-10, NW 13 ft. of Lot 11 Velasco Townsite, 620 South Ave. G., Id. 8110-0408-000.

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved to release the City of Freeport trust property on Block 37, Lots 8-10, NW 13 ft. of Lot 11 Velasco Townsite, 620 South Ave. G., Id. 8110-0408-000.

Consideration of approving a Freeport Intermediate School 5 K Color Run on March 21, 2015 and requesting closure of streets on Dixie and West 4<sup>th</sup> Street, to Ash Street and 2<sup>nd</sup> Street, to Arbutus and 4<sup>th</sup> Street.

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Freeport Intermediate School 5 K Color Run on March 21, 2015 and requesting closure of streets on Dixie and West 4<sup>th</sup> Street, to Ash Street and 2<sup>nd</sup> Street, to Arbutus and 4<sup>th</sup> Street.

Consideration of approving rescheduling February 16, 2015 Council Meeting to February 17, 2015 due to President's Day holiday.

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved rescheduling February 16, 2015 Council Meeting to February 17, 2015 due to President's Day holiday.

Adjourn

On a motion by Councilman McDonald, second by Councilwoman Leoza, with all present voting "Aye", Mayor Norma Garcia adjourned the meeting.

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Mayor Norma Moreno Garcia  
City of Freeport, Texas

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City Secretary Delia Munoz  
City of Freeport, Texas



**Brazoria County Head Start Early Learning Schools Proclamation**

*WHEREAS, the National Head Start Program is now in its 50th year of success in meeting the needs of low-income children and their families and;*

*WHEREAS, Brazoria County Head Start Early Learning Schools has been serving birth to five children and families in Brazoria County for over 40 years, and*

*WHEREAS, Brazoria County Head Start Early Learning Schools has established itself as the foremost early childhood development program at the local and, the State of Texas as well as nationally; and*

*WHEREAS, to achieve its goals, Brazoria County Head Start Early Learning Schools is responsible for providing comprehensive services including education, nutrition, health, mental health service, and transportation; and*

*WHEREAS, to promote school readiness, Brazoria County Head Start Early Learning Schools recognizes the value of preparing children to be school ready and life; and*

*WHEREAS, in addition to focusing on the needs of children, Brazoria County Head Start Early Learning Schools involves the parents in the education of their own children, in decision making for the program, and hires many qualified parents as Head Start staff; and*

*WHEREAS, Brazoria County Head Start Early Learning Schools staff recognize the remarkable strengths and courage of families as they provide the best for their children; and*

*WHEREAS, Brazoria County Head Start Early Learning Schools is a cost effective family focused program that is enriched by strong community collaborations; and*

*NOW, THEREFORE, I \_\_\_\_\_, Mayor of the Great City of \_\_\_\_\_, on \_\_\_\_\_ do hereby proclaim an official recognition of Brazoria County Head Start Early Learning Schools in its 50<sup>th</sup> Head Start Celebration*

\_\_\_\_\_  
Mayor

# Freeport Police Department

## Press Release

### **Freeport Police Department Receives “Recognized Law Enforcement Agency” from the Texas Law Enforcement Recognition Program**

On 1-26-2015, the Freeport Police Department received the award of “Recognized Law Enforcement Agency” from the Texas Police Chiefs Association Law Enforcement Recognition Program. Begun in 2006, the Recognition Program evaluates a Police Department’s compliance with over 166 Best Business Practices for Texas Law Enforcement. These Best Practices were carefully developed by Texas Law Enforcement professionals to assist agencies in the efficient and effective delivery of service and the protection of individual’s rights. These Best Practices cover all aspects of law enforcement operations including use of force, protection of citizen rights, vehicle pursuits, property and evidence management, and patrol and investigative operations.

This voluntary process required the Freeport Police Department to conduct a critical self-review of the agency’s policies, procedures, facilities and operations. Beginning in late 2014, the department begin the lengthy process to become a “Recognized” Law Enforcement Agency” by preparing proofs of compliance for each of the Texas Law Enforcement Best Business Practices. Upon completion of the internal review, an outside audit and review was requested. This final on-site review took place on January 13 & 14, 2015. The on-site review is conducted by trained Police Chiefs from other areas of our state. The result of this review was then sent to the Texas Police Chiefs Association’s Recognition Committee for final analysis and decision to award “Recognized” status.

On 1-26-2015, the department was notified that it had been awarded the coveted “Recognized Law Enforcement Agency” award. Freeport becomes only the 106th agency in the state to be so recognized. The Freeport Police Department has always considered itself to be one of the best in the state. This process provided for an independent review of the department’s operations and should assure the citizens of Freeport that its Police Department is conforming to the current state of the art in law enforcement.

The actual formal presentation of the award will take place in the coming weeks at a regularly scheduled council meeting. The department will also be recognized at the Texas Police Chiefs Association annual conference in April.

More information a description of the program may be viewed on the Texas Police Chiefs Association website at <http://www.texaspolicechiefs.org>.

Please contact Chief Dan Pennington for additional details at 979-239-1211.

## RESOLUTION OF SUPPORT BY THE CITY OF FREEPORT

**WHEREAS**, the Brazos River stretches for more than 840 miles across the State of Texas and encompasses a watershed of more than 44,000 square miles; and,

**WHEREAS**, the Brazos River is the lifeblood of communities, schools, counties, agricultural interests, businesses and industries across the state and, in particular, in the lower basin; and,

**WHEREAS**, major portions of the Brazos River watershed have experienced severe drought conditions for the past six consecutive years which has reduced flows in the river to record low levels and which is projected to continue for the foreseeable future; and,

**WHEREAS**, the state of Texas has recognized the need to enforce the State's century old doctrine of senior water rights through the establishment of a watermaster program under the authority of the Texas Commission on Environmental Quality for the Brazos River; and,

**WHEREAS**, there are numerous organizations based in the upper and middle portions of the Brazos River Basin that have vocally opposed the establishment of the Brazos River Watermaster; and now seek to limit, reduce or otherwise restrict flows in the river; and,

**WHEREAS**, citizens, businesses, municipalities, counties, farmers and ranchers, school districts, and industries located in the lower Brazos River Basin recognize the economic hardship and negative impact on the natural environment that would result from such restrictions; and,

**WHEREAS**, these same citizens, business, municipalities, counties, farmers, school districts and industries find it to be in their best interests to form a grassroots organization dedicated to insuring the flows on the Brazos River are not restricted by upstream interests.

**NOW, THEREFORE BE IT HEREBY RESOLVED** by the City Council of the City of Freeport, Texas:

First, that the City Council of the City of Freeport, Texas, supports and endorses the creation of the Lower Brazos River Coalition, the mission of which is to protect the interests of its members by increasing the current flows in the Brazos River.

Second, that a copy of this resolution be sent to the Senator and Representative in the Texas Legislature representing the citizens of the City of Freeport and all others whom the Mayor of the City deems appropriate.

Read, passed and adopted this \_\_\_\_\_ of February, 2015.

\_\_\_\_\_  
Norma Moreno Garcia, Mayor

ATTEST: \_\_\_\_\_  
Delia Munoz, City Secretary

RESOLUTION APPROVING ISSUANCE UP TO A MAXIMUM AMOUNT OF \$59,000,000 BRAZOSPORT WATER AUTHORITY WATER SUPPLY SYSTEM REVENUE BONDS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Brazosport Water Authority (the "Authority") was created by 1985 Tex. Laws, Reg. Sess., Ch. 449 at 3063, as amended, under the authority of Article XIV, Section 59 of the Texas Constitution, and the boundaries of the Authority have not been in any way changed or altered since the enactment of Chapter 449, Acts of the 69th Legislature of Texas, Regular Session, 1985. The Authority has entered into a take-or-pay water supply contract (the "Contract"), dated February 20, 1987, with seven member cities of the Authority, including the City of Freeport, (the "City"), under the terms of which the cities are collectively obligated to make payments to the Authority sufficient to pay the principal and interest requirements on outstanding bonds, and such Contracts remain in full force and effect.

WHEREAS, the Board of Directors (the "Board") of the Authority desires to proceed with (i) the expansion and extension of the Authority's water supply system to the City of Rosenberg, Texas and (ii) the design, testing and completion of a pilot well and facilities necessary to complete final engineering and design for a desalinization plant (collectively, the "Additional Projects"), as described in Section 8.2 of the Contract, through the issuance of the Authority's Water Supply System Revenue Bonds, in one or more series (the "Bonds") under a bond resolution in substantially the form attached as Exhibit A hereto (the "Bond Resolution") and has authorized the Authority's attorneys and financial advisors to take any action reasonably necessary to proceed with preparation for the issuance of Bonds for the Additional Projects; and

WHEREAS, the Board will proceed with the Additional Projects in multiple phases, in substantially the amounts and as more particularly described in Exhibit B attached hereto, with the aggregate cost of such Additional Projects not to exceed a total of \$59,000,000; and

WHEREAS, the City Council of the City of Freeport (the "City Council") finds such Additional Projects to be necessary and feasible;

WHEREAS, pursuant to Section 7.1 of the Contract, the City Council acknowledges the term of the Contract shall be extended until payment in full of the principal, premium, if any, and interest on any Bonds associated with the Additional Projects that may be issued from time to time and all related fees;

WHEREAS, pursuant to Section 8.2 of the Contract, the City Council finds that the City is not in default under the Contract; and

WHEREAS, pursuant to Section 8.2 of the Contract, the Board of the Authority and the City Council of the City mutually agree such Additional Projects are necessary and feasible and acknowledge receipt of the Bond Resolution by the City for review; NOW THEREFORE

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

SECTION 1.01 AUTHORIZATION AND INTENT. In accordance with Sections 8.2 and 9.4 of the Contract, the City Council hereby authorizes and approves the issuance of one or more series of Bonds by the Authority for the Additional Projects pursuant to the Bond Resolution and the Mayor, the City Manager or any other duly appointed person is hereby authorized and directed to execute any necessary certificates and otherwise take any action, reasonably necessary to proceed with the issuance of each series of Bonds in an aggregate amount not to exceed \$59,000,000.

SECTION 1.02. RATIFICATION AND EXTENSION OF CONTRACT. The terms of the Contract previously entered into are hereby ratified by the City and the term of the Contract shall be extended until payment in full of the principal, premium, if any, and interest on any Bonds associated with the Additional Projects that may be issued from time to time and all related fees.

SECTION 1.03. CONTINUING DISCLOSURE. As used in this Section, the following terms have the meanings ascribed to such terms below:

“*MSRB*” means the Municipal Securities Rulemaking Board.

“*Rule*” means SEC Rule 15c2-12, as amended from time to time.

“*SEC*” means the United States Securities and Exchange Commission

(a) So long as the Bonds or any bonds issued for the Additional Projects described herein remain outstanding, the City will provide certain updated financial information and operating data to the MSRB annually in an electronic format as prescribed by the MSRB and available via the Electronic Municipal Market Access (“EMMA”) system at [www.emma.msrb.org](http://www.emma.msrb.org). The information to be updated includes all quantitative financial information and operating data that is customarily prepared by the City. The City shall update such information within six months after the end of each fiscal year. Any financial statements so to be provided shall be (1) prepared in accordance with the Accounting Principles described in this Resolution and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If audited financial statements are not so provided, then the City shall provide unaudited financial statements for the applicable fiscal year by the required time, and audited financial statements when and if audited financial statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to documents (i) available to the public on the MSRB’s internet web site or (ii) filed with the SEC. All filings shall be made electronically, in the format specified by the MSRB.

(b) The City shall notify the MSRB in an electronic format prescribed by the MSRB, in a timely manner (not in excess of ten (10) days after the occurrence of the event), of any of the following events with respect to the Bonds:

- (i) Principal and interest payment delinquencies;
- (ii) Non-payment related defaults, if material;
- (iii) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) Substitution of credit or liquidity providers or their failure to perform;
- (vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (vii) Modifications to rights of holders of the Bonds, if material;
- (viii) Bond calls, if material, and tender offers;
- (ix) Defeasances;
- (x) Release, substitution, or sale of property securing repayment of the Bonds, if material;
- (xi) Rating changes;
- (xii) Bankruptcy, insolvency, receivership or similar event of the City;
- (xiii) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (xiv) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The City shall notify the MSRB in an electronic format prescribed by the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with this Section by the time required by such Section.

All documents provided to the MSRB shall be accompanied by identifying information, as prescribed by the MSRB.

(c) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the City in any event will give the notice required by this Section of any Bond calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Registered Owners and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under the Resolution for purposes of any other provision of this Resolution.

Nothing in this Section is intended to or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(d) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell the Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Registered Owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Resolution that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Registered Owners and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with this Section an explanation, in narrative form, of the reasons for the amendment and of the

impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this Section if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, and the City also may amend the provisions of this Section in its discretion in any other manner or circumstance, but in any case only if and to the extent that the provisions of this sentence would not have prevented an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds, giving effect to (a) such provisions as so amended and (b) any amendments or interpretations of the Rule.

SECTION 1.03 FINDINGS. It is hereby found and determined that the matters and facts set out in the preamble to this Resolution are true and correct.

SECTION 1.04 INTERPRETATIONS. The titles and headings of the sections of this Resolution have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof in this Resolution and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

SECTION 1.05 CITY'S SUCCESSORS AND ASSIGNS. Whenever, in this Resolution, the City Council is named and referred to it shall be deemed to include its successors and assigns, and all covenants and agreements in this Resolution by or on behalf of the Participating Customer, except as otherwise provided herein, shall bind and inure to the benefit of its successors and assigns whether or not so expressed.

SECTION 1.06 SEVERABILITY CLAUSE. If any word, phrase, clause, sentence, paragraph, section or other part of this Resolution, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution and the application of such word, phrase, clause, sentence, paragraph, section or other part of this Resolution to any persons or circumstances shall not be affected thereby.

SECTION 1.07 OPEN MEETING. It is hereby officially found and determined that the meeting at which this Resolution was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by the Texas Open Meetings Act.

*[Execution Page Follows.]*



PASSED AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

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Mayor  
City of Freeport, Texas

ATTEST:

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City Secretary  
City of Freeport, Texas

[CITY SEAL]

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING THE DEFINITION OF UNREPAIRABLE BUILDING OR STRUCTURE CONTAINED IN SUBSECTION (K) OF SECTION 150.026 OF THE CODE OF ORDINANCES OF SAID CITY, CONTAINING MODIFICATION TO THE 1985 EDITION OF THE OF THE STANDARD UNSAFE BUILDING ABATEMENT CODE ADOPTED BY SECTION 150.025 OF SAID CODE OF ORDINANCES; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT ANY PERSON, FIRM, CORPORATION OR AGENT VIOLATING ANY PROVISION OF THE EDITIONS OF THE STANDARD UNSAFE BUILDING ABATEMENT CODE ADOPTED OR AMENDED BY THIS ORDINANCE, SHALL BE PUNISHED AS PROVIDED IN SECTION 10.99 OF SAID CODE OF ORDINANCES, AND THAT EACH DAY AND EACH PART OF EACH DAY ANY SUCH VIOLATION CONTINUES OR OCCURS SHALL BE A SEPARATE OFFENSE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THIS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, by Section 150.025 of the Code of Ordinances of the City of Freeport, Texas, the Standard Unsafe Building Abatement Code, 1985 Edition, published by the Southern Building Code Congress of Birmingham, State of Alabama, was adopted; and,

WHEREAS, the City Council of the City of Freeport, Texas, desires to amend the definition of unrepairable building or structure contained in Subsection (K) of Section 150.026 of said Code of Ordinance; and,

WHEREAS, the City of Freeport, Texas, is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Chapters 51 and 214 of the Local Government Code of Texas, and Sections 2.01, 2.02 and Subsections (g) and (l) of Section 3.07 of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of this Ordinance; and,

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

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

First, Subsection (K) of Section 150.026 of the Code of Ordinances of the City of Freeport, Texas, is hereby amended to read as follows:

■(K) The following definition is added to those contained in Section 202 of the Standard Code:

Unrepairable building or structure - Any building or structure that cannot be repaired because (1) it is a nonconforming use under the comprehensive zoning ordinance of the City and the repair of such building or structure is prohibited by such ordinance or (2) the repair of such building would require the replacement of more than 75 percent of its structural members..

Second, any person, firm, corporation or agent violating the edition of the Standard Unsafe Building Abatement Code, as adopted or amended by this ordinance, shall be guilty of a misdemeanor and, upon conviction, assessed a fine as provided in Section 10.99 of the Code of Ordinances of said City; and each day and each part of any day such violation continues of occurs shall constitute a separate offense.

Third, 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.

Fourth, 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.

Fifth, this ordinance is cumulative of and in addition to all other ordinances of the City of Freeport, Texas, on the same subject and all such other ordinances are hereby expressly saved from repeal; but where this ordinance conflicts or overlaps with the Comprehensive Zoning Ordinance of the City, the zoning ordinance shall control; and where this ordinance and any other ordinance of the City conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Sixth, 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.

Seventh, this ordinance shall take effect and be in force from and after its descriptive caption has been published twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

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Delia Munoz, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

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Wallace Shaw, City Attorney,  
City of Freeport, Texas

C\Freeport\TechCode#22-Ord

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, MAKING FINDINGS OF FACT; ABANDONING THE UNOPENED AND UNUSED RIGHT-OF-WAY FOR THE 500 BLOCK OF EAST FOURTH STREET SHOWN ON THE PLAT OF THE FREEPORT TOWNSITE AS THE RIGHT-OF-WAY BETWEEN BLOCKS 3 AND 4 OF SAID TOWNSITE; CONTAINING A SEVERANCE CLAUSE; REPEALING ORDINANCE NO. 2015-2079; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on the Plat of the Freeport Townsite recorded in Volume 2, page 95 of the Plat Records of Brazoria County, Texas, there is a right-of-way for a public street between Lots 20 through 38 of Blocks 3 and Lots 1 through 19 of Block 4, known as the 500 block of E. Fourth St.; and,

WHEREAS, the City of Freeport, Texas (the "City"), is the owner of all of said Lots 1 through 19 of Block 4 and Lots 20 through 31 of Block 3 (hereinafter sometimes referred to collectively as "the City Lots"), and Port Freeport, a conservation and reclamation district, a body politic and a corporate and governmental agency of the State of Texas, lying and situated in Brazoria County, Texas (the "Port"), is the owner of Lots 32 through 38 of Block 3 (hereinafter sometimes referred to collectively as the "Port Lots"); and

WHEREAS, BRIARWOOD HOLDINGS, LLC, a Texas limited liability company ("Briarwood"), was the sole and successful bidder for the City Lots when previously advertised for sale, and Briarwood is the current owner of the City Lots; and

WHEREAS, the abandoning of such right-of-way being the 500 block of E. Fourth St. would be in the public interest and would benefit the public by allowing the respective owners of the City Lots and the Port Lots to develop and use them as a single tract and eliminate the need for the City to open and maintain such right-of-way when such lots are

improved and the owners of the individual City Lots and individual Port Lots would retain access to each of such lots from the alleys shown on such plat; and,

WHEREAS, on January 20, 2015, the City Council of the City passed and adopted, as Ordinance No. 2015-2079, an ordinance vacating the right-of-way of the unopened street for the 500 block of E. Fourth St. which should be corrected as herein provided and Ordinance No. 2015-2079 repealed.

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

First, the City Council of the City finds and declares that the findings of fact and conclusions of law set forth in the preamble to this ordinance are true and correct.

Second, the unopened right-of-way for a public street shown on the Plat of the Freeport Townsite recorded in Volume 2, page 95 of the Plat Records of Brazoria County, Texas, as lying between Lots 20 through 38 of Block 3 and Lots 1 through 19 of Block 4, known as the 500 block of E. Fourth St., is hereby abandoned.

Third, 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.

Fourth, Ordinance No. 2015-2079 is hereby repealed.

Fifth, this ordinance shall take effect and be in force from and after the date of its passage and adoption set forth immediately below.

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

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Delia Munoz, City Secretary  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

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Wallace Shaw, City Attorney  
City of Freeport, Texas



AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS; CONTAINING A PREAMBLE; AMENDING ORDINANCE NO. 2015-2082 OF SAID CITY, WHICH CALLED THE ANNUAL GENERAL ELECTION FOR THE CITY OF FREEPORT FOR THE SECOND SATURDAY IN MAY, 2015, BEING MAY 9, 2015, AT WHICH THE VOTERS OF SAID CITY RESIDING IN WARDS B AND D SHALL BE PERMITTED TO VOTE FOR OR AGAINST THE CANDIDATES FOR POSITIONS B AND D ON THE CITY COUNCIL OF THE CITY OF FREEPORT AND AT WHICH THE VOTERS OF SAID CITY SHALL ELECT AT LARGE A MAYOR FOR SAID CITY; AMENDING THE PROVISIONS OF SAID ORDINANCE DESIGNATING POLLING PLACES FOR THE DAY OF SAID ELECTION AND AMENDING THE PROVISIONS OF SAID ORDINANCE DESIGNATING POLLING PLACES FOR EARLY VOTING; PROVIDING FOR RATIFICATION AND CONFIRMATION BY THE MAYOR OF SAID CITY OF THE ACTION TAKEN BY THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, on the 2<sup>nd</sup> day of February, 2015, the Mayor and City Council of the City of Freeport, Texas, ordered and ordained, respectively, that a general election be held on the second Saturday in May, 2015, being May 9, 2015, throughout said City for the office of Mayor in Wards B and D for Positions B and D on the City Council of said City, as more fully appears in Ordinance No. 2015-2082 of said City; and,

WHEREAS, the City Council of the City of Freeport, Texas, desires to amend the provisions of said ordinance with respect to the polling places at which electors may vote on election day and for early voting.

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, HEREBY ORDER AND ORDAIN, RESPECTIVELY:

First, Section Two of said Ordinance No. 2015-2082 is hereby amended to read as follows:

"SECTION TWO--Municipal Polling Places

As provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, which is incorporated herein by reference, for the purpose of the election called by this ordinance, there shall be two (2) municipal polling places, one located outside the City of Freeport at the Oyster Creek City Hall, located at 3210 FM 523 in the Village of Oyster Creek, Texas, where voters residing in Brazoria County Election Precinct 8 and also residing within the City of Freeport shall vote on election day and one within the City of Freeport located at the Freeport Library, 410 Brazosport Blvd, Freeport, Brazoria County, Texas, where all other voters residing within the City shall vote on election day. On that day, voting will also be permitted at the following Vote Center Polling Places:

Alvin Library	105 S Gordon
Hillcrest Village Municipal Building	200 W Timberlane
Ryan Center	2925 South Bypass 35
Courthouse West Annex	451 N Velasco
East Annex (Old Walmart)	1524 E Mulberry
Bonney Annex Building	19025 FM 521
Brazoria Library	620 S Brooks
Mims Community Center	4283 FM 521
Clute City Hall	108 E Main

Danbury Community Center	6115 5 <sup>th</sup> St
Holiday Lakes City Hall	195 N Texas Ave
Jones Creek Community House	7207 Stephen F Austin Rd
Lake Jackson Civic Center	333 Hwy 332 East
Liverpool City Hall	8901 CR 171
Courthouse North Annex	7313 Corporate Dr
Drainage District #4 Building	4813 W Broadway
Fellowship Bible Church	1720 E Broadway
Pearland Library	3522 Liberty Dr
Pearland Westside Library	2803 Business Center Dr #101
Silverlake Recreation Center	2715 Southwyck Pkwy
Turner High School	4717 Bailey Rd
Westside Event Center	2150 Countryplace Pkwy
Richwood City Hall	1800 N Brazosport Blvd
Surfside Beach City Hall	1304 Monument Dr
Sweeny Community Center	205 W Ashley-Wilson Rd
Columbia Lakes Conference Center	188 Freeman Blvd
Pct 4 Government Offices	121 N 10 <sup>th</sup> St.

Second, Section Six of said Ordinance No. 2015-2082 is hereby amended to read as follows:

SECTION SIX--Early Voting.

Early voting shall begin on April 27, 2015, and end on May 5, 2015, such early voting to be conducted by the County Clerk of Brazoria County, Texas, at the following locations between the hours of 8:00 a.m. and 5:00 p.m., Monday April 27, 2015, through Friday, May 5, 2015, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, May 2, Monday, May 4, and Tuesday, May 5, 2015:

Angleton Main Location:	East Annex (Old Walmart) 1524 E Mulberry #144, Angleton
Alvin Branch Location:	Alvin Library 105 S Gordon, Alvin
Brazoria Branch Location:	Brazoria Library 620 S Brooks, Brazoria
Freeport Branch Location:	Freeport Library 410 Brazosport Blvd, Freeport
Lake Jackson Branch Location:	Lake Jackson Library 250 Circle Way, Lake Jackson
Manvel Branch Location:	Courthouse North Annex 7313 Corporate Dr, Manvel
Pearland East Branch Location:	Tom Reid (Pearland) Library 3522 Liberty Dr, Pearland
Pearland West Branch Location:	Westside Event Center 2150 Countryplace Pkwy, Pearland
Shadow Creek Branch Location:	Pearland Westside Library 2803 Business Center Dr #101, Pearland
Sweeny Branch Location:	Sweeny Community Center 205 W Ashley Wilson Rd, Sweeny
West Columbia Branch Location:	Precinct 4 Government Offices 121 N 10 <sup>th</sup> St, West Columbia.

Third, 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.

Fourth, by signing this ordinance, the undersigned Mayor of the City hereby ratifies and confirms as his action all matters hereinabove recited which by law come within his jurisdiction.

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

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Norma Moreno Garcia, Mayor  
City of Freeport, Texas

ATTEST:

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Delia Munoz, City Clerk  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

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Wallace Shaw, City Attorney  
City of Freeport, Texas

C:\Freeport.Elc\2015 Electn Ord-Amn

**AMENDMENT TWO  
TO THE  
AGREEMENT FOR OPERATION, MAINTENANCE AND  
MANAGEMENT SERVICES**

**THIS AMENDMENT TWO TO THE AGREEMENT FOR OPERATION, MAINTENANCE AND MANAGEMENT SERVICES** (the "*Amendment Two*") is made and entered into effective the 1st day of April, 2015, by and among:

The **City of Freeport, Texas**, a municipal corporation created under the laws of the State of Texas, with its principal address at 200 West Second Street, Freeport, Texas 77541 (hereinafter referred to as "*Freeport*");

and

**Veolia Water North America - Central, LLC**, a Delaware limited liability company, with its principal address at 184 Shuman Boulevard, Suite 450, Naperville, IL 60563-8323 (hereinafter referred to as "*Contractor*").

**WHEREAS**, Freeport and Professional Services Group, Inc. ("*PSG*") entered into that certain Agreement for Operations, Maintenance and Management Services dated March 21, 1995 (the "*Original Agreement*"), which was Assigned by PSG to U.S. Filter Operating Services, Inc. ("*USFOS*") pursuant to that certain Assignment of Agreement for Operations, Maintenance and Management Services ("*Assignment*") on September 18, 2000; and which was amended in certain provisions pursuant to that certain Amendment One to Agreement for Operation, Maintenance and Management Services ("*Amendment One*") on March 13, 2000, with such *Original Agreement, Assignment and Amendment One* being referred to hereafter as the "*Agreement for Operation, Maintenance and Management Services*";

**WHEREAS**, Contractor is an affiliate of *PSG* and *USFOS*;

**WHEREAS**, it is recognized and agreed by the parties that this *Amendment Two* both acknowledges and affirms the continued operation and maintenance of the Facilities, as defined in the *Agreement for Operation, Maintenance and Management Services*; and

**NOW, THEREFORE**, in exchange for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. This *Amendment Two* shall incorporate all of the terms and conditions contained within *Agreement for Operation, Maintenance and Management Services* to the extent that said terms and conditions are not specifically altered, modified or deleted by this Amendment Two.

2. The parties acknowledge that the term of the *Agreement for Operation, Maintenance and Management Services* commenced on April 1, 1995 and has continued and will continue through and including March 31, 2015 pursuant to the terms, covenants and conditions contained therein. The parties further acknowledge and agree that the term of this *Amendment Two* shall commence on April 1, 2015 and continue through and including September 30, 2015, under the same terms, covenants and conditions contained in the *Agreement for Operation, Maintenance and Management Services*.

**IN WITNESS WHEREOF**, all parties indicate their approval of this *Amendment Two* by their signatures below and each party warrants that all action necessary to bind the party to the terms of this *Amendment Two* has been taken.

**Veolia Water North America – Central, LLC,**  
a Delaware limited liability company

Marcia A Warren  
Witness

By: John M. Wood  
John M. Wood

(Seal)  
ATTEST:

**The City of Freeport, Texas**

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Mayor

Execution of this Amendment Two approved by the City Council of the City of Freeport, Texas on the \_\_\_\_ day of \_\_\_\_\_, 2015.

INVITATION TO BID

NOTICE IS HEREBY GIVEN that the City of Freeport, Texas, (the City) is interested in entering into a contract for street striping at a per lienal foot price according to the below mentioned plans and specifications.

SEALED BIDS addressed to the City Manager by any person, firm or corporation desiring to replace such portions of the above named streets will be received at the office of the City Manager located at 200 W. 2nd Street, Freeport, Brazoria County, Texas 77541, during normal business hours until 2:00 o'clock, p.m., on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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 2:00 p.m. on such date will be returned unopened.

COPIES OF THE PLANS AND SPECIFICATIONS for replacing such streets are available for public inspection at the City's Service, 510 South Avenue A, Freeport, TX 77541, during normal business hours. A set of such documents may be obtained from such office upon payment of the customary copy charge.

A CASHIER'S OR CERTIFIED CHECK drawn on a bank acceptable to the City Manager and payable to the order of the 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 the City covering the replacement of such streets 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 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 reserves the right to construe the same in a manner most advantageous to the City, or to reject the bid.

BY ORDER OF THE BOARD OF THE CITY COUNCIL this \_\_\_\_ day of \_\_\_\_\_, 2015.

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

NOTE: Publish once per week for two consecutive weeks, first publication to be more than 14 days before date of meeting at which bids are to be opened and read aloud.

INVITATION TO BID

NOTICE IS HEREBY GIVEN that the City of Freeport, Texas, (the City) is interested in entering into a contract for street replacement of asphalt streets, including catch basins, for portions of Seventh Street and Ash Street, within the City according to the below mentioned plans and specifications.

SEALED BIDS addressed to the City Manager by any person, firm or corporation desiring to replace such portions of the above named streets will be received at the office of the City Manager located at 200 W. 2nd Street, Freeport, Brazoria County, Texas 77541, during normal business hours until 2:00 o'clock, p.m., on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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 2:00 p.m. on such date will be returned unopened.

COPIES OF THE PLANS AND SPECIFICATIONS for replacing such streets are available for public inspection at the City's Service, 510 South Avenue A, Freeport, TX 77541, during normal business hours. A set of such documents may be obtained from such office upon payment of the customary copy charge.

A CASHIER'S OR CERTIFIED CHECK drawn on a bank acceptable to the City Manager and payable to the order of the 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 the City covering the replacement of such streets 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 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 reserves the right to construe the same in a manner most advantageous to the City, or to reject the bid.

BY ORDER OF THE BOARD OF THE CITY COUNCIL this \_\_\_\_ day of \_\_\_\_\_, 2015.

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

NOTE: Publish once per week for two consecutive weeks, first publication to be more than 14 days before date of meeting at which bids are to be opened and read aloud.

INVITATION TO BID

NOTICE IS HEREBY GIVEN that the City of Freeport, Texas, (the City) is interested in entering into a contract for street replacement of concrete streets, including curbs, gutters catch basins and sidewalks, for portions of Cedar Street and North Avenue J, within the City according to the below mentioned plans and specifications.

SEALED BIDS addressed to the City Manager by any person, firm or corporation desiring to replace such portions of the above named streets will be received at the office of the City Manager located at 200 W. 2nd Street, Freeport, Brazoria County, Texas 77541, during normal business hours until 2:00 o'clock, p.m., on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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 2:00 p.m. on such date will be returned unopened.

COPIES OF THE PLANS AND SPECIFICATIONS for replacing such streets are available for public inspection at the City's Service, 510 South Avenue A, Freeport, TX 77541, during normal business hours. A set of such documents may be obtained from such office upon payment of the customary copy charge.

A CASHIER'S OR CERTIFIED CHECK drawn on a bank acceptable to the City Manager and payable to the order of the 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 the City covering the replacement of such streets 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 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 reserves the right to construe the same in a manner most advantageous to the City, or to reject the bid.

BY ORDER OF THE BOARD OF THE CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

NOTE: Publish once per week for two consecutive weeks, first publication to be more than 14 days before date of meeting at which bids are to be opened and read aloud.