NOTICE OF PUBLIC HEARING THE FREEPORT CITY COUNCIL MONDAY JULY 18, 2016, 6:00 P.M.

FREEPORT MUNICIPAL COURT ROOM

FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD. FREEPORT, TEXAS AGENDA

- 1. Call to order.
- Invocation.
- 3. Pledge of Allegiance.
- 4 Attending citizens and their business.
- 5. Consideration of approving July 11, 2016 Council Minutes. Pg. 624-629
- 6. Consideration of approving Ordinance No. 2016-2119 declaring the use of the Public Streets authorized in Item (19) of Division (C) of Section 76.02 of the Code of Ordinances of said City to transport cargo, as defined in Section 76.01 of said Code, on Yaupon Street, between East Fourth Street and East Second Street, and on East Second Street, between Navigation Boulevard (F.M. 1495) and Terminal Street, constitutes a public nuisance which should be abated, amending Item (19) of Division (C) of Section 76.02 of said Code to exclude the use of East Second Street and any other street or highway within the City to transport cargo between Navigation Boulevard and Terminal Street, amending Division (C) if Section 76.02 of said Code to add a new item (30) to provide a route for transportation cargo East of Navigation Boulevard (F.M. 1495) within the City. Pg. 630-633
- 7. Consideration of approving the sale of City's interest on Block 718, Lots 21-22 (undivided 50% interest) Velasco Townsite, known as 1727-1729 North Ave. P, Tax Id No. 8110-3120-000. Pg. 634-638
- 8. Consideration of taking action on any items discussed in Executive Session.

Work Session:

- A. Brazosport Water Authority representative expires in August 2016.
- B. 2nd Community Input for Fiscal Year 2016-2017.

Executive Session:

Section 551.071, Government Code:

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of

Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

Port Freeport

Section 551.074, Government Code:

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

City Manager

Adjourn

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

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

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, July 15, 2016 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 of the City of Freeport, met on Monday, July 11, 2016 at 6:00 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council:

Mayor Norma Moreno Garcia

Councilman Larry L. McDonald

Councilman Fred Bolton

Councilwoman Nicole Mireles Councilwoman Sandra Barbree

Staff:

Jeff Pynes, City Manager

Gilbert Arispe, Assistant City Manager

Delia Munoz, City Secretary Wallace Shaw, City Attorney Nat Hickey, Property Manager Bob Welch, Finance Director Dan Pennington, Police Chief

Visitors:

Ruben Renobato
Larry Nutt
Joe Morrow
Sam Reyna
Mary Garcia
Jessie Parker
D. Woolsey
Melanie Oldham

Veronica Gomez
Lila Lloyd
Jerry Meeks
Larry Fansher
Jim Barnett

Kenny Kouches

Ruth Renobato

Ronald Woodruff Keith Stumbaugh Margaret McMahan Edward T. Garcia Vivian Alford Manning Rollerson

Annette Sanford Johnathan Sublet Mike Darlow Ty Morrow Sandra Barnett D. Woodley

Call to order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma Moreno Garcia led the Pledge of Allegiance.

Attending citizens and their business.

Denzil Woodley of 518 E. 2nd Street addressed Council on the heavy trucks and pollution on East 2nd Street. They have knocked down his trash and affected the ceiling and sheet rock to crack at his house.

Manning Rollerson of 1921 Yellowstone stated that he has dumping on his property in the East End. He is living with his son on Yellowstone and Ave. O and has observed citizens; policemen and council members run the stop sign.

Jessie Parker of 323 E. 7th Street, has reported pot holes in front of house, nothing has been done to correct it.

Vivian Alford of E. Broad stated that the trucks do not stop at yield signs and the roads are in terrible shape. Sycamore, 2nd Street, Broad Street has pot holes and 4th Street has caved in. She asked if the Port could take property through eminent domain.

Keith Stambaugh of 518 W. 4th Street is a Registered Professional Engineer for the State of Texas, is required by the Texas State Law to take continuing education classes, 15 hours a year and one of the classes is Ethics. He received in the mail a flier from a private enterprise with the City's postage. He recommends that Council take a class of Ethical Behavior to avoid the appearance of unethical behavior.

Margaret McMahan of 1330 W. 8th St., and spokesperson for the Concern Citizens of Freeport, voiced concern about the apparent life, Ethics and transparency being displayed by our city government: She read out 10 Ethics Violations; limited citizens involvement and debate; stop conversation and debate from citizens who elected you; the manner that boards and commissions were conducted, motions made and no call for discussion, appointing a family member to the boards and commissions of the city; violates the Charter Review, Nepotism rule, using public funds to market non city related events in the city's utilities bill, failure to follow the Planning Commission recommendation when it comes to developing roads and infrastructure, selectively enforcing of city ordinances against certain families can be seen as discriminatory; dismissal of staff members; Human Resources, Fire Chief, Parks Director and Code Enforcement, City employees driving city vehicles to home; 90% of the citizens prefer that roads, sewers and infrastructure to fixed prior to spending \$12,000,000, on a Sports Complex, City Manager applying double standard rules, showing favoritism and selectively enforcement new rules on facilities for certain city groups. A member of the City Council being on the Lions Club and on the Blue Festival is a conflict of interest when it's being budgeted.

Johnathan Sublet of 402 W. 4th St., is 36 years old and holds 2 degrees, has been refused service several times. Coming to Freeport, he has built a relationship with Ty Morrow and Chief Dan Pennington and others. Building relationships, having goals, seeing them at breakfast, working out with the SWAT team at the gym, makes him feel safe in the community. He thanks Law Enforcement.

Consideration of approving June 20, 2016 Council Minutes.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved the minutes of June 20, 2016 with the correction of Councilwoman to Councilman McDonald.

Consideration of approving Resolution 2016-2498 reappointing Lesa Girouard, and appointing Sandra Loeza and Johnathan Sublet to the Planning Commission of the City of Freeport.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution No. 2016-2498 reappointing Lesa Girouard, and appointing Sandra Loeza and Johnathan Sublet to the Planning Commission of the City of Freeport.

Consideration of approving Resolution No. 2016-2499 appointing Julie Swain and Richard W. Fisher to the Library Board of the City of Freeport.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution No. 2016-2499 appointing Julie Swain and Richard W. Fisher to the Library Board of the City of Freeport.

Consideration of approving Resolution No. 2016-2500 reappointing Eric Hayes, Annette Sanford and Raul Ramirez to the Board of Adjustments of the City of Freeport.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution No. 2016-2500 reappointing Eric Hayes, Annette Sanford and Raul Ramirez to the Board of Adjustments of the City of Freeport.

Consideration of approving Resolution No. 2016-2501 reappointing Melanie Oldham and appointing Mary Stedman to the Urban Renewal Board of the City of Freeport.

On a motion by Councilman McDonald, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved Resolution No. 2016-2501 reappointing Melanie Oldham and appointing Mary Stedman to the Urban Renewal Board of the City of Freeport.

Consideration of approving Resolution No. 2016-2502 reappointing Rosemary Bravo, Nino Herrera and Chris Kozak to the Beautification, Parks and Recreation Committee of the City of Freeport.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved Resolution No. 2016-2502 reappointing Rosemary Bravo, Nino Herrera and Chris Kozak to the Beautification, Parks and Recreation Committee of the City of Freeport.

Consideration of approving Resolution No. 2016-2503 reappointing Brooks Bass, Troy Brimage and Drew Ryder to the Economic Development Corporation of the City of Freeport.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution No. 2016-2503 reappointing Brooks Bass, Troy Brimage and Drew Ryder to the Economic Development Corporation of the City of Freeport.

Consideration of approving Resolution No. 2016-2504 reappointing Carol Rangel and Mary K. Talbert and appointing Rosa Segovia to the Senior Citizens Commission of the City of Freeport.

On a motion by Councilman McDonald, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved Resolution No. 2016-2504 reappointing Carol Rangel and Mary K. Talbert and appointing Rosa Segovia to the Senior Citizens Commission of the City of Freeport.

Consideration of the approval of Resolution No. 2016-2505 approving issuance up to a maximum amount of \$22,695,000. Brazosport Water Authority Water Supply System Revenue Bonds; and containing other provisions relating to the subject.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved Resolution No. 2016-2505 approving issuance up to a maximum amount of \$22,695,000. Brazosport Water Authority Water Supply System Revenue Bonds; and containing other provisions relating to the subject.

Consideration of advertising and setting a bid date for August 17, 2016 for installation of concrete set to grade and stabilize on (1) Fourth Street, beginning at the East Side of Dixie Drive to apron at Brazosport Blvd. (2) Eighth Street, intersection with Riverview only, replace street, gutter and sidewalk and restripe with original markings, and (3) 1600 block of Fifth, from Yaupon to Mulberry, replace curb, gutter and sidewalk.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved advertising and setting a bid date for August 17, 2016 for installation of concrete set to grade and stabilize on (1) Fourth Street, beginning at the East Side of Dixie Drive to apron at Brazosport Blvd. (2) Eighth Street, intersection with Riverview only, replace street, gutter and sidewalk and restripe with original markings, and (3) 1600 block of Fifth, from Yaupon to Mulberry, replace curb, gutter and sidewalk.

Consideration of approving and releasing the City's interest in trust property on Block 8, Lot 2, Freeport Townsite, Tax Id. 7750-0195-111, known as 1002 West 12th Street.

On a motion by Councilman Bolton, seconded by Councilwoman Mireles, with all present voting "Aye", Council unanimously approved releasing the City/s interest in trust property on Block 8, Lot 2, Freeport Townsite, Tax Id 7750-0195-111, known as 1002 West 12th Street.

Consideration of approving and releasing the City's interest in trust property on Block 87, Lot 11, Velasco Townsite, Tax Id. 8110-0882-000, known as 22 South Ave. F.

On a motion by Councilman McDonald, seconded by Councilwoman Mireles, with all present voting "Aye", Council unanimously approved releasing the City's interest in trust property on Block 87, Lot 11, Velasco Townsite, Tax Id. 8110-0882-000, known as 22 South Ave. F.

Consideration of approving and releasing the City's interest in trust property on Block 746, Lot 5-6, Velasco Townsite, Tax Id 8110-3440-000, known as 1414-1416 North Ave. P.

On a motion by Councilman McDonald, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved releasing the City's interest in trust property on Block 746, Lot 5-6, Velasco Townsite, Tax Id 8110-3440-000, known as 1414-1416 North Ave. P.

Consideration of approving and releasing the City's interest in trust property on Block 777, Lot 24, Velasco Townsite, Tax Id. 8110-3852-000, known as 1623 North Ave. P.

On a motion by Councilman McDonald, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved releasing the City's interest in trust property on Block 777, Lot 24, Velasco Townsite, Tax Id. 8110-3852-000, known as 1623 North Ave. P.

Consideration of taking action on any items discussed in Executive Session.

Mayor Norma M. Garcia reconvenes the formal session at 7:26 p.m.

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Council approved to instruct the City Manager to close the East End truck traffic and amend the truck route ordinance for the next oncoming meeting.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting 3 to 2, Council approved and authorized the Mayor to sign and negotiate a new employment contract for the City Manager, not to exceed three years. Councilman McDonald and Councilwoman Mireles opposed.

Work Session: Mayor Norma M. Garcia opened the Work Session 6:46 p.m.

Presentation by Mark Darlow on the City of Freeport Collection Report.

Mark Darlow from Perdue, Brandon, Fielder, Collins & Mott LLP submitted and reviewed a fine and fee collection report as of May 25, 2016 for the City of Freeport.

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Community Input for Fiscal Year 2016-2017.

Ruben Renobato of 1507 W. 2nd Street suggested hiring a Civil Engineer and a Certified Building Inspector for the City.

Edward T. Garcia of 1924 N. Ave. G., suggested refurbing the old fire station on Gulf Boulevard and Skinner and establishing a volunteer fire department.

Executive Session: Mayor Norma Garcia opened the Executive Session at 6:56 pm.

Section 551.071, Government Code:

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

Port Freeport

Section 551.074, Government Code:

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

City Manager

Mayor Norma M. Garcia closed the Executive Session at reconvenes the formal session at 7:26 p.m.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "Aye" Mayor Norma Garcia adjourned the meeting at 7:30 p.m.

Mayor Norma Moreno Garcia
City Secretary Delia Munoz
City of Freeport, Texas
City of Freeport, Texas

ORDINANCE	NO.
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AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT AND DECLARING THE USE OF THE PUBLIC STREETS AUTHORIZED IN ITEM (19) OF DIVISION (C) OF SECTION 76.02 OF THE CODE OF ORDINANCES OF SAID CITY TO TRANSPORT CARGO, AS DEFINED IN SECTION 76.01 OF SAID CODE, ON YAUPON STREET, BETWEEN EAST FOURTH STREET AND EAST SECOND STREET, AND ON EAST SECOND STREET, BETWEEN NAVIGATION BOULEVARD (F.M. 1495) AND TERMINAL STREET, CONSTITUTES PUBLIC NUISANCE WHICH SHOULD BE ABATED; AMENDING ITEM (19) OF DIVISION (C) OF SECTION 76.02 OF SAID CODE TO EXCLUDE THE USE OF EAST SECOND STREET AND ANY OTHER STREET OR HIGHWAY WITHIN THE CITY TO TRANSPORT CARGO BETWEEN NAVIGATION BOULEVARD AND TERMINAL STREET; AMENDING DIVISION (C) OF SECTION 76.02 OF SAID CODE TO ADD A NEW ITEM (30) TO PROVIDE A ROUTE FOR TRANSPORTING CARGO EAST OF NAVIGATION BOULEVARD (F.M. 1495) WITHIN THE CITY; 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 10.99 OF SAID CODE OF ORDINANCES; PROVIDING THAT EACH PART OF ANY DAY SUCH VIOLATION OCCURS OR CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

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, Sections 51.072, 54.001, 54.004 and 217.042 of the Local Government Code of Texas, Section 621.303 of the Texas Transportation Code and Sections 2.01, 2.02 and 3.07(k), (p) and (u) of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined does here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City and persons using the public streets of said city.

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

First, the City Council of the City finds that the use of 2^{nd} Street, between Navigation Boulevard (F.M. 1495) and Terminal Street, and the use of Yaupon Street, between East 4^{th} Street and East 2^{nd} Street, for the transportation of cargo, as defined in Section 76.01 of the Code of Ordinances of the City, has caused excessive damage to such portions of said streets, and creates a hazard to persons using such streets for other lawful purposes and constitutes a public nuisance which should be abated.

Second, Item (19) of Section 76.02 of the Code of Ordinances of the City is hereby amended to add thereto at the end thereof the following:

■Provided further, East 2nd Street and any other street and highway within the City, except State Highways 36 and 288, shall not be used to transport cargo between Navigation Boulevard (F.M.1495) and Terminal Street.

Third, a new Item (30) is hereby added to Division (C) of Section 76.02 of the Code of Ordinances of the City which shall read as follows:

(30) Any cargo East of Navigation Boulevard (F.M. 1495), shall use State Highways 36 or 288.

Fourth, any person violating the Code of Ordinances of the City, as amended by this ordinance, shall be guilty of a misdemeanor and upon conviction assessed a fine as prescribed in Section 10.99 of said Code; and each day such violation occurs and each part thereof during which such violation continues shall constitute a separate offense.

Fifth, nothing contained herein shall cause any rights here-tofore 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.

Sixth, this ordinance is cumulative of and in addition to all other ordinances of the City on the same subject and all such ordinances are hereby expressly saved from repeal. Provided however, where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Seventh, no offense committed and no fine, forfeiture or penalty incurred prior to the effective date hereof is to be affected by the adoption hereof 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.

Eighth, if any section or provision hereof 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 and such remaining sections and provisions shall remain in full force and effect.

Ninth, the City Manager shall cause signs giving notice of the fact and location of the truck routes established by this Ordinance to be posted at appropriate locations.

Tenth, this ordinance shall take effect and be in force from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts, the official newspaper of the City.

READ,	PASSED	AND ADO	PTED	the	day	of _		2016.
				Wilder				
							ia, Ma Texas	
ATTEST:								a.
Delia Munoz City of Fre			Υ,					
APPROVED AS	TO FORM	ONLY:		¥				
Wallace Sha City of Fre			y,					

C\Freeport.Ord\East End Truck Route-Amn-Ord #2

PROPERTY MANAGEMENT MEMO

July 7, 2016

J Pynes

J Pynes

Please place the followiong item on the City Council agenda for consideration:

Discuss / consider the sale of City interest in lots 21-22, (undivided 50% interest), Block 718, known as 1727-29 North Avenue P, Velasco Townsite.

This property has been in trust to the City of Freeport since July 13, 2002, sheriff deed 2002035781.

Attached are the following documents regarding this property:

- (a) Trust proprty bid sheet
- (b) Bid analysis
- (c) CAD sheet showing property location
- (d) Pictometry photo

N C Hickey Proprty

attach	
's	
Approved for 7-1846	, 2016 agenda

TRUST PROPERTY SALE SUMMARY

Agenda item #_____

Frust Property known as lots 21-22 (undivided 50% interest, block 718, Velasco Fownsite known as 1727-29 North Avenue P					
	Tax ID	8110-3120-000			
	Lot(s) size	25 x 125 ft each			
	Auctioned at Sheriff Sale	June 13, 2002			
	Land value	\$230.00			
	Offer	\$300.00			
	Offer by:	Chris Gilbert (West Columbia Tx)			
	If approved, amount to City	\$28.14			
Action by Council		Re-agenda [] No action			

Trust sale summary

Motion_____, Second_____ Vote: [] Yea___ [] No____

BID ANALYSIS

Cause Number:	19020*T02	Account Number:	8110-3120-000	
Offer Amount:	\$100.00	Value \$:	\$230.00	
Person Offering:	CHRIS GILBERT	Adjudged Value\$:	\$100.00	

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	1991-2001	\$8.08
BCED	1991-2001	\$0.00
Brazosport ISD	1991-2001	\$29.84
BRHND	1991-2001	\$1.73
Brazosport College	1991-2001	\$1.83
Velasco Drainage	1991-2001	\$1.84
City of Freeport	1991-2001	\$16.96
		Total \$60.28

Costs

	Total	\$0.0	0
Cost of Deed		Deed file date	
Liens		Certified Mail	
Ad Litem		Recording fee's	
Publication Fees		Research Fees	
Court Costs	\$0.00	Sheriff Fees	

Post Judgement Information

Taxing Entity	Tax Year's
Taxing Entity	lax i

BC	2002	\$0.60
BCED	2002	\$0.00
Brazosport ISD	2002	\$2.00
BRHND	2002	\$0.09
Brazosport College	2002	\$0.13
Velasco Drainage	2002	\$0.09
City of Freeport	2002	\$1.10
		V 11

Post Judgment Total \$4.01

Proposed Distribution	Offer Amount	Costs
	\$100.00	\$0.00

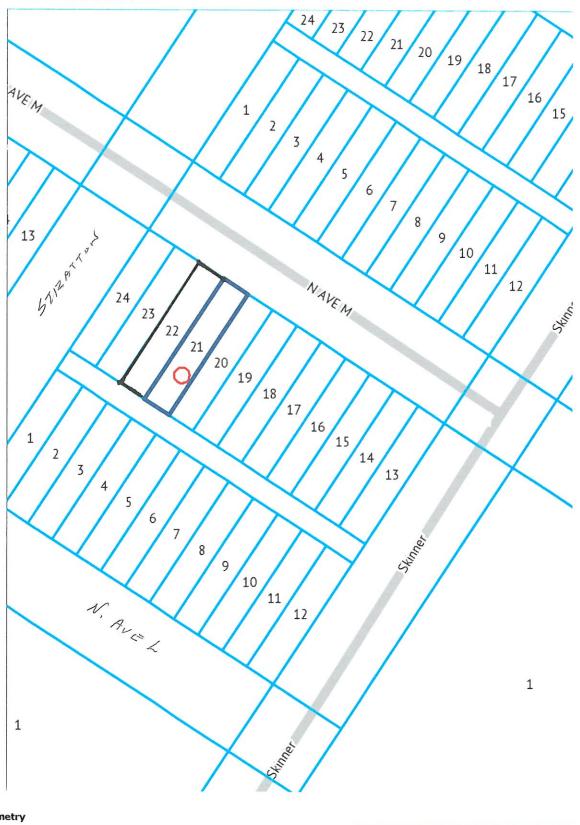
Net to Distribute \$ \$100.00

BC	13.40%	\$13.40
BCED	0.00%	\$0.00
Brazosport ISD	49.50%	\$49.50
BRHND	2.87%	\$2.87
Brazosport College	3.04%	\$3.04
Velasco Drainage	3.05%	
City of Freeport	28.14%	\$28.14

715

CONNECTEXPLORER





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map: Auto

02/02/2015 Select Date

image 1 of 19

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CONNECTEXPLORER



map: Mosaic 01/17/2015 - 02/26/2015 Select Date