

NOTICE OF PUBLIC HEARING
THE FREEPORT CITY COUNCIL
MONDAY, NOVEMBER 2, 2015, 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 October 19, 2015 Council Minutes. Pg. 852-856
6. **Joint Public Hearing:** The City Council of the City of Freeport, and the Planning Commission of said City will conduct a Joint Public Hearing to consider proposed amendment to the Comprehensive Zoning Ordinance of said City, codified as Chapter 155 of the Code of Ordinances of said City, amending said ordinances to include definitions of a public place and a non-regulated night club and a prohibitions of the use of any land in the City as such a club between 2:15 a.m. and 12:00 noon on Sunday and between 2:15 a.m. and 7:00 a.m. on other days and related provisions regarding the contents certificates of occupancy for such clubs, the rights of entry by the Building Official, any Building Inspector and any police officer, their rights and duties upon entering and the obligations of all occupants at that time. Pg. 857
7. Consideration of approving Ordinance No.2015-2099 declaring the use of any land within the City as a Non-regulated Night Club, as defined in this ordinance, between 2:15 a.m. and 12:00 noon on Sunday between 2:15 a.m. and 7:00 a.m. on any other day to be a public nuisance to be abated as provided in this ordinance; amending section 10.05(B) and 155.002 of the Code of Ordinances of said City to provide definitions; amending 155.023 of said Code of Ordinances to add thereto a new definition (P) prohibiting the use of any land or building in the City as a Non-Regulated Night Club between 2:15 A.M. and 12:00 noon on Sunday and between 2:15 A.M. and 7:00 A.M. on any other day; amending section 155.023 of said code to add thereto new division (Q) requiring every certificate of occupancy issued for any premises which could be used as a Non-Regulated Night Club shall state that the Building Official, any building inspector or police officer of the City shall have the right of entry to such premises during the hours mentioned in Division (P) for the purpose of determining whether or not such premises is in fact being used as a Non Regulated Night Club during such hours and, if so to verbally notify the occupants of such premises to immediately cease such use and providing that the continued use of such premises by any occupant for such propose after receiving such notice shall constitute a violation of the zoning ordinance of the city; ratifying and confirming all actions previously taken by the Planning Commission of said City or the City Council, or both. Pg. 858-864

8. Consideration of approving and authorizing the Mayor to sale an easement, containing 0.413 acres, BCIC 7, Tract 104, Abstract 51 as part of CenterPoint Energy's Oyster Creek Project, approved by the Public Utility Commission of Texas under Docket No. Pg. 865
9. Consideration of approving Resolution No. 2015-2485 casting a vote(s) for candidate(s) for the Board of Directors of the Brazoria County Appraisal District 2016-2017. Pg. 866-868
10. Consideration of approving a residential tax abatement application for Efrain Rodriguez, 1935 North Ave. G., Freeport Texas. Pg. 869-872
11. Consideration of approving the Economic Development Corporation budget fiscal year 2015-2016. Pg. 873
12. Consideration of approving purchasing Christmas lighting for the City of Freeport.
13. Consideration and possible action to declare a vacancy in City Council Position A pursuant to Section 3.02 of the City Charter.
14. Consideration of a approving and advertising for bids for waste collection services. Pg. 874
15. Consideration of the approval of any action to be taken as a result of closed Executive Session.

Executive Session:

Section 551.074, Government Code

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

- Larry L. McDonald, Councilman Member Position A

Section 551.071, Government Code

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

- Pending contractual negotiation regarding Port Freeport

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, October 30, 2015 at or before 5:00 p.m.

Delia Munoz - City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council and the Planning & Traffic Commission of the City of Freeport met on Monday, October 19, 2015 at the Freeport Police Department, Municipal Courtroom, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council:

Mayor Norma Moreno Garcia
Councilman Larry L. McDonald – Absent
Councilman Fred Bolton
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

Planning Commission:

Edward T. Garcia – Chairman
Cindy Cain
Royce McCoy
Lesa Girouard – Absent
Eddie Virgil

Staff:

Gilbert Arispe – Assistant City Attorney
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Brian Davis, Fire Chief
Dan Pennington, Police Chief
Bob Welch, Finance Director
Jennifer Hawkins, Economic Development Inc.

Visitors:

Dail Ballard	Jerry Meeks
Larry Fansher	Lila Lloyd
Annette Sanford	Esther Williams
Moby Burrige	Evelyn Burrige
Winston Rossow	

Call to order

Mayor Norma Moreno Garcia called the meeting to order at 6:03 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Councilwoman Barbree's granddaughter Kaydance Mercado led the Pledge of Allegiance.

Attending citizens and their business.

There were none.

Consideration of approving October 5, 2015 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved the October 5, 2015 Council Minutes.

Consideration of approving Ordinance No. 2015- 2098 amending the budget for fiscal year 2014-2015.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Ordinance No. 2015-2098 amending the budget for fiscal year 2014-2015.

Consideration of approving Resolution No. 2015- 2472 appointing Cindy Cane and Eddie Virgil to the Planning Commission of said City.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Resolution No. 2015- 2472 appointing Cindy Cane and Eddie Virgil to the Planning Commission of said City.

Joint Public Hearing: The City Council of the City of Freeport, and the Planning Commission of said City will conduct a Joint Public Hearing on whether or not Cherry Street, a public street therein situated should be renamed Martin Luther King Boulevard.

There being a quorum with the Planning Commission and the City Council, Mayor Norma M. Garcia opened the Joint Public Hearing at 6:15 p.m., on whether or not Cherry Street , a public street therein situated should be renamed Martin Luther King Boulevard.

Mayor Norma M. Garcia asked for comments from audience and staff.

Esther Williams Secretary of the Martin Luther King Committee stated that 2nd Street is the preferred street, but Cherry Street is an excellent idea. They are approaching 30 years of celebrating Martin Luther King in the City of Freeport.

Dail Ballard member of the Martin Luther King Committee stated that it started in Freeport and that their mailing address is in Freeport. He stated that Sweeny is the only city that has a street named after Martin Luther King. The parade started in 1986 and this is home for the Martin Luther King festival. Doctor Martin Luther King is worthy of renaming a street in Freeport.

Tom Zirlott opposed the renaming of Cherry Street. He was married in Church on Cherry Street, and has sentimental reasons for opposing the name change.

Annette Sanford asked what changes would take place if the street was renamed.

Edward T, Garcia stated that Port Freeport, Seaman Center and Western Seafood and the Post Office would be affected.

Annette Sanford suggested a park or property designated for the memory of Martin Luther King.

Lila Lloyd stated that Martin Luther King did not just represent the African Americans, was responsible for the Civil Right bill, for equality and America.

Reverend Williams stated that naming a street to Martin Luther King is a wonderful thing and asked Council not to have a tunnel vision, did very much for the country and supported non-violence, peace, unity and equality for all.

There being no more comments, Mayor Norma M. Garcia closed the Joint Public Hearing at 6:35 p.m.

Consideration of amending the Code of Ordinances to change the name of Cherry Street to Martin Luther King Boulevard.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved amending the Code of Ordinances to change the name of Cherry Street to Martin Luther King Boulevard.

Consideration of approving Resolution No. 2015-2478 appointing Nino Herrera, Daniela Ramirez, Ruben Cuellar, Beatrice Gonzalez, and Angela Fisher to the Charter Review Commission.

On a motion by Councilwoman Loeza, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved Resolution No. 2015-2478 appointing Nino Herrera, Daniela Ramirez, Ruben Cuellar, Beatrice Gonzalez, and Angela Fisher to the Charter Review Commission.

Consideration of approving Resolution No. 2015-2484 authorizing the creation of the Gulf Coast Regional 9-1-1 Emergency Communication District.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council approved 3 to 1, Resolution No. 2015-2484 authorizing the creation of the Gulf Coast Regional 9-1-1 Emergency Communication District. Councilman Bolton opposed.

Consideration of approving and authorizing the Mayor to sign an engineering contract with John D. Mercer & Associates, Inc. for design and construction for the purposed upgrade to the Riverside Lift Station.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved and authorized the Mayor to sign an engineering contract with John D. Mercer & Associates, Inc. for design and construction for the purposed upgrade to the Riverside Lift Station.

Consideration of approving a 25% cost match for a 2014 FEMA grant not to exceed \$87,500.00 to place license plate reader (LPR) on the outbound lanes at the current sites, except Ave. J and Skinner, and to place the same equipment at the two additional entry/exit points; FM 523 and FM 1495.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza , with all present voting "Aye", Council unanimously approved a 25% cost match for a 2014 FEMA grant not to exceed \$87,500.00 to place license plate reader (LPR) on the outbound lanes at the current sites, except Ave. J and Skinner, and to place the same equipment at the two additional entry/exit points; FM 523 and FM 1495.

Consideration of approving Kennemer, Masters & Lunford, Certified Public Accounts to perform the City's audit for the year ending September 30, 2015.

On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Kennemer, Masters & Lunford, Certified Public Accounts to perform the City's audit for the year ending September 30, 2015.

Work Session:

Chief of Police Dan Pennington updates on 2014 FEMA Grant funding proposal.

The LPR system has been an outstanding crime prevention tool despite only monitoring most, not all inbound Freeport traffic. The cameras have helped officers recover nearly a dozen stolen vehicles and arrest their drivers, recover tens of thousands of dollars of stolen property, clear several vehicle and home burglaries seize various drugs, and arrest a serial felony exposing suspect who victimized both women and children.

Propose Christmas lighting plan.

Gilbert Arispe presented a proposal on Christmas lighting, on 2nd Street and downtown Memorial Park. Plans are to move events and Holiday on the Brazos to Memorial Park. Installing 5 Star fish at each intersection and LED lighting on the palms trees, starting from the railroad trestle along 2nd street to Memorial Park. The Economic Development has approved \$138,298.25 funds for the lighting and the City would fund the same amount. A great attraction to showcase the City.

Mayor Norma M. Garcia closed the Work Session and opened the Executive Session at 7:05 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:

- **Waste Management**
- **Port Freeport**

No action taken

Adourn

On a motion by Councilman Barbee, seconded by Councilwoman Loeza with all present voting “Aye”, Mayor Norma Moreno Garcia adjourned the meeting at 7:35 p.m.

Mayor Norma Moreno Garcia
City of Freeport, Texas

Delia Munoz – City Secretary
City of Freeport, Texas

TO ALL PERSONS IN INTEREST, CITIZENS, CORPORATIONS, AND FIRMS, THEIR AGENTS AND ATTORNEYS, AND TO ALL PERSONS, FIRMS, AND CORPORATIONS OWNING ANY INTEREST IN ANY LAND LOCATED WITHIN AND TO ALL INHABITANTS AND LAND OWNERS OF AND IN THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS.

N O T I C E

A joint public hearing will be held on Monday, the 2nd day of November, 2015, at 6:00 o'clock p.m., central standard time, at the Police Department Municipal Courtroom of the City of Freeport, Texas, located at 430 North Brazosport Boulevard, within the corporate limits of said city, in Brazoria County, Texas, at which time and place the City Council and the Planning Commission of said city will conduct a joint public hearing to consider proposed amendments to the Comprehensive Zoning Ordinance of said city, codified as Chapter 155 of the Code of Ordinances of said City, amending said ordinance to include definitions of a public place and a non-regulated night club and a prohibition of the use of any land in the city as such a club between 2:15 a.m. and 12:00 noon on Sunday and between 2:15 a.m. and 7:00 a.m. on other days and related provisions regarding the contents certificates of occupancy for such clubs, the rights of entry by the Building Official, any Building Inspector and any police officer, their rights and duties upon entering and the obligations of all occupants at that time.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,
made on the 5th day of October, 2015.

Delia Munoz, City Secretary,
City of Freeport, Texas

NOTE: This notice should be published in the Brazosport Facts ONE (1) time only at least fifteen (15) full days prior to the date of the public hearing.

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; DECLARING THE USE OF ANY LAND WITHIN THE CITY AS A NON-REGULATED NIGHT CLUB, AS DEFINED IN THIS ORDINANCE, BETWEEN 2:15 A.M. AND 12:00 NOON ON SUNDAY AND BETWEEN 2:15 A.M. AND 7:00 A.M. ON ANY OTHER DAY TO BE A PUBLIC NUISANCE TO BE ABATED AS PROVIDED IN THIS ORDINANCE; AMENDING SECTIONS 10.05(B) AND 155.002 OF THE CODE OF ORDINANCES OF SAID CITY TO PROVIDE DEFINITIONS; AMENDING SECTION 155.023 OF SAID CODE OF ORDINANCES TO ADD THERETO A NEW DIVISION (P) PROHIBITING THE USE OF ANY LAND OR BUILDING IN THE CITY AS A NON-REGULATED NIGHT CLUB BETWEEN 2:15 A.M. AND 12:00 NOON ON SUNDAY AND BETWEEN 2:15 A.M. AND 7:00 A.M. ON ANY OTHER DAY; AMENDING SECTION 155.023 OF SAID CODE TO ADD THERETO NEW DIVISION (Q) REQUIRING EVERY CERTIFICATE OF OCCUPANCY ISSUED FOR ANY PREMISES WHICH COULD BE USED AS A NON-REGULATED NIGHT CLUB SHALL STATE THAT THE BUILDING OFFICIAL, ANY BUILDING INSPECTOR OR POLICE OFFICER OF THE CITY SHALL HAVE A RIGHT OF ENTRY TO SUCH PREMISES DURING THE HOURS MENTIONED IN DIVISION (P) FOR THE PURPOSE OF DETERMINING WHETHER OR NOT SUCH PREMISES IS IN FACT BEING USED AS A NON-REGULATED NIGHT CLUB DURING SUCH HOURS AND, IF SO, TO VERBALLY NOTIFY THE OCCUPANTS OF SUCH PREMISES TO IMMEDIATELY CEASE SUCH USE AND PROVIDING THAT THE CONTINUED USE OF SUCH PREMISES BY ANY OCCUPANT FOR SUCH PURPOSE AFTER RECEIVING SUCH NOTICE SHALL CONSTITUTE A VIOLATION OF THE ZONING ORDINANCE OF THE CITY; RATIFYING AND CONFIRMING ALL ACTIONS PREVIOUSLY TAKEN BY THE PLANNING COMMISSION OF SAID CITY OR THE CITY COUNCIL, OR BOTH; PROVIDING THAT ANY PERSON VIOLATING SAID CODE, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 155.999 OF SAID CODE OF ORDINANCES; PROVIDING THAT EACH DAY ANY SUCH VIOLATION OCCURS AND EACH PART OF ANY DAY ANY SUCH VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THE PENAL PROVISIONS OF THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS BUT ALL OTHER PROVISIONS SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

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

WHEREAS, Subchapter A of Chapter 211 of the Local Government Code of Texas and Item (g) of Section 3.07 its Home Rule Charter authorize the City Council to adopt the provisions of this Ordinance; and,

WHEREAS, the use of any land or building within the City as a Non-Regulated Night Club, as hereinafter defined, after 2:15 a.m. and before 12:00 noon on Sunday and on any other day after 2:15 a.m. and before 7:00 a.m. creates a public nuisance which should be abated as provided in this ordinance; and,

WHEREAS, the City Council of the City has determined and does here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City and is necessary to conform the comprehensive zoning plan of the City to the current zoning conditions which exist therein and to abate the public nuisance herein defined.

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

SECTION ONE--Findings of Fact and Conclusions of Law.

The City Council of the City makes the following findings of fact and conclusions of law, viz:

First, that the public hearings required by the Zoning Enabling Act of the State of Texas, codified as Chapter 211 of the Texas Local Government Code, and the present Comprehensive Zoning Ordinance of the City, codified as Chapter 155 of the Code of Ordinances of the City, have been conducted in the manner and at the time required.

Second, that not less than fifteen (15) days prior to the date of such hearings, public notice thereof was published once in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City, stating the date, time and place of such hearings.

Third, that after considering evidence submitted at such hearings, the City Council of the City is of the opinion and finds that the operation of and use of any premises in the City as a Non-Regulated Night Club, as hereinafter defined, between 2:15 a.m. and 12:00 noon on Sunday and between 2:15 a.m. and 7:00 a.m. on any other day, constitutes a public nuisance which can and should be abated by the changes in Chapter 155 of the City's Code of Ordinances set forth below.

Fourth, that Section 105.06(c), Texas Alcoholic Beverage Code, prohibiting consumption or possession with intent to consume of an alcoholic beverage in a public place between 2:15 a.m. and 12:00 noon on Sunday and between 2:15 a.m. and 7:00 a.m. on any other day applies only to premises that constitute a public place and such consumption or possession with intent to consume is not prohibited by said Code or any other statute of the State of Texas or regulation of any other agency thereof on other premises; and,

Fifth, that the health, safety, morals and general welfare of the inhabitants of the City will best be served by the adoption of this ordinance prohibiting the use of any premises in the City from being used as a Non-Regulated Night Club as hereinafter defined.

SECTION TWO.-CODE OF ORDINANCES AMENDED

The Comprehensive Zoning Ordinance of the City, read, passed and approved as Ordinance No. 1100 on the 3rd day of April, 1964, now codified as Chapter 155 of the City's Code of Ordinances and hereinafter sometimes called "the Zoning Ordinance," is hereby amended as follows:

First, Section 10.05(B) of the Code of Ordinances of the City is hereby amended to add the following definition:

PUBLIC PLACE has the meaning given to it in Section 1.07 (40) of the Texas Penal Code."

Second, Section 155.002 of the Code of Ordinances of the City is hereby amended to add the following definition:

■ NON-REGULATED NIGHT CLUB. A Night Club that sponsors or permits any on-site event or activity involving alcohol which is not regulated by the Texas Alcoholic Beverage Commission between the hours of 2:15 a.m. and 12:00 noon on Sunday and 2:15 a.m. and 7:00 a.m. on other days if such club has or is required by the Code of Ordinances of the City to have any of the following: (1) a sound amplification permit, (2) a dance hall permit or (3) a coin-operated machine on which a tax is required to be paid or (4) if such club charges a door charge, an entry fee or other valuable consideration for entry onto or to remain upon the premises."

Third, Section 155.023 of the Code of Ordinances is hereby amended to add new Divisions (P) and (Q) which shall read, respectively, as follows:

(P) No land or building in the City may be used as a Non-Regulated Night Club between the hours of 2:15 a.m. and 12:00 noon on Sunday and between the hours of 2:15 a.m. and 7:00 a.m. on other days."

(Q) Every certificate of occupancy issued for any premises that, in the opinion of the Building Official, could be used as a Non-Regulated Night Club shall provide that the Building Official and any Building Inspectors or Police Officer of the City shall have a right of entry to such premises during the hours mentioned in Division (P) of this section for the purpose of determining whether or not such premises is in fact being used as a Non-Regulated Night Club during any of the hours mentioned in Division (P) of this section and, if such premises is being so used, the duty to verbally notify the occupants of such premises to immediately cease such use and that the continued use of such premises by any occupant as a Non-Regulated Night Club during such hours after receiving such notice shall be a violation of the Zoning Ordinance and, upon conviction, shall be punished as provided in Section 155.999 of this Chapter. Provided, however, nothing in this Division shall prevent an arrest or prosecution of any Occupant found to be in violation of Section 105.06(c) of the Alcoholic Beverage Code for consuming or possessing with intent to consume an alcoholic beverage in a public place during such hours without the giving of such warning."

SECTION THREE--Ratification and Confirmation.

The City Council of the City of Freeport, Texas, hereby ratifies and confirms any and all action taken by the Planning Commission of said City or the City Council of said City, or both, in connection with the change in zoning classification evidenced by this ordinance, including but not limited to the calling of a public hearing required by said Zoning Enabling Act and the Zoning Ordinance, the giving of public notice of such hearings, the giving of written notice to the owners of property which is the subject of such and to the adjoining property owners, the making of preliminary and final reports with respect to such change and the conducting of the public hearings required by said Act and the Zoning Ordinance.

SECTION FOUR - PENALTY

Any person violating the Code of Ordinances of the City, as amended by this ordinance, shall be guilty of a misdemeanor and upon conviction therefor assessed a fine as prescribed in Section 155.999 of said Code; and each day such violation occurs and each part of any day any such violation continues shall constitute a separate offense.

SECTION FIVE--SAVINGS CLAUSES

(a) 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.

(b) This ordinance is cumulative of and in addition to all other ordinances of the City of Freeport, Texas, on the same subject and all such ordinances are hereby expressly saved from repeal. Provided however, where this ordinance and another ordinance conflict or overlap, this ordinance shall prevail.

(c) 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.

SECTION SIX--SEVERANCE CLAUSE.

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.

SECTION SEVEN--EFFECTIVE DATE.

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

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

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney
City of Freeport, Texas

C\Freeport.Zon\Non-Regulated Night Club-Ord



October 7, 2015

City of Freeport
200 W. Second Street, 2nd Floor
Freeport, Texas 77541
Attn: Jeff Pynes – City Manager

FEDERAL EXPRESS
7746 8809 1629

RE: 62489593E – Initial Offer from CenterPoint Energy Houston Electric LLC (“CenterPoint Energy”) to acquire a total of a 0.413 acre easement as part of a New Electric Transmission Right of Way in Brazoria County, Texas and Landowner’s Bill of Rights

Dear Mr. Pynes:

CenterPoint Energy would like to purchase an easement from the City of Freeport containing 0.413 acres as part of CenterPoint Energy’s Oyster Creek Project, approved by the Public Utility Commission of Texas under Docket No. 41749. CenterPoint Energy is pleased to convey the following offer to you:

CenterPoint Energy, in an effort to reach a mutual agreement with the City of Freeport, hereby offers \$1,686.50 (Dollars), as full monetary compensation for the acquisition of the 50% interest in the 0.413 acre easement as more particularly described in the attached easement document and exhibits. This offer is based on the appraised value of this tract, as determined by an independent appraiser. A copy of the appraisal report is attached hereto.

Please be advised that the City of Freeport have the right to discuss this offer and any agreement regarding this acquisition with others, or the City of Freeport may elect to keep the offer or any agreement confidential unless the offer or agreement is subject to Chapter 552 of the Texas Government Code relating to Public Information.

While CenterPoint Energy remains eager to negotiate a mutual agreement with the City of Freeport to acquire the necessary easement described herein across the above referenced property, please be advised that CenterPoint Energy has determined it is in the public interest to acquire the above-referenced easement in order to provide reliable electric service to the City of Freeport and the surrounding area. In the event we are not able to agree, CenterPoint Energy may be required to exercise its eminent domain authority to acquire the above referenced easement. As such, I have enclosed a copy of the Landowner’s Bill of Rights prepared by the Office of the Attorney General of the State of Texas for your information.

If the City of Freeport is agreeable to the foregoing offer, please notify me to make arrangements for processing the payment and exchange of necessary documents. I can be reached at 713 207-8145 (Office), 832-381-8984 (Cell) or by email at steven.voss@CenterPointEnergy.com if the City of Freeport should have any questions or concerns that would need to be discussed further.

Sincerely,

CenterPoint Energy Houston Electric LLC

Steven H. Voss
Senior Right-of-Way Agent

Attachment: Offer Letter, Easement Document, Landowners Bill of Rights, W-9 Form, Appraisal

BRAZORIA COUNTY APPRAISAL DISTRICT

MEMBERS OF THE BOARD

Ro'Vin Garrett
William Hasse
Ruby Jo Knight
Gail Robinson
Glenn Salyer
Susan Spoor

CHIEF APPRAISER
Cheryl Evans
500 N. Chenango
Angleton, Texas 77515
979-849-7792
Fax 979-849-7984

October 21, 2015

Honorable Norma Garcia
Mayor of Freeport
200 W. 2nd
Freeport, TX 77541

Dear Honorable Norma Garcia,

Thirty-three voting taxing units were entitled to submit by written resolution, nominations to fill the five member board of directors of the Brazoria County Appraisal District. Attached is the official ballot with the nominations we received.

CITY OF FREEPORT IS ENTITLED TO CAST 21 VOTE(S).

Each voting unit must vote by **Written Resolution** and submit it to the chief appraiser before **December 15, 2015**. The governing body of the taxing unit may cast all of its votes for one candidate or distribute the votes among any number of candidates. When you add the column of your votes, your total should not be greater than your allotted number.

A voting unit must cast its votes for a person nominated and named on the ballot. There is no provision for write-in candidates. The chief appraiser may not count votes cast for someone not listed on the official ballot.

Complete the ballot and return to Cheryl Evans, Chief Appraiser, 500 North Chenango, Angleton, Texas 77515, **along with an Attached Written Resolution** before **December 15, 2015**. If you have any questions about the format of your resolution or any other matter, give me a call immediately.

It is important that you return your **Ballot and Resolution** to the chief appraiser before **December 15, 2015**, so that we may count the votes, declare the winners, and notify all taxing units and candidates of the results.

Sincerely,



Cheryl Evans
Chief Appraiser

CE/td
Enclosure

**BRAZORIA COUNTY APPRAISAL DISTRICT
BOARD OF DIRECTORS ELECTION 2016-2017**

OFFICIAL BALLOT

<u>NOMINATIONS/CANDIDATES</u>	<u>VOTE(S) CAST</u>
1. <u>William (Bill) Hasse</u>	1. _____
2. <u>Tommy King</u>	2. _____
3. <u>Ruby Jo Knight</u>	3. _____
4. <u>Gail Robinson</u>	4. _____
5. <u>Glenn Salyer</u>	5. _____
6. <u>Susan Spoor</u>	6. _____
7. <u>Bob Welch</u>	7. _____

PLEASE ATTACH YOUR RESOLUTION TO THIS FORM

SUBMITTED BY: _____

VOTES ENTITLED TO: _____

VOTES CAST: _____

RESOLUTION NO. _____

WHEREAS, the official ballot containing the names of the duly nominated candidates for the Board of Directors of the Brazoria County Appraisal District has been received from the Chief Appraiser of the Brazoria County Appraisal District; and

WHEREAS, the _____ wishes to cast its votes thereon;

NOW, THEREFORE, BE IT RESOLVED, the _____ does hereby determine and cast its votes for the candidates for the Board of Directors of the Brazoria County Appraisal District as follows:

BE IT FURTHER RESOLVED that the official ballot be marked in accordance with this resolution and returned to the Chief Appraiser of the Brazoria County Appraisal District with a copy of this resolution attached hereto prior to December 15, 2015.

PASSED AND APPROVED this _____ Day of _____, 2015.

Presiding Officer

ATTEST:

Secretary

TAX REINVESTMENT ZONE
RESIDENTIAL APPLICATION

SECTION I

Property Owner(s): EFRAIN RODRIGUEZ

Mailing Address:

Telephone Number:

24102 CR 48 Angleton Tx 77515 979-709-6368

Property Owner's Representative: EFRAIN RODRIGUEZ

Mailing Address:

Telephone Number:

24102 CR 48 Angleton Tx 77515 979-709-6368

Property Address (physical):

1935 N AVE G

Property Legal Description:

RIVERSIDE TERRACE (Freeport) Block 1 Lot 18

Located within: City of Freeport Freeport ET

Description of Project:

CONSTRUCT A NEW 1318 sq ft House

3 BEDROOMS, 2 BATHS, KITCHEN/DINING ROOM,

FAMILY ROOM, STORAGE ROOM, PATIO AND PORCH

Date of projected occupation of project/initiation of operations:

1-30-16

SECTION II

Fiscal Impact:

What is the value of real property improvements added to the tax rolls? \$ 75,000

What utility construction is required: NONE

Community Impact:

Is the project compatible with the City's comprehensive plan? YES

What adverse environment impact will be created by the project: NONE

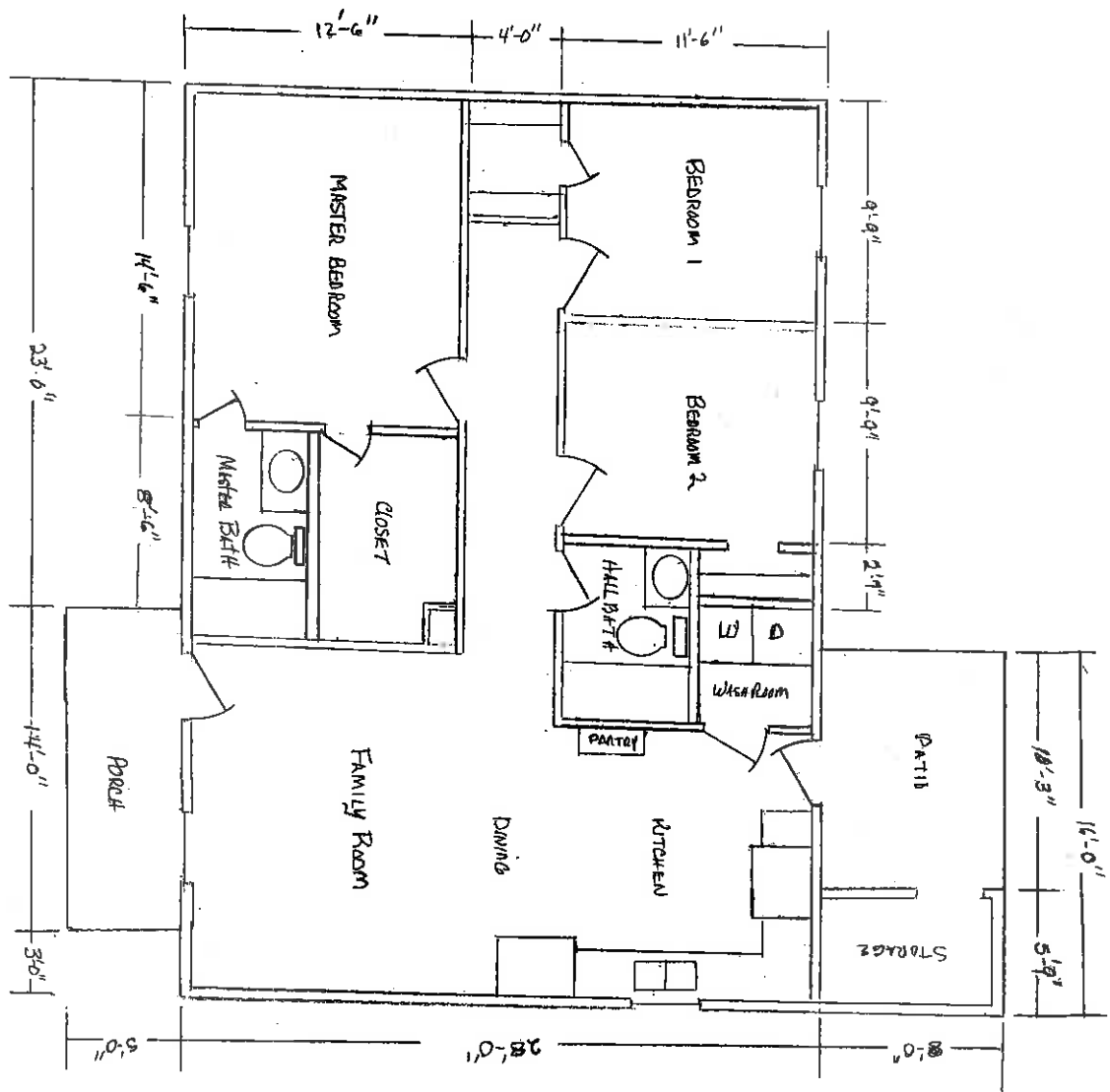
Date: 10-28-15

Per 75.00 10/30/15
CR# 1700

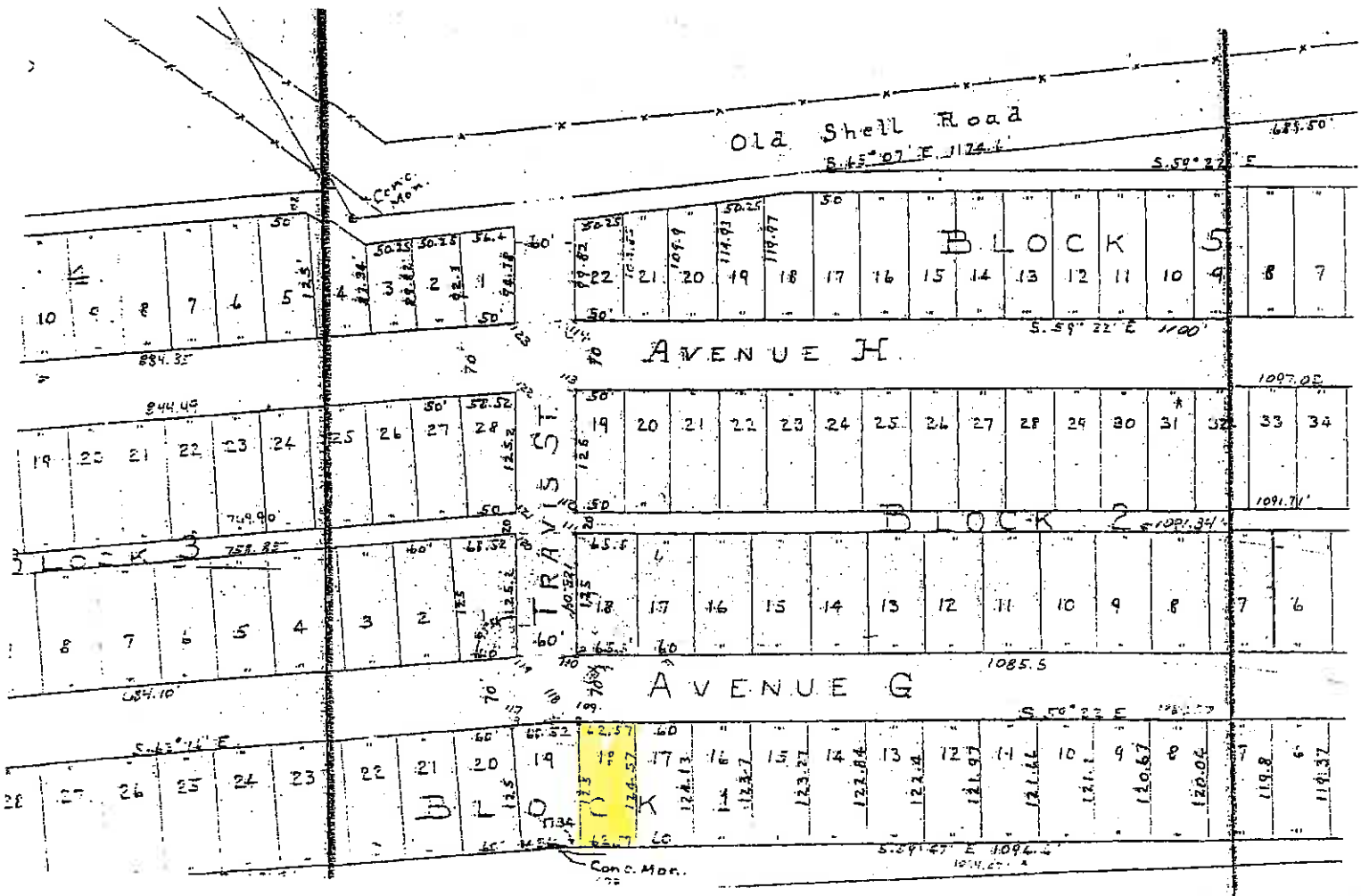
Applicant(s) Signature(s)

[Signature]

1935 N Ave G
 Freeport, ME
 10-16-15
 Scale 3/16" = 1'-0"



Living Area 1120 sq ft
 Porch 70
 Extra + Storage 128
 1318 sq ft



Lot 17

60' X 124.13

Lot 18

62.57 X 124.37

62
1
122.7

	A	B	C	D	E	F	G	H	I
1	2014-15 Expenses					Estimated Income	Income 2015-2016		
2									
3	Advertising			\$ 2,846.15		Forward from	rom 2014-2015		\$ 247,408.00
4	Christmas Lights			\$ 138,000.00		Sales Tax **			\$ 1,100,000.00
5	Dues			\$ 555.00		Interest			\$ 1,000.00
6	FICA & Medicare			\$ 3,101.05					\$ 1,348,408.00
7	First State Bank Clute			\$ 133,227.87					
8	Insurance, group			\$ 7,532.76		**Based on \$90,000 per month			
9	Insurance property								
10	Land acquisition			\$ 540,750.00		Encumbered, 2015-2016:			
11	Longevity			\$ 48.10		Auditor			9000
12	Marketing			\$ 5,582.70		FICA & Medicare			3200
13	Office Supplies			\$ 778.10		First State Bank Clute			\$ 158,810.00
14	Postage			\$ 159.06		Insurance Group			\$ 7,535.00
15	Printing & reproduction			\$ 1,065.56		Longevity			\$ 485.00
16	Professional Services - auditor			\$ 9,048.75		Professional Services			\$ 30,000.00
17	Professional Services - legal			\$ 50,029.53		Salary			\$ 55,000.00
18	Professional Services - other			\$ 20,000.00		Southside Bank			\$ 208,540.00
19	Property maintenance			\$ 7,200.00		TMRS			\$ 5,225.00
20	Publication & subscriptions			\$ 624.07		Western Seafood			\$ 540,750.00
21	Rent			\$ 1,087.62					\$ 1,018,545.00
22	Salary			\$ 55,000.00					
23	Seminars			\$ 2,063.45					
24	South Side Bank			\$ 203,966.20					
25	Special Projects			\$ 4,320.00					
26	Sundry			\$ 6,629.68					
27	TMRS			\$ 5,222.42					
28	Taxes, Property								
29				\$ 1,198,838.07					

REQUEST FOR COMPETITIVE SEALED PROPOSALS

A determination having been made by the governing body of the City of Freeport, Texas, that the method of purchase that provides the best value for the City will be by Competitive Sealed Proposal, NOTICE IS HEREBY GIVEN that the City of Freeport, Texas, is interested in entering into a three (3) year contract commencing on January 1, 2016 for the purchase of Solid Waste Collection Services which shall include (1) the collection twice per week of waste deposited into 95 gallon refuse carts, and (2) the collection once per week of heavy trash (weighing fifty pounds or more) or bulky trash (which will not fit into the refuse carts), according to the below mentioned specifications which will be available at City Hall. The City of Freeport, Texas, is also interested in entering into an independent contract for the purchase of the services described in item (1) above without the services described in item (2), the specifications for which will also be available at City Hall.

Competitive SEALED PROPOSALS addressed to the City Manager by any person, firm or corporation desiring to contract to sell the services described in items (1) and (2) above, with an alternate proposal for the sale of the services described in item (1) alone, will be received at the office of the City Manager located at 200 W. 2nd Street, Freeport, Brazoria County, Texas 77541 ("City Hall"), during normal business hours until 2:00 o'clock, p.m., on the _____ day of _____, 2015, and thereafter publicly opened and read in accordance with Chapter 252 of the Texas Local Government Code ("LGC"), and other applicable law. Any sealed proposal received after 2:00 p.m. on such date will be returned unopened.

COPIES OF THE SPECIFICATIONS for such Solid Waste Collection Services under Items (1) and (2), and alternately under item (1) alone, are available for public inspection at 200 W. 2nd Street, Freeport, Brazoria County, Texas 77541, during normal business hours. A set of such documents may be obtained at City Hall on payment of a copy charge.

The contract will be awarded to the LOWEST RESPONSIBLE PROPOSER OR to the PROPOSER WHO PROVIDES goods or services at the BEST VALUE for the municipality. Other evaluation criteria are listed in Sec. 252.043(b)LGC.

The City RESERVES the right to REJECT ANY AND ALL PROPOSALS, to WAIVE any INFORMALITIES 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 sealed proposal.

BY ORDER OF THE CITY COUNCIL this _____ day of _____, 20____.

Delia Munoz, City Secretary
City of Freeport, Texas