

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, MARCH 4TH, 2013, 6:00 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
FREEPORT, TEXAS
AGENDA
FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the February 19th, 2013 Council Minutes. Pg. 197-200
5. Attending citizens and their business.
6. Consideration of approving a request from the Fraternal Order of Eagles # 3111, 6818 East Highway 332, to conduct their Spring Turkey Shoot, every Sunday from Noon to 4:00 p.m. beginning March 10, 2013 thru May 19, 2013. Pg. 201
7. Consideration of approving a request from CenterPoint Energy's for an overhead easement across a portion of the 9.98 acre tract in the J.G. & G.W. McNeel 1.2 League, Abstract 90, known as the Cayer Road right of way and authorizing the Mayor to sign the easement document. Pg. 202-208

Work Session:

- A. Discussion regarding implementing a Community Garden Program.
- B. Discussion regarding Waste Management's new guidelines and complaints.
- C. Discussion regarding the Gulf Boulevard Motel property.

Executive Session:

Section 551.074, Government Code

Deliberation 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:

- Interim Chief of Police – Dan Pennington

Section 551.071, Government Code

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

- Pending Litigation – Freeport Marina Lawsuits;
Karen Jewel, Roy Yates, Brooks Bass, James Barnett

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, March 1, 2013 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 Tuesday, February 19th, 2013 at 6:00 p.m., at the Freeport Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

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

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Asst. City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Brian Davis, Fire Chief
Bob Welch, Finance Director
Larry Fansher, Parks Director
Dan Pennington, Interim Police Chief
Brain Dybala, Golf Director

Visitors: Nicolosa Mireles Sam Reyna
Jim Pirrung Jennifer Bolton
George Beamon John Stanford
Jerry Meeks Bobby Jo Casale
Gina Adams Landis Adams
Greg Flaniken Ty Morrow
Shannon Daughtry Melanie Oldham
Marty De Leon Stoney Burke
Elroy Burton Eileen Koenig

Call to order.

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

Invocation.

Mr. Wallace Shaw offered the invocation.

Pledge of Allegiance.

Melanie Oldham led the Pledge of Allegiance.

Consideration of approving the February 4th, 2013 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the February 4th, 2013 Council Minutes.

Attending citizens and their business.

Bobby Joe Casale asked the EPA (Environmental Protection Agency) and the City to help erect warning signs and identification signs regarding Gulfco Marine Environmental Superfund site, an environmental hazardous site for 40 years.

He also mentioned the lack of physical progress being made to resolve the marina building encroaching on the states right of way. The people want to know the progress of the removal of the Freeport Marina dry stack.

Consideration of approving Ordinance No. 2013-2032 calling the Annual General Election for the City of Freeport for the second Saturday in May, 2013, being May 11, 2013, at which the voters of said City residing in Wards B and Ward D shall be permitted to vote for or against the candidates for positions B and D on the City Council of the City of Freeport and at which the voters of said City shall elect at large a Mayor for said City.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Ordinance No. 2013-2032 calling the Annual General Election for the City of Freeport for the second Saturday in May, 2013, being May 11, 2013, at which the voters of said City residing in Wards B and Ward D shall be permitted to vote for or against the candidates for positions B and D on the City Council of the City of Freeport and at which the voters of said City shall elect at large a Mayor for said City.

Consideration of approving Resolution No. 2013-2407 a Joint Election Agreement and Contract for election services with the County Clerk of Brazoria and The City of Freeport.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Resolution No. 2013-2407 a Joint Election Agreement and Contract for election services with the County Clerk of Brazoria and The City of Freeport.

Consideration of advertising and setting a bid date for March 13, 2013 to employ a company to help design and/or install the first phase of a Security Surveillance and Communication Network through the City of Freeport Police Department for the Brazosport Marine Action Team (BMAT).

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved advertising and setting a bid date for March 13, 2013 to employ a company to help design and/or install the first phase of a Security Surveillance and Communication Network through the City of Freeport Police Department for the Brazosport Marine Action Team (BMAT).

Consideration of advertising and setting a bid date for March 13th, 2013 for mowing services for the City of Freeport.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved advertising and setting a bid date for March 13th, 2013 for mowing services for the City of Freeport.

Consideration of leasing to ICS, Inc., .0.142 acres of land, being a portion of East Brazos Boulevard adjoining the Briarwood Baytown , L.P., Tract out of Block 16 of the Town of Freeport described in Document # 2006014124 of the Official Records of Brazoria, Texas for five years at an annual rental of \$50.00 per year.

On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved leasing to ICS, Inc., .0.142 acres of land, being a portion of East Brazos Boulevard adjoining the Briarwood Baytown , L.P., Tract out of Block 16 of the Town of Freeport described in Document # 2006014124 of the Official Records of Brazoria, Texas for five years at an annual rental of \$50.00 per year.

Consideration and possible action regarding any item discussed in Executive Session.

No Action Taken

Work Session:

Discussion regarding the new Yamaha Golf Cart Contract.

Mr. Pynes reviewed with Council the price Yamaha Golf Cart Contract; which will buy back golf carts at the end of the 36 month conditional sale contract subject to carts being in reasonable operating order, repair, condition and appearance minus depreciation and wear and tear.

Discussion regarding the Summer Time Blues Festival.

Mr. Pynes suggested using Platinum Marketing for coordinating and organizing the Summer Times Blue Festival for 2013.

Mayor Norma Garcia closed the Formal Session and Opened the Executive Session at 6:30 p.m.

Executive Session:

Section 551.074, Government Code

Deliberation 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: settlement of a severance contract.

- City Manager

Section 551.071, Government Code

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

- City Attorney

Mayor Norma M. Garcia closed the Executive Session and reconvened the Formal Session at 6:55 p.m.

Adjourn

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "aye", Council meeting adjourned at 6:55 p.m.

Mayor Norma M. Garcia
City of Freeport, Texas

City Secretary – Delia Munoz
City of Freeport, Texas



Fraternal Order Eagles # 3111
6818 Hwy. 332 E.
Freeport, TX 77541
979-239-2582

To: Freeport City Council

RE: Fraternal Order Eagles # 3111 Spring Turkey Shoot

Dear Freeport City Council;

The Fraternity of Eagles Aerie # 3111 would like to request to be placed on the next City Council meeting to discuss our Spring Turkey Shoot. We would like to be allowed to conduct the shoot every Sunday from Noon to 4:00 p.m. beginning March 10, 2013 and ending May 19, 2013.

Proceeds will go to 4 area High Schools for Project Graduation.

Sincerely Yours,

Yvette Ruiz
Jr. Past Worthy President
Fraternal Order Eagles # 3111
979-824-1320



PROPERTY MANAGEMENT

Jeff Pynes
Chief Executive Officer
City Manager

January 23, 2013

Jeff Pynes
City Manager

re: Overhead Power Utility Easement

Please place the following item on the March 4, 2013, City Council agenda:

Discuss / consider Center Point Energy offer for an overhead easement across that portion of the 9.98 acre tract in the J.G. & G.W McNeel 1.2 League, Abstract 90, known as the Cayer Road right-of-way.

CenterPoint is offering \$2,198.00 for this easement. Copy of Transmission Line Easement and plat enclosed.


N C Hickey
Property

encl.

/s



December 11, 2012

RECEIVED

City of Freeport
200 W. 2nd Street
Freeport, Texas 77541
Attn: Mr. N.C. "Nat" Hickey
Property Manager

12/11/12

RE: Offer from CenterPoint Energy Houston Electric LLC ("CenterPoint Energy") to acquire a total of 1.322 acre tract of land as part of a Transmission Easement Corridor in Brazoria County, Texas and Landowner's Bill of Rights

Dear Mr. Hickey:

CenterPoint Energy is here enclosing a revised easement instrument as requested per the City of Freeport. CenterPoint Energy wants to thank the City of Freeport for allowing us to perform surveying, geotechnical and environmental studies upon the above reference acre tract of land. From the results of our findings CenterPoint Energy would now like to purchase a 1.322 acre tract in easement in Brazoria County, Texas. In coordination with this process, CenterPoint Energy is pleased to convey the following offer to the City of Freeport:

CenterPoint Energy in good faith effort to reach a mutual agreement with the City of Freeport hereby offers \$2,198.00 (Two Thousand One Hundred Ninety-Eight Dollars) as full monetary compensation for the acquisition, of a 1.322 acre tract of land in easement through the easement document attached hereto and made a part hereof. This offer is based on the appraised value of this tract, as determined by an independent appraiser. A copy of which was attached with the original submittal package sent for your review.

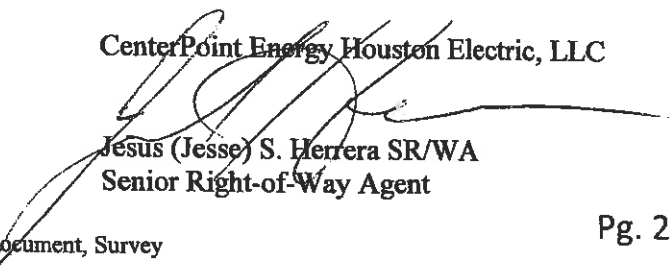
Please be advised that the City of Freeport has the right to discuss the offer and any agreement regarding the acquisition of these tracts with others.

While CenterPoint Energy remains eager to negotiate an Easement Document, to acquire the above-referenced property, the acquisition is of vital importance to CenterPoint Energy in order to provide reliable electric utility service to the City of Freeport and the public within the area. I enclosed a copy of the Landowner's Bill of Rights prepared by the Office of Attorney General of the State of Texas as required by law for the City of Freeport's information with the original submittal package.

If the City of Freeport is agreeable to the foregoing offer, it would be greatly appreciated if you would notify me as soon as possible to make arrangements for processing the payment and to make appropriate closing arrangements. CenterPoint Energy also requires a completed W-9 Form to process the payment. The W-9 Form was also included in the original submittal package. I can be reached at 713 207-6801 (Office), 281 382-1663 (Cell) or by email at jesus.herrera@CenterPointEnergy.com should you any questions or concerns that would need to be discussed further.

Sincerely,

CenterPoint Energy Houston Electric, LLC


Jesus (Jesse) S. Herrera SR/WA
Senior Right-of-Way Agent

dated June 2, 2005 (as to an undivided 1/10 interest) and filed of record under County Clerk's File Number 2006033209 all of which are recorded in the Official Public Records of Brazoria County, Texas, said 1.322 acre tract being further described on EXHIBIT "A" attached hereto and made a part hereof.

This conveyance is made and accepted subject to any and all valid and subsisting easements, rights-of-way, conditions, exceptions, reservations, restrictions, covenants and other encumbrances properly of record affecting the title to the above described property; the condition subsequent contained in the above mentioned deeds from Percival T. Beacoft, Jr., W.A. Cayer and Stephen Loomis; all visible and apparent easements, including but not being limited to any existing utility lines, and the rights of all parties in possession.

Grantor or Grantee, its successors, heirs and assigns, will not construct or permit any type of structures save and except as provided for herein, lakes or ponds to be constructed, regardless of size, kind or nature, except for agricultural or commercial fences, as said fences are defined herein, on, above or below the ground within the boundaries of said easement without the express written consent and approval of Grantee and Grantor, which consent shall not be unreasonably withheld. The permitted construction of said agricultural or commercial fences, defined for the purposes of this easement, shall be limited to those fences that are installed for the sole purpose of farming, ranching or commercial business. Said fences shall be constructed in a manner that permits the movement of the fence and shall consist of only wooden or metal poles and chain link or barbed wire fencing with gates or gaps, twenty feet (20') in width, located at or near the centerline of the easement. Those fences utilizing concrete, bricks, rocks, or any other material of like kind, are considered permanent structures and will not be

permitted without the express written consent and approval of Grantee and Grantor. Fencing for any other purposes than those mentioned above, including the fencing of residential lots within the boundaries of said easement will not be permitted.

Grantor or Grantee, their successors, and assigns, will not change the natural grade elevation of the ground, without the express written consent of Grantee and Grantor, which consent shall not be unreasonably withheld.

Except for said agricultural or commercial fences, the easement herein granted shall be an unobstructed easement together with the following rights: (1) of ingress and egress to, from and along said easement and across adjoining lands of Grantor, for the purposes of constructing, reconstructing, inspecting, maintaining, hanging additional wires and cables and/or changing the size thereof, and removing said electrical and communication facilities and appurtenances; (2) that during the initial construction period, during future maintenance thereof and thereafter during any emergency condition existing on said electrical and communications facilities, Grantee shall have the right to use Grantor's existing roadways, driveways, and trails to reach said easement as well as the right to drive Grantee's construction vehicles on the closest adjacent dry ground around creeks or standing water which crosses or encroaches upon said easement; in connection with said usage, any damage resulting therefrom to land, roads, crops, culverts, fences, trees, houses, barns, buildings, equipment, or livestock or any other unspecified damages herein, Grantee shall be responsible for correcting such damage either by replacement, repair, or cost of replacement or repair; (3) to remove all trees and shrubs from said easement and to cut and trim all limbs of trees that intrude into said easement; (4) to remove from said easement all other obstructions which, in the opinion of Grantee, interferes with Grantee's rights of ingress and egress and which otherwise would endanger or interfere with the safe

and efficient operation and maintenance of said electrical and communication facilities and appurtenances. The rights granted in this paragraph are in addition to and shall not detract from other rights granted herein.

TO HAVE AND TO HOLD the above described easement, together with all and singular the rights and appurtenances thereto in anywise belonging, unto said Grantee, its successors and assigns, and Grantor does hereby bind itself and its successors, assigns, and legal representatives, to warrant and forever defend all and singular the above described easement and rights unto said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this _____ day of _____, 201__.

City of Freeport

By: _____
Signature

Norma M. Garcia
Mayor of the City of Freeport

STATE OF TEXAS }

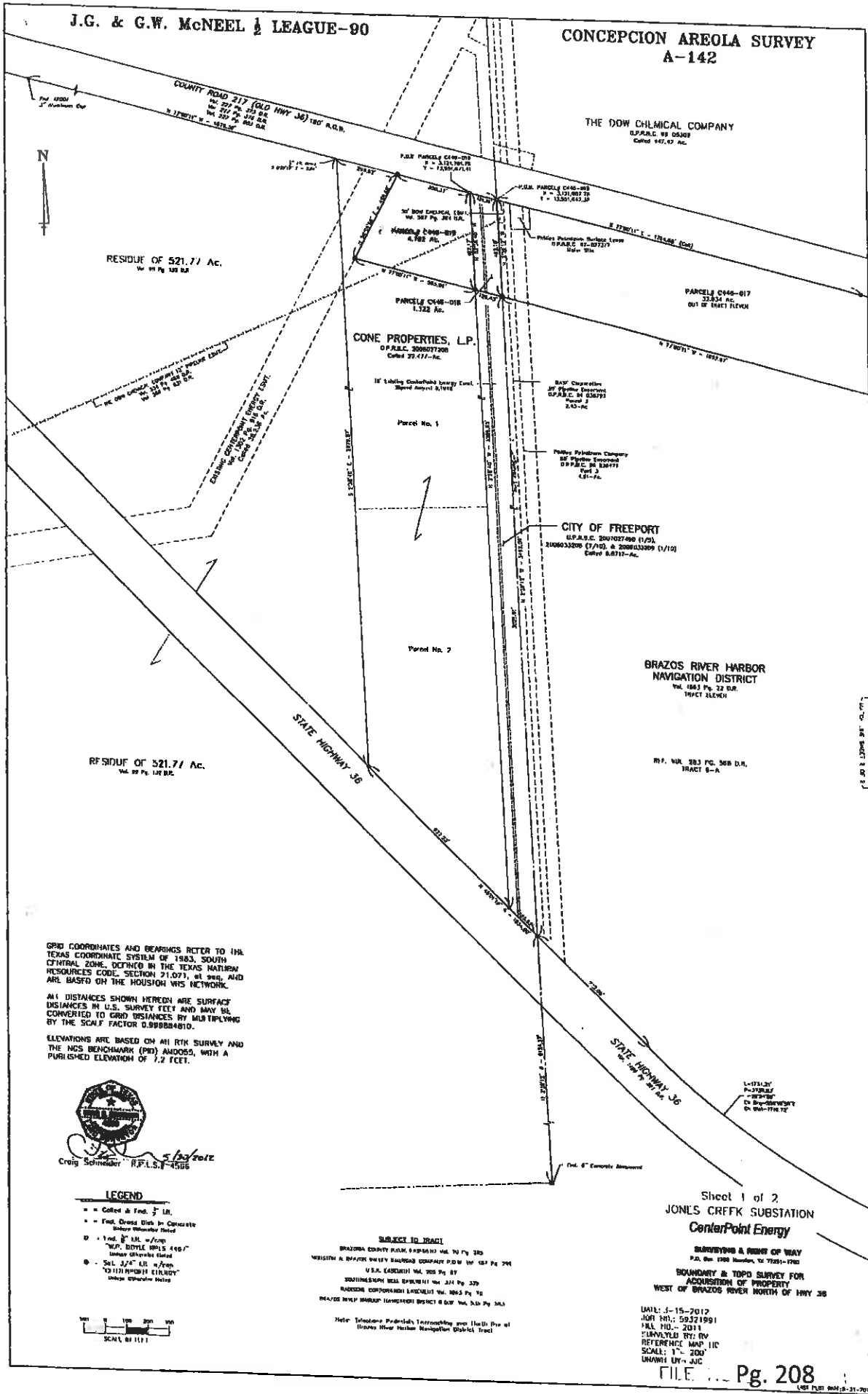
COUNTY OF BRAZORIA }

This instrument was acknowledged before me on _____, 201__ by Norma M. Garcia being the Mayor of the City of Freeport and acknowledged to me that she executed the same for the purposes and consideration therein expressed in the capacity therein stated and as the act and deed of said municipality.

Notary's Signature

AFTER RECORDING RETURN TO:

SURVEYING & RIGHT OF WAY
CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC
P.O. BOX 1700
HOUSTON, TX 77251-1700



RESIDUE OF 521.77 Ac.
Vol. 81 Pg. 128 B.R.

RESIDUE OF 521.77 Ac.
Vol. 81 Pg. 128 B.R.

GRID COORDINATES AND BEARINGS REFER TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, DEFINED IN THE TEXAS NATURAL RESOURCES CODE, SECTION 71.071, et seq, AND ARE BASED ON THE HOUSTON VMS NETWORK.

ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES IN U.S. SURVEY FEET AND MAY BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE SCALE FACTOR 0.999884810.

ELEVATIONS ARE BASED ON AN RTK SURVEY AND THE MGS BENCHMARK (P10) ANDOOS, WITH A PUBLISHED ELEVATION OF 7.2 FEET.



Craig Schneider R.F.L.S.# 4588

- LEGEND**
- = Center & End of L.R.
 - = End of Drive that is Concrete (shown wherever noted)
 - D = End of 8" H.L. = Form "W.P. BOYLE 8915 466"
 - = Survey (where noted)
 - = "1111" PAPER "KILNDRY" (where otherwise noted)



SUBJECT TO TRACT

BRAZOS COUNTY PLAT 6489412 VOL. 70 PG. 310
 WELSH & SPAFFER ENERGY SERVICES COMPANY P.D.M. 101 487 PG. 294
 U.S.A. ENERGY VOL. 202 PG. 87
 SOUTHERN BELL BUSINESS VOL. 214 PG. 329
 RANCORE CORPORATION LICENSES VOL. 204 PG. 70
 BRAZOS RIVER HARBOR NAVIGATION DISTRICT & D.D. VOL. 213 PG. 343

Note: Includes Private Right-of-Way and Utility Pole at Brazos River Harbor Navigation District Tract

Sheet 1 of 2
JONLS CREEK SUBSTATION
CenterPoint Energy

SURVEYING A RIGHT OF WAY
 P.D. 048 1208 Houston, TX 77061-1700
BOUNDARY & TOPD SURVEY FOR
ACQUISITION OF PROPERTY
 WEST OF BRAZOS RIVER NORTH OF HWY 36

DATE: 5-15-2012
 JOB NO.: 59321901
 P.L. NO.: 2011
 DRAWN BY: RW
 REFERENCE MAP: 110
 SCALE: 1" = 200'
 DRAWN BY: JJC