

NOTICE OF PUBLIC MEETING  
THE FREEPORT CITY COUNCIL  
MONDAY, OCTOBER 15TH, 2012, 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 October 1st, 2012 Council Minutes. Pg. 676-680
5. Attending citizens and their business.
6. Consideration of approving Ordinance No. 2012-2027 pertaining to the Brazoria County Erosion Response Plan; amending Ordinance No. 2010-2263 the Dune Protection and Beach Access Plan of the City of Freeport, Texas to adopt Revisions 1 of the Brazoria County Erosion Response Plan. Pg. 681
7. Consideration of approving Resolution No. 2012-2400 adopting the Houston Galveston Area Council Regional Hazard Mitigation Plan – 2011. Pg. 682-688
8. Consideration of approving the bids and awarding the contract for the City of Freeport Central Lift Station Rehabilitation. Pg. 689-690b
9. Consideration of advertising for bids on Block 87, Lots 9 & 12, Velasco Townsite, known as 18 & 24 South Avenue F., Tx Id 8110-0880-000. Pg. 691-692
10. Consideration of selling the City's interest in Tract 6, Block W, Abstract 90 (Slaughter Road area) Tax Id 0090-0016-110. Pg. 693-693b
11. Consideration of final judgment and possible sheriff sale on Block 6, Lots 13 thru 21, Velasco Townsite, known as 107 thru 123 South Gulf Boulevard, Id 0090-0016-110. Pg. 694-695
12. Consideration of approving a special warrant deed correction in substitution for the earlier deed dated May 21<sup>st</sup>, 2012 recorded in the official records of Brazoria County as Document # 2012022681; property conveyed to Gary Woodring, being 0.764 acres of land out of S.F. Austin Survey, Abstract 32 and S.F. Austin Survey, Abstract 33, City of Freeport, Brazoria. Pg. 696-699
13. Consideration on any item discussed in Executive Session.

**Executive Session:**

**Section 551.074, Government Code**

**Deliberations concerning duties and responsibilities of a public officer or employee to wit;**

- **City Manager**

**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:**

- **City Attorney- Wallace Shaw**

**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, October 12th, 2012 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, Texas

BE IT REMEMBERED, that the City Council and the Planning Commission of the City of Freeport met on Monday, October 1st, 2012 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council: Norma M. Garcia  
Michelle Kent  
Fred Bolton  
Sandra Loeza  
Sandra Barbree

Planning Commission: Edward T. Garcia Absent  
Reuben Cuellar-Absent  
Jesse Aguilar  
Tobey Davenport  
Eddie Virgil

Staff: Jeff Pynes, City Manager  
Gilbert Arispe, Asst. City Manager  
Wallace Shaw, City Attorney  
Delia Munoz, City Secretary  
Nat Hickey, Property Manager  
Brain Davis, Fire Chief  
Bob Welch, Finance Director

Visitors: Jerry Meeks  
Juanita Cardozo  
Doak Leggett  
Jim Dibble  
Shannon Daughtry  
Richard Whitmore  
Alex Journey  
Phat Nguyen

Call to order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Garcia led the Pledge of Allegiance.

Consideration of approving the September 17th, 2012 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved the September 17th, 2012 Council Minutes.

Attending citizens and their business.

There were none.

Proclamation designating the third week of October as "Freedom from Bullies Week"

Mayor Norma Garcia read and proclaimed the third week of October as "Freedom from Bullies Week".

Joint Public Hearing – The City Council and the Planning Commission of said City will conduct a Joint Public Hearing to consider the following proposed amendments to the Comprehensive Zoning Ordinance and Map of said City, codified as Chapter 155 of the Code of Ordinances of said City:

First, changing the zoning classification of the following described land from its present classification of R-2 to a new classification of C-2:

Lots 1-12, Block 525 and Lots 1-12, Block 538, Velasco Townsite of the City of Freeport, Texas, according to the map or plat recorded in Volume 32, page 14 of the Deed Records of said county.

Second, granting a Specific Use Permit to Port Freeport to erect and operate a 150 foot communication tower adjacent to its Emergency Operations Center Building located on Lots 1-8, Block 24, Freeport Townsite, City of Freeport, Brazoria County, Texas known as 801 Navigation Boulevard, Freeport Texas.

Third, granting a Specific Use Permit to Jim Dibble and Skyward Towers to erect and operate a telecommunication tower on Lots 18-20, Block 712, Velasco Townsite, City of Freeport, Brazoria County, Texas known as 1213 N. Ave. J., Freeport, Texas.

There being a quorum with the Planning Commission, Mayor Norma Garcia opened the Joint Public Hearing at 6:05 p.m. to discuss and review two items for request for Specific Use permits and one for Rezoning.

Tobey Davenport spokesman for the Planning Commission stated that the committee was in favor and recommended to Council that all three requests be approved. Mr. Davenport asked the audience for comments; or if there were any oppositions.

James B. Heath, representing TIC Energy & Chemical Inc., is requesting to change the classification of Lots 1-12 Block 525 and Lots 1-12, Block 538 from R-2 to a new classification of C-2. TIC is closing its operation at 6711 E. Hwy. 332 in Freeport; and consolidating all activities, using 304 North Gulf Boulevard as the main plant. There was no opposition to this request.

Phat Nguyen spokesman for Port Freeport requested to erect 150 foot communication tower to be located adjacent to the Emergency Operations Center Building, inside the Port of Freeport facilities. There was no opposition to this request.

Mr. & Mrs. James Barnett manage a mini storage close by and were concerned the communication tower would fall if winds reached 120 mile per hour winds. Mr. Richard Whitmore with Skyway Towers stated the communication tower was designed to sustain 130 mile per hour wind.

There being no more comments or oppositions from council and the audience, Tobey Davenport, Vice Chairman for the Planning Commission, adjourned the meeting at 6:30 p.m. Mayor Norma Garcia thanked and excused the Planning Commission and adjourned the Joint Public Hearing.

Consideration of approving Ordinance No. 2012-2024 amending the Comprehensive Zoning Ordinance of said City to change the zoning classification of Block 525, Lots 1-12 and Block 538, Lots 1-12, Velasco Townsite from its present zoning classification of R-2 to a new zoning classification of C-2.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye" Council unanimously approved Ordinance No. 2012 amending the Comprehensive Zoning Ordinance of said City to change the zoning classification of Block 525, Lots 1-12 and Block 538, Lots 1-12, Velasco Townsite, from its present zoning classification of R-2 to a new zoning classification of C-2.

Consideration of approving Ordinance No. 2012-2025 amending the Comprehensive Zoning Ordinance of said City to permit the specific use of Block 24, Lots 1-8, Freeport Townsite, within the corporate limits of said City, known locally as 801 Navigation Boulevard, Freeport, Texas as site for a communication tower to be operated by Port Freeport.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved Ordinance No. 2012-2025 amending the Comprehensive Zoning Ordinance of said City to permit the specific use of Block 24, Lots 1-8, Freeport Townsite, within the corporate limits of said City, known locally as 801 Navigation Boulevard, Freeport, Texas as site for a communication tower to be operated by Port Freeport.

Consideration of approving Ordinance No. 2012-2026 amending the Comprehensive Zoning Ordinance of said City to permit the specific use of Block 712, Lots 18, 19, and 20, Velasco Townsite, within the corporate limits of said City, known locally as 1213 N. Ave. J. as site for a communication tower to be operated by Jim Dibble and Skyway Towers.

On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Ordinance No. 2012-2026 amending the Comprehensive Zoning Ordinance of said City to permit the specific use of Block 712, Lots 18, 19, and 20, Velasco Townsite, within the corporate limits of said City, known locally as 1213 N. Ave. J. as site for a communication tower to be operated by Jim Dibble and Skyway Towers.

Consideration of approving and signing a replat for Block 182, Lots 13 & 14, Freeport Townsite, for James and Gail Bailey, known as 1702-1704 West 8th Street.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved signing a replat for Block 182, Lots 13 & 14, Freeport Townsite, for James and Gail Bailey, known as 1702-1704 West 8th Street.

Consideration of approving Resolution No. 2012-2399 setting public hearings on proposed annexations, providing for the publication and giving notice hereof, and directing the preparation of service plans therefor; Nalco, Gulf Chemical Company.; and SI Group Schenectady).

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Resolution No. 2012-2399 setting public hearings on proposed annexations, providing for the publication and giving notice hereof, and directing the preparation of service plans therefor; Nalco, Gulf Chemical Company; and SI Group Schenectady. Councilwoman Kent was absent.

Consideration of temporary closing portions of Quintana Street, Ave. B., Ave. C., Brazosport Boulevard and streets intersecting with Second Street, East and West Park to 4th Street for staging (old Baywoods Store) the Veterans Day Parade on November 11, 2012 from 1:00 p.m. to 3:00 p.m.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved closing portions of Quintana Street, Avenue B., Avenue C., Brazosport Boulevard; and streets intersecting with Second Street, East and West Park, to 4th Street for, staging (old Baywoods Store) the Veterans Day Parade on November 11, 2012 from 1:00 p.m. to 3:00 p.m.

Consideration on any item discussed in Executive Session.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved a 3% raise to City Manager Mr. Pynes.

Mayor Garcia closed the Formal Agenda and opened the Executive Session at 6:35 p.m.

Executive Session:

Section 551.074, Government Code

Deliberations concerning evaluation, duties and compensation of a public officer or employee to wit;

- City Manager

Mayor Garcia closed the Executive Session at 7: 35 p.m. and reconvened the Formal Session to motion on No. 14 of the agenda.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting “aye” Council adjourned at 7:35 p.m.

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Mayor Norma Moreno Garcia  
City of Freeport, Texas

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City Secretary – Delia Munoz  
City of Freeport, Texas

Ordinance No. 2012-2027

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS PERTAINING TO THE BRAZORIA COUNTY EROSION RESPONSE PLAN; AMENDING ORDINANCE NO. 2010-2263 THE DUNE PROTECTION AND BEACH ACCESS PLAN OF THE CITY OF FREEPORT, TEXAS, TO ADOPT REVISION 1 OF THE BRAZORIA COUNTY EROSION RESPONSE PLAN.

WHEREAS: The Erosion Response Plan (ERP) was developed by Coast & Harbor Engineering, Inc. under Brazoria County Contract No. 11-022-000-4320, pursuant to the authority granted by Texas Natural Resources Code, 33.607 for reducing public expenditures for erosion and storm damage losses to public and private property, including public beaches in consultation with the Texas General Land Office.

WHEREAS: The City of Freeport is recognized as holding a governmental jurisdiction located on the southwest side of the Freeport Channel within Brazoria County with an average long-term erosion rate for the shoreline for the City of Freeport is 8 to 19 ft/yr and the majority of erosion rates are over 10 ft/yr.

WHEREAS: Brazoria County and local governments have established a Dune Protection Line (DPL) for the purpose of protecting critical dune areas. This line runs parallel and adjacent to the Gulf of Mexico. The City of Freeport has a Dune Protection Line (DPL) of 1,000 ft. landward of the Mean Higher High Water (MHHW) between the northeasterly right of way F.M. Highway 1495 and the bank of the Brazos River Diversion Channel.

WHEREAS: The City of Freeport proposed no Variance of Construction Requirements for Exempt Properties at the time of submission of this draft.

WHEREAS: The City of Freeport has two vehicular access points which are in good condition and allow for easy driving onto the beach. These access points do not need any improvements at the present time, however; suggested improvements would be to increase Beach Access No. 1 elevation by 4 feet at the dune location and add additional limestone base to Beach Access No. 2 subject to available funding.

NOW, THEREFORE, BE IT ORDAINED that, after discussion, the City Council of the City of Freeport, Texas, has accepted Revision 1 of the Brazoria County Erosion Response Plan that was submitted to Brazoria County and its Cities on April 16<sup>th</sup>, 2012, and the Dune Protection and Beach Access Plan of the City of Freeport, heretofore adopted as Ordinance 2010-2263, is hereby amended to add the County's Revision 1 to the City's Plan.

APPROVED, PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF OCTOBER 2012 A.D.

Attest:

Norma M. Garcia, Mayor  
City of Freeport, Texas

\_\_\_\_\_  
Delia Munoz, City Secretary

\_\_\_\_\_  
Pg. 681





**FREEPORT FIRE & EMS**  
131 East Fourth Street  
P.O. Box 3356  
Freeport, Texas 77541  
(979) 233-2111

Brian Davls  
Chief  
Christopher Motley  
Deputy Chief  
Billywayne Shoemaker  
Deputy Chief

September 13, 2012

RE: Adoption of Regional Hazard Mitigation Plan 2011

Dear Mayor and Council;

The Houston-Galveston Area Council (H-GAC) has been updating the regional hazard mitigation plan. On September 5, FEMA gave the regional hazard mitigation plan "approvable pending adoption" status which means the next step in this plan update process is adoption by the participating jurisdictions. Jurisdictions that adopt the regional hazard mitigation plan will become eligible for the Pre-Disaster Mitigation and Hazard Mitigation Grant Programs. Adoption is made by resolution by the City of Freeport governing body. Following adoption, the resolutions must be forwarded to H-GAC, which will then forward them to Texas Division of Emergency Management and FEMA.

The Regional Hazard Mitigation Plan – 2011 Update is available online at [www.hgac.com/hazmap](http://www.hgac.com/hazmap) should you want to review the plan and the locally-specific mitigation actions.

Sincerely,

Christopher D. Motley  
Deputy Fire & EMS Chief/ EMC

**Houston-Galveston Area Council Regional Hazard Mitigation Plan – 2011 Update**  
**Overview, Adoption Requirements and Frequently Asked Questions**

**Overview:** The Disaster Mitigation Act of 2000 makes the development of a hazard mitigation plan a specific eligibility requirement for any local government applying for FEMA mitigation-grant funding, specifically the Hazard Mitigation Grant Program (HMGP) and Pre-Disaster Mitigation (PDM) Program. Your municipality or county participated in the development of the original plan in 2006. During 2010, the Houston-Galveston Area Council received funding from the Texas Division of Emergency Management (DEM) to update its existing regional hazard mitigation plan. H-GAC worked with 77 local governments, including the emergency management coordinators of seven counties and some cities, to update the plan that identifies regional hazards, vulnerabilities, local capabilities, and locally-specific projects designed to mitigate damages associated with future disasters. Once final approval is granted by FEMA, the governments included in the plan are eligible to receive FEMA funding for their projects.

**Adoption Requirements:** Adoption of the plan at the local level is required before FEMA will grant final approval of the plan. Each participating community is required to adopt the plan by resolution or other formal mechanism. The adoption process includes holding a public hearing to allow local citizens an opportunity to voice opinions and make comments regarding the plan. Most communities hold the public hearing on the same day as the city council or county meeting held to adopt the plan. Each community follows its standard process for posting the public notice. Once the plan is adopted, a copy of the signed resolution is faxed, emailed or mailed to Amy Boyers at H-GAC. Fax: 713-993-4503, Email: [amy.boyers@hlgac.org](mailto:amy.boyers@hlgac.org), Mail: PO Box 22777, Houston, TX 77227-2777. We are asking that plan participants adopt the plan during September and November, 2012 – and no later than November 16, 2012, in order for H-GAC to submit copies of local resolutions to FEMA and meet our grant deadline.

**Frequently Asked Questions:**

*Q: What will happen if my community fails to adopt the plan before November 16, 2012?*

A: The community will not be included in H-GAC's submittal of resolutions, and will have to wait until FEMA allows H-GAC to update the plan and add participants and new projects. The community will not have an approved plan in place and will not be eligible for FEMA mitigation-grant funding under the HMGP and PDM programs.

*Q: Why do I need to adopt the plan now if I adopted it in 2006?*

A: The 2006 regional hazard mitigation plan expired in April 2011. Participating jurisdictions must adopt the 2011 plan update in order to be eligible for HMGP and PDM funding.

Q: *What changes were made to the plan between 2006 and 2011?*

A: The 2011 plan update includes an analysis of recent repetitive loss data associated with flooding, expansion of wildfire assessment, inclusion of available 2010 Census data, updated local jurisdiction capability assessments and 358 additional local mitigation actions (bringing the total number to 852.) The natural hazards of tsunamis, earthquakes, sinkholes and subsidence were removed from the update, and per FEMA's requirements, expansive soils as a hazard was added.

Q: *My community has several mitigation actions in the plan. If we adopt the plan, are we required to carry out those projects?*

A: No. By adopting the plan, communities are not committing to carrying out their mitigation actions. By adopting the plan, your community becomes eligible to apply for those mitigation actions when PDM and HMGP funding becomes available.

Jurisdictions Participating in the Regional Hazard Mitigation Plan -2011 Update

1. Houston-Galveston Area Council	27. Quintana	53. Conroe
2. Austin County	28. Richwood	54. Cut and Shoot
3. Bellville	29. Surfside Beach	55. Magnolia
4. Brazos Country	30. Sweeny	56. Montgomery
5. Industry	31. Velasco Drainage District	57. Oak Ridge North
6. San Felipe	<b>32. Chambers County</b>	58. Panorama Village
7. Sealy	33. Chambers County, Trinity Bay Conservation District, Chambers-Liberty Counties Navigation District	59. Patton Village
8. Wallis	34. Chambers-Liberty Counties Navigation District	60. Roman Forest
9. Brazoria County	35. Anahuac	61. Shenandoah
10. Alvin	36. Beach City	62. Splendora
11. Angleton	37. Cove	63. Stagecoach
12. Bailey's Prairie	38. Mont Belvieu	64. The Woodlands Township
13. Bonney	39. Old River-Winfree	65. Willis
14. Brazoria	40. Liberty County	66. Woodbranch Village
15. Brookside Village	41. Ames	67. Woodloch
16. Clute	42. Cleveland	68. Walker County
17. Danbury	43. Daisetta	69. Huntsville
18. Freeport	44. Dayton	70. New Waverly
19. Hillcrest Village	45. Dayton Lakes	71. Riverside
20. Holiday Lakes	46. Devers	72. Waller County
21. Iowa Colony	47. Hardin	73. Brookshire
22. Jones Creek	48. Kenefick	74. Hempstead
23. Lake Jackson	49. Liberty	75. Pattison
24. Liverpool	50. North Cleveland	76. Pine Island
25. Marvel	51. Plum Grove	77. Prairie View
26. Oyster Creek	52. Montgomery County	78. Waller

RESOLUTION NO. 2012-2400

**A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; ADOPTING THE HOUSTON-GALVESTON AREA COUNCIL-REGIONAL HAZARD MITIGATION PLAN . 2011 UPDATE; VESTING THE CITY EMERGENCY MANAGEMENT COORDINATOR WITH CERTAIN RESPONSIBILITIES, AUTHORITY, AND MEANS WITH RESPECT THERETO; REQUIRING SUCH COORDINATOR TO REVIEW SUCH PLAN ANNUALLY AND PRESENT ANY NEEDED CHANGES OR ADDITIONS THERETO TO THE CITY COUNCIL FOR ITS CONSIDERATION; AND TAKE SUCH OTHER OFFICIAL ACTIONS AS MAY BE REASONABLY NECESSARY TO CARRY OUT THE OBJECTIVES OF SUCH PLAN; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.**

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

**WHEREAS, certain areas of the CITY OF FREEPORT are subject to periodic flooding and other natural hazards with the potential to cause damage to people properties within the area; and**

**WHEREAS, the CITY OF FREEPORT desires to prepare and mitigate for such circumstances; and**

**WHEREAS, under the Disaster Mitigation Act of 2000, the United States Federal Emergency Management Agency (FEMA) requires that local jurisdictions have in place a FEMA-approved Hazard Mitigation Action Plan as a condition of receipt of certain future Federal mitigation funding after November 1, 2004; and**

**WHEREAS, the cities and counties in the H-GAC Region, in order to meet this requirement, have initiated development of a regional, multi-jurisdictional Hazard Mitigation Plan, including the CITY OF FREEPORT;**

**WHEREAS, the City Council of the City has determined and do here now declare that the adoption of this resolution is necessary to the health, safety and general welfare of the inhabitants of the City and persons sojourning therein.**

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

**First, the City Council of the City of Freeport, Texas, makes the following findings of fact:**

**Second, adopts the Houston-Galveston Area Council - Regional Hazard Mitigation Plan - 2011 Update.**

**Third, vests the City Emergency Management Coordinator with the responsibility, authority, and the means to:**

**(a) Inform all concerned parties of this action.**

**(b) Develop an addendum to this Hazard Mitigation Plan - 2011 Update if H-GAC's, a city's, a county's or a district's unique situation warrants such an addendum.**

**Fourth, appoints the City Emergency Management Coordinator to assure that the Hazard Mitigation Plan - 2011 Update be reviewed at least annually and that any needed adjustment to the CITY OF FREEPORT addendum to the Hazard Mitigation Plan - 2011 Update be developed and presented to the CITY COUNCIL for consideration.**

**Fifth, agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan - 2011 Update.**

Sixth, in the event any section or provision of this resolution 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 resolution shall take effect and be in force from and after its passage and adoption.

Eighth, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City.

READ, PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2012.

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**Norma Moreno Garcia, Mayor,  
City of Freeport, Texas**

**ATTEST:**

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**Delia Muñoz, City Secretary,  
City of Freeport, Texas**

**APPROVED AS TO FORM ONLY:**

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**Wallace Shaw, City Attorney,  
City of Freeport, Texas**

**Freeport.Rs\Hazard Mitigation-Rsl**

# JOHN D. MERCER & ASSOCIATES, INC.

John D. Mercer, P.E., President

Consulting Engineers

## RECOMMENDATION FOR AWARD

October 10, 2012

Ms. Norma Garcia, Mayor  
City of Freeport  
200 West 2nd St.  
Freeport, TX 77541

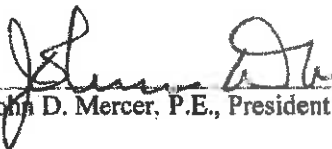
Dear Ms Garcia:

On July 12, 2012 bids were received for the City of Freeport Central Lift Station Rehabilitation. Four (4) bids were received with a low bid of \$842,290.80 being received from L.L. & F. Construction Management, Inc. of El Campo, Texas. The second low bid was only \$7,037.25 or less than 1% above the low bid. While the low bid is over the amount of construction funds currently available in the project budget, it is my recommendation that the City set aside sufficient funds in the next fiscal year budget to complete funding for the project. Attached is a table showing the additional funding amount that will be required to totally fund the Project.

I am familiar with the contractor and have no hesitation in recommending that L.L. & F. Construction Management, Inc. be awarded the project of construction for the City of Freeport Central Lift Station Rehabilitation project.

Attached is the Bid Tabulation for the Project.

Sincerely,

  
John D. Mercer, P.E., President



Attachments

JDM/lm

Texas Registered Engineering Firm F-324  
PO Box 930  
Galveston, TX 77553

7002 Harborside Dr., Suite A  
Galveston, TX 77554

Registered Professional Land Surveyors  
Office: 409-741-8500  
Fax: 409-741-8501



## PROJECT FUNDING ANALYSIS

Proposed Construction Contract amount	\$842,290.80
Total Estimated Engineering Fees through Project Completion	<u>\$109,900.00</u>
Total Project Funding Required for Engineering and Construction	\$952,190.80
Brazoria County CDBG Funds (for Construction)	\$189,101.00
City of Freeport Original Matching Funds	\$157,829.00
Disaster Recovery Funds (for Construction)	<u>\$497,586.00</u>
Total Funds Available for Engineering and Construction	<u>\$844,516.00</u>
Additional City Funds Required to Complete the Project	\$107,674.80

## BID TABULATION

<b>PROJECT:</b> E2073 - City of Freeport Central Lift Station <b>OWNER:</b> City of Freeport, TX <b>LOCATION:</b> Freeport, TX <b>BID DATE:</b> July 12, 2012 <b>BID TIME:</b> 2 PM	<b>ENGINEER:</b> John D. Mercer & Associates, Inc. PO Box 930, Galveston, TX 77553 7002 Harborside Dr., Suite A Galveston, TX 77554 Office: 409-741-8500 Fax: 409-741-8501
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BIDDER	BID BOND	DAYS	ADDENDUM	BASE BID
1. LL&F Construction	✓	210	1 & 2	\$842,290.80
2. Matula & Matula Construction Inc.	✓	280	1 & 2	\$849,328.05*
3. R&B Group	✓	300	1 & 2	\$1,074,080.00
4. Peltier Brothers	✓	365	1 & 2	\$1,316,146.00
5.				
6.				
7.				
8.				
9.				
10.				
11.				

\*BASE BID CORRECTED PER UNIT PRICE INDICATED IN BID



**PROPERTY MANAGEMENT**

Jeff Pynes  
Chief Executive Officer  
*City Manager*

October 11, 2012

—  
Jeff Pynes  
City Manager

re: Advertising for bid  
Lots 9 & 12, Block 87, Velasco Townsite  
18 & 24 South Avenue F

Please place the following item on the October 15, 2012 Council agenda:

Discuss / consider advertising for bid on lots 9 and 12, Block  
87, Velasco Townsite, known as 18 & 24 South Avenue F.  
Tax ID 8110-0880-000.

Plat showing location of these properties attached.

N C Hickey  
Property

attach

/s







**PROPERTY MANAGEMENT**

Jeff Pynes  
Chief Executive Officer  
City Manager

October 10, 2012

Jeff Pynes  
City Manager

re: Tract 6, Block W, Abstract 90  
Tax ID 0090-0016-110

Please place the following item on the October 15, 2012, City Council agenda:

Discuss / consider the sale of city interest in tract 6, Block W,  
Abstract 90 (Slaughter Road area)

An offer has been made to the Brazoria County Resale Committee by Stephen Cone to purchase the above referenced trust property for resale.

The offer was rejected by a 4-0 Council vote on July 23, 2012, pending collection of an outstanding demilition lien in the amount of \$6,576.00.

A check in the amount of \$5,576.00, payable to the City of Freeport, has been received.

N C Hickey  
Property

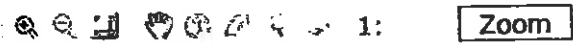
/s



# Brazoria CAD

## Property Search Results > Property ID 157563 BRAZORIA COUNTY IN TRUST for Year 2012

### Property Details



**Account**  
 Property ID: 157563  
 Geo. ID: 0090-0016-110  
 Type: Real  
 A0090 J G & G W MCNEEL, BLOCK W, TRACT 6, ACRES 1.000, FREEPORT

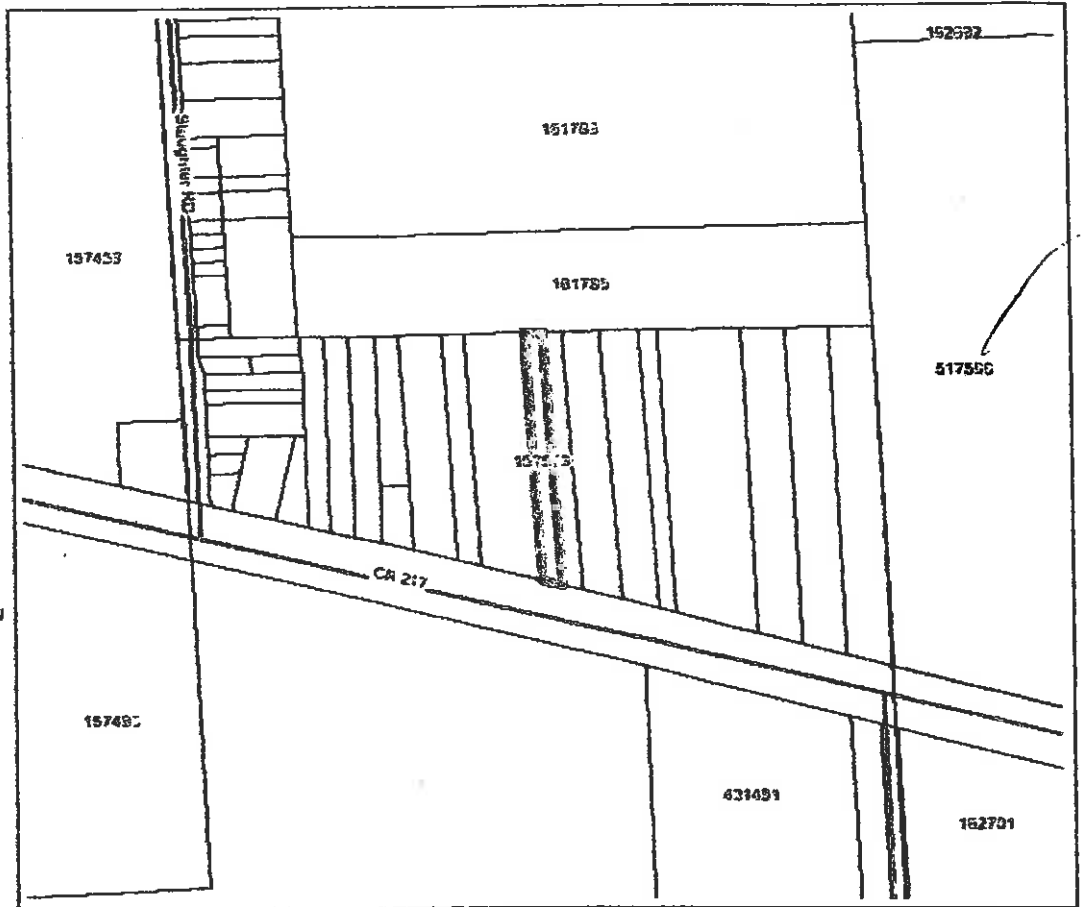
**Location**  
 Address: COUNTY ROAD 217 TX  
 Neighborhood: DIVISION 18 SUBS

**Mapsc0:**  
 Jurisdictions: CAD, CFP, DR2, GBC, JBR, NAV, RDB, SBR

**Owner**  
 Name: BRAZORIA COUNTY IN TRUST  
 Address:

**Property**  
 Appraised Value: \$8,700

[Map Layers](#)  
[Radius Search](#)



Website version: 1.2.2.0

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Database last updated on: 5/16/2012 5:58 AM

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**PROPERTY MANAGEMENT**

Jeff Pynes  
Chief Executive Officer  
City Manager

October 10, 2012

Jeff Pynes  
City Manager

re: Lots 13 thru 21, Block 6, Velasco Townsite  
107 thru 123 South Gulf Blvd  
Tax ID 0090-0016-110

Please place the following item on the October 15, 2012, City Council agenda:

Discuss / consider final judgment and possible sheriff sale  
of lot 13 thru 21, block 6, Velasco Townsite, known as  
Boulevard Motel property, 107-123 South Gulf Blvd.

Checked with PurdurBrandonFielderCollins & Mott Angleton office regarding this judgment. Advised would go to sheriff sale in near future, however, we could request acceletated sale, possible November or December if desired. Believe December would be a good date since the sale would be on the 13th and less bidders would be present.

Discussed the various possibilies with Ms. Trevino, which are listed on the attached sheet. Please advise.

N C Hickey  
Property

atth

/s



# PROPERTY MANAGEMENT

October 3, 2012

Met with Annette Trevino, Purdue Brandon Fielder Collins & Mott in Angleton, re the Boulevard Motel Final Judgment

This is a tax sale rather than a trustee sale

Taxes covered by Judgment, 2010-2011 - Amount \$7,052.94

Judgment covers taxes for period of 2010 thru 2011, liens, court cost, post judgement, attorney fees, liens, etc.,

Value of property (Appraisal Dist) \$23,980.00

Outstanding liens, city of Freeport \$38,367.00

-----  
Information as a result of meeting:

Opening bid would be for taxes + the lien \$31,032.94

If awarded at this price, would extinguish existing outstanding 2010-2011 taxes and the existing plaintiff's would receive \$0, and the city lien and \$1,805.59 delinquent taxes would be extinguished. The City would receive approx. \$7,334.06 (38,367.00 - 31032.94) and **no title to the property.**

10-3-12  
Jeff to get back

IF the City would be prepared to continue a bid through the amount of the outstanding lien up to \$38,367.00 and received the award at some figure between \$23,980.00 and \$38,367.00, the existing taxes to the other six entities would be paid, the court costs and other expenses (estimated \$8,000) would be deducted from the sale and the balance remitted to the City (estimated \$30,000) the City would recover a majority of their lien + **have title to the property.**



CORRECTION SPECIAL WARRANTY DEED

The CITY OF FREEPORT, a municipal corporation located in Brazoria County, Texas, hereinafter called GRANTOR, for the valuable consideration hereinafter specified, have GRANTED, SOLD and CONVEYED and by these presents do GRANT, SELL and CONVEY unto GARY J. WOODRING of Brazoria County, Texas, hereinafter called GRANTEE, whether one or more, the following described real property lying and situated in the County of Brazoria and State of Texas, to-wit:

BEING, 0.764 acres of land out of the S.F. Austin Survey, Abstract No. 32 and the S.F. Austin Survey, Abstract No. 33, City of Freeport, Brazoria County, Texas and being the same Tract 4 of the Official Map of the City of Freeport being describe by metes and bounds as follows;

COMMENCING, at a found ½" iron rod for the northeast corner of the Lot 8, Block 131 of the Official Map of the City of Freeport, same being at the intersection of the south right-of-way line of Second Street with the west right-of-way line of Locust Street;

THENCE, North 17 degrees 00 minutes 00 seconds East, a distance of 337.00 feet, to a set ½" iron rod with cap point on the west right-of-way line of Locust Street, and being at the southwesterly corner os said 0.764 acre tract for the POINT OF BEGINNING;

THENCE, North 17 degrees 00 minutes 00 seconds East, a distance of 110.00 feet to a set ½" iron rod with cap, said iron rod being at the high bank of the Old Brazos River;

THENCE, South 50 degrees 38 minutes 26 seconds East, a distance of 234.12 feet to a set ½" iron rod with cap, said iron rod being at the high bank of the Old Brazos River.

THENCE, South 50 degrees 38 minutes 26 seconds East a distance of 234.12 feet to a set ½" iron rod with cap, said iron rod being at the high bank of the Old Brazos River;

THENCE, South 17 degrees 00 minutes 00 seconds West, a distance of 52.64 feet to a set ½" iron rod with cap, for the southeasterly corner of this 0.764 acre tract;

THENCE, North 63 degrees 08 minutes 00 seconds West, a distance of 172.24 feet to a set 1/2"iron rod with cap;

THENCE, North 58 degrees 24 minutes 00 seconds West, a distance of 251.80 feet to the POINT OF BEGINNING and containing 0.764 acres of land more or less.

This conveyance is made and accepted subject to any and all valid and subsisting easements, restrictions, rights-of-way, conditions, exceptions, covenants and other encumbrances properly of record affecting the title to the above described property; and all visible and apparent easements, including but not being limited to any existing utility lines.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto Grantee and the heirs and assigns of Grantee, forever.

Grantor does hereby bind itself, its successors and assigns, to Warrant and Forever Defend all and singular the said premises unto Grantee, and the heirs and assigns of Grantee, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through and under Grantor but not otherwise; BUT THE ABOVE CONVEYANCE IS SUBJECT TO THE FOLLOWING CONDITION AND IT IS EXPRESSLY MADE AND PROVIDED THAT GRANTEE WILL IMMEDIATELY DEVELOP SUCH LAND with bulkheading the waterfront and building a slightly elevated traditional style residence (not a beach house look) with a completed structure improvement value of at least \$300,000.00, to be completed by October 1, 2013, and without applying for the City's tax exemption for newly constructed residences upon the premises herein conveyed.

IT IS EXPRESSLY AGREED AND UNDERSTOOD that such condition shall be binding upon and shall be observed by the Grantee herein, and the heirs, executors, administrators, and assigns of Grantee, and shall run with such land in favor of and shall be enforceable by the Grantor. IN THE EVENT OF ANY VIOLATION OR NON-OBSERVANCE OF THE ABOVE CONDITION, upon the affirmative vote of a majority of the members of its City Council taken at any meeting thereof, called and notice of which is given in accordance with the Texas Open Meeting Act and sent to Grantee by certified mail, return receipt requested, the Grantor shall have the right to terminate the estate herein granted and to re-enter and retake said premises; and no act or omission upon the part of Grantor or any officer, agent or employee of Grantor, shall be a waiver of the operation or enforcement of such condition.

NOTWITHSTANDING ANY PROVISION HEREIN TO THE CONTRARY, Grantor makes no warranty of any nature or kind, whether statutory, express or implied, with respect to the physical condition of the above-described property, and by the acceptance of this deed, Grantee accepts such property "AS IS", "WHERE IS", "WITH ALL FAULTS" and without any representations or warranties by Grantor (except the warranty of title expressly set forth below).

GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES (OTHER THAN WARRANTY OF TITLE AS PROVIDED ABOVE), PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESSED OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY BEING CONVEYED, INCLUDING WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED THEREFROM, (C) THE SUITABILITY THEREOF FOR ANY AND ALL ACTIVITIES AND USES WHICH BUYER MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY SUCH PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS, OR ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS OF SUCH PROPERTY FOR A PARTICULAR PURPOSE, (F) THE MANNER OR QUALITY OF CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO SUCH PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF SUCH PROPERTY, (H) ANY OTHER MATTER WITH RESPECT TO SUCH PROPERTY, AND SPECIFICALLY, THAT THE CITY HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, OR THE DISPOSAL OR EXISTENCE IN OR ON SUCH PROPERTY OF ANY HAZARDOUS SUBSTANCE, AS DEFINED BY THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980, AS AMENDED, AND REGULATIONS PROMULGATED THEREUNDER.

HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT SUCH PROPERTY, GRANTEE IS RELYING SOLELY ON THE GRANTEE'S OWN INVESTIGATION OF SUCH PROPERTY, AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY THE GRANTOR; that GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED BY OR ON BEHALF OF THE GRANTOR WITH RESPECT TO SUCH PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT THE GRANTOR HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND MAKES NO REPRESENTATIONS AS TO THE ACCURACY OF COMPLETENESS OF SUCH INFORMATION; that THE GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY ORAL OR WRITTEN STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO SUCH PROPERTY OR THE OPERATION THEREOF FURNISHED BY ANY REAL ESTATE BROKER, OR ANY AGENT, EMPLOYEE OR SERVANT OF THE CITY OR OTHER PERSON; GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT, TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF SUCH PROPERTY AS PROVIDED FOR THEREIN IS MADE ON AN "AS IS", "WHERE IS" AND "WITH ALL FAULTS" CONDITION AND BASIS.

The consideration for this conveyance is the following:

First, the sum of Ten and no/100 (\$10.00) Dollars and other good and valuable consideration to Grantor cash in hand paid by Grantee and the development of the land as described above.

Second, the assumption by Grantee of any taxes for the year 2012, prorated to the date hereof.

This is a correction deed, given and accepted as such in substitution for the earlier deed dated May 21, 2012, recorded in the Official Records of Brazoria County, Texas, as Document #2012022681. The description of the property being conveyed contained in that deed was incorrect and such description has been corrected by this correction deed which shall be effectual as of, and retroactive to such date. However, except as herein corrected, such corrected deed shall remain in full force and effect.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

THE CITY OF FREEPORT, TEXAS, Grantor

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

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

AGREED TO AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Gary J. Woodring, Grantee

THE STATE OF TEXAS X  
COUNTY OF BRAZORIA X

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by NORMA MORENO GARCIA, as MAYOR of the CITY OF FREEPORT, TEXAS.

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS X  
COUNTY OF BRAZORIA X

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by GARY J. WOODRING.

\_\_\_\_\_  
Notary Public, State of Texas

MAILING ADDRESS OF GRANTEE:

P.O. Box 2497  
Freeport, TX 77542

AFTER RECORDING, RETURN TO

Gary J. Woodring  
P.O. Box 2497  
Freeport, TX 77542

C:\Freeport.Sale\Woodring-GJ-2SWD