

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, MAY 6TH, 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 April 29th, 2013 Council Minutes. Pg. 295-296
5. Attending citizens and their business.
6. **Joint Public Hearing:** The City Council and the Planning Commission of said City to consider a proposed amendment to the Comprehensive Zoning Ordinance and Map of said City, codified as Chapter 155 of the Code of Ordinances of said City, changing the zoning classification of Lots 2, 3, and 4, Block 35, Velasco Townsite, known as 604 South Gulf Boulevard from its present classification of R-2 Single Family Residential to a new classification of C-2 General Commercial. Pg. 297-302
7. **Joint Public Hearing:** The City Council and the Planning Commission of said City to consider a proposed amendment to the Comprehensive Zoning Ordinance and Map of said City, codified as Chapter 155 of the Code of Ordinances of said City, changing the zoning classification of Lots 13 through 24, Block 56, Velasco Townsite, known locally as South Ave. L, from its present classification of R-2 Single Family Residential to a new classification of C-2 General Commercial. Pg. 303-307
8. Consideration of approving Ordinance No. 2013-2035 amending the Comprehensive Zoning Ordinance of said City to change the zoning classification of Lots 2, 3, and 4, Block 35, Velasco Townsite, known locally as 604 S. Gulf Boulevard, from its present zoning classification of R-2 single family residential to a new zoning classification of C-2 General Commercial. Pg. 308-312
9. Consideration of approving Ordinance No. 2013-2036 amending the Comprehensive Zoning Ordinance of said City to change the zoning classification of Lots 13 through 24, Block 56, Velasco Townsite, known locally as S. Ave L, from its present present zoning classification if R-2 Single-Family Residential to a new zoning classification of C-2 General Commercial. Pg. 313-317
10. Consideration of approving a replat request from Mr. Jesse Aguilar Jr, to replat Block 631, Lots 22 through 24 known as 823 North Ave. A; and Block 631, Lots 20 and 21 known as 817 North Ave. A., Velasco Townsite, Freeport Texas. Pg. 318

11. Consideration of approving and authorizing the Mayor to pay half of \$15,000.00 -Invoice No. 155-2012-2544 to Integra Realty Resources-Houston for the Freeport Municipal Marina appraisal services. Pg. 319
12. Consideration of selling the City's interest on Block 40, East 2/3 of Lot 2 and West 2/3 of Lot 3 , Freeport Townsite, known as 123 West 6th Street, Tax Id. 4200-0434-000. Pg. 320-323
13. Consideration of selling the City's interest on Block 17, Lots 13 and Lot 14, known as 322 East Broad, Freeport Townsite, Tx. Id 4200-0236-000. Pg. 324-328
14. Consideration of selling the City's interest on Block 64, Lots 18 and 19, Velasco Townsite, known as 313-315 South Ave. H, Tx. Id. 8110-0634-000. Pg. 329-332
15. Consideration of selling that portion of Caldwell Street right-of-way between Blocks 63 and 70 between South Ave H and Ave. I, abutting Lots 12 and 13, Block 70, Velasco Townsite. Pg. 333-334
16. Consideration of approving a Letter of Intent from The Dow Chemical Company and the the City of Freeport for widening and improving Casco Road located in Freeport Texas, related to the Dow Gulfstream Project. Pg. 335-336

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, May 3rd, 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 Monday, April 29th, 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 – Absent
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

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

Visitors: Shannon Daughtry
Jerry Meeks
Michael Shane Vandergriff
Michael Crocker

Call to order.

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

Invocation.

City Attorney Wallace Shaw offered the Invocation.

Pledge of Allegiance.

Reporter for the Facts newspaper Shannon Daughtry led the Pledge of Allegiance.

Consideration of approving the April 15th, 2013 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council unanimously approved the April 15, Council Minutes.

Attending citizens and their business.

There were none.

Consideration of approving and awarding the bids for the Security Surveillance Communication Network through the City of Freeport Police Department for the Brazosport Marine Action Team (BMAT).

Interim Dan Pennington reviewed and discussed three proposals submitted for the citywide security surveillance cameras, covering the first part of a three-phase project that will call for cameras installed at Dow Bridge – Hwy 288 at entrance road, Hwy. 36 Bridge at Brazos River & South Brazosport, Pine Street Bridge FM 1495 at West 2nd Street, and Ave. J Street intersection.

1. L3's proposed \$583,772.28
2. Signal Electronics proposed \$591,416 minus \$84,100 in kind - \$507,316.00
3. Bearcom's – no pricing information

Mayor Norma Garcia's concern was the maintenance of the cameras. Interim Dan Pennington said the upgrades would be met by Brazosport Marine Action Team (BMAT) and through future Port grants.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Interim Dan Pennington recommendation to approve and award the bids for the Security Surveillance Communication Network through the City of Freeport Police Department for the Brazosport Marine Action Team (BMAT) to Signal Electronics for \$507,316.00

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council adjourned at 2:18 p.m.

Mayor Norma M. Garcia
City of Freeport, Texas

City Secretary- Delia Munoz
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 THE BELOW DESCRIBED LAND OR ANY LAND LOCATED WITHIN TWO HUNDRED (200') FEET THEREOF 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, May 6, 2013, at 6:00 o'clock p.m., central daylight savings 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 a proposed amendment to the Comprehensive Zoning Ordinance and Map of said city, codified as Chapter 155 of the Code of Ordinances of said City, changing the zoning classification of Lots 2, 3 and 4, Block 35, Velasco Townsite, known locally as 604 S. Gulf Blvd., from their present classification of R-2 Single-Family Residential to a new classification of C-2 General Commercial.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,
made on the 1st day of April, 2013.

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. Also, a copy of this notice must be mailed at least ten (10) full days prior to the date of the public hearing to the owner(s) of the land for which a change in zoning classification is being sought and to the owners of all land within 200 feet thereof.

City of Freeport
Public Works Division
Phone: 979-233-3526

For Office Use Only

Case Number: _____
Date Filed: _____
P & Z Date: _____
Council Date: _____
Request for:

Application for
Rezoning

____ Map Change
____ Text Change

1. Address or general location of site: 604 S. Gulf Blvd

2. Subdivision: Velasco (Freeport) Block 35 Lots 2, 3+4 Acres _____

3. Current Zoning Classification: Residential

4. Proposed Zoning Classification: Commercial

5. Reason for Requesting a Rezoning (attach additional sheet if necessary):

to Establish a Cab Service

I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application. The application fee of \$150.00, to cover the cost of this rezoning application, has been paid to the City of Freeport on January 8, 2013. I also certify that I have been informed and understand the regulations regarding rezoning as specified in the Zoning Ordinance of the City of Freeport. I understand it is necessary for me, or my authorized agent, to be present at both the Planning and Zoning Commission and the City Council public hearings.

Owner's signature: Marcel Barham

Owners name: DARREL BARHAM

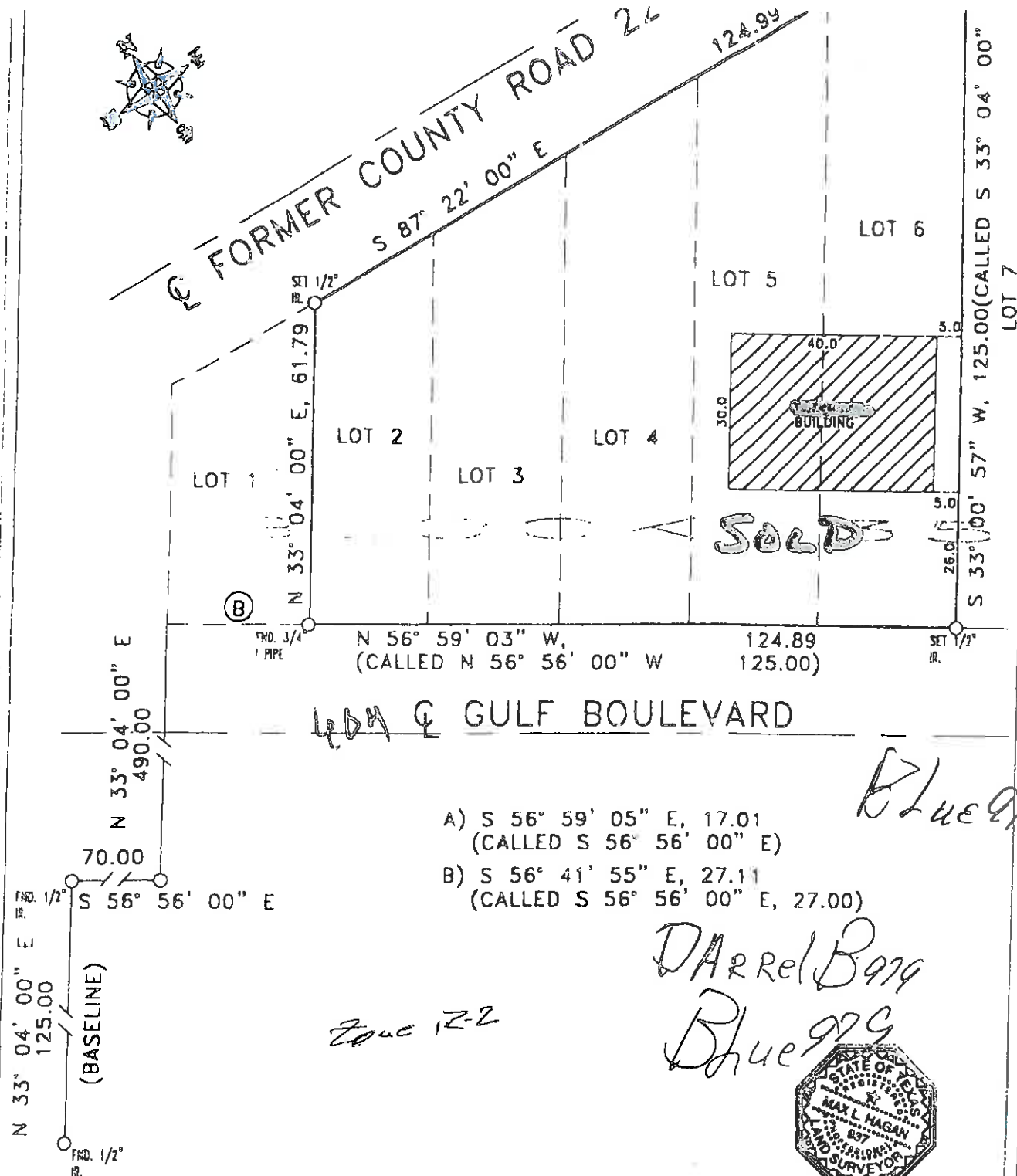
Address: 604 S Gulf Blvd

City, State, Zip: Freeport FL 32541 Phone: 979 (262-7584)

In lieu of representing this request myself as owner of the subject property, I hereby authorize the person designated below, to act in the capacity as my agent for the application, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person with the city (and vice versa) in processing and responding to requirements, information or issues relative to this request.

Signature of Owner

Name printed or typed



COMMUNITY NO: 485467 PANEL NO: 0780 SUFFIX: 1 ZONE: X BASE: M/A MAP REVISED: 11-17-93

I have consulted the HUD-FHA Flood Hazard Boundary Map in the above described property, and it is NOT in a designated flood hazard area. The plat herein is a true, correct and accurate representation of the property as determined by survey. The lines and dimensions of said property being as indicated by the plat, the class, location and type of building and improvements and as shown, all improvements being within the boundaries of said property, and their cost and distance from property lines are as indicated. There are no encroachments, easements, or preferences, except as shown.

Scale 1" = 20'
Date 06-18-99

GF No. _____
Request: Ed Garcia

Field Work: GKL
Drawn by: [Signature]

Max L. Hagan, Civil Engineer, RPLS
REGISTERED PROFESSIONAL ENGINEER NO. 9811 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 937

Brazoria CAD

Property Search Results > 259887 BARHAM DARREL for Year 2013

Property

Account

Property ID: 259887 Legal Description: VELASCO (FREEPORT), BLOCK 35, LOT 2-3-4
 Geographic ID: 8110-0378-000 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: 606 S GULF BLVD Mapsco:
 FREEPORT,
 Neighborhood: VELASCO Map ID:
 Neighborhood CD: S8110

Owner

Name: BARHAM DARREL Owner ID: 1082218
 Mailing Address: 606 S GULF BLVD % Ownership: 100.0000000000%
 FREEPORT, TX 77541

Exemptions:

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

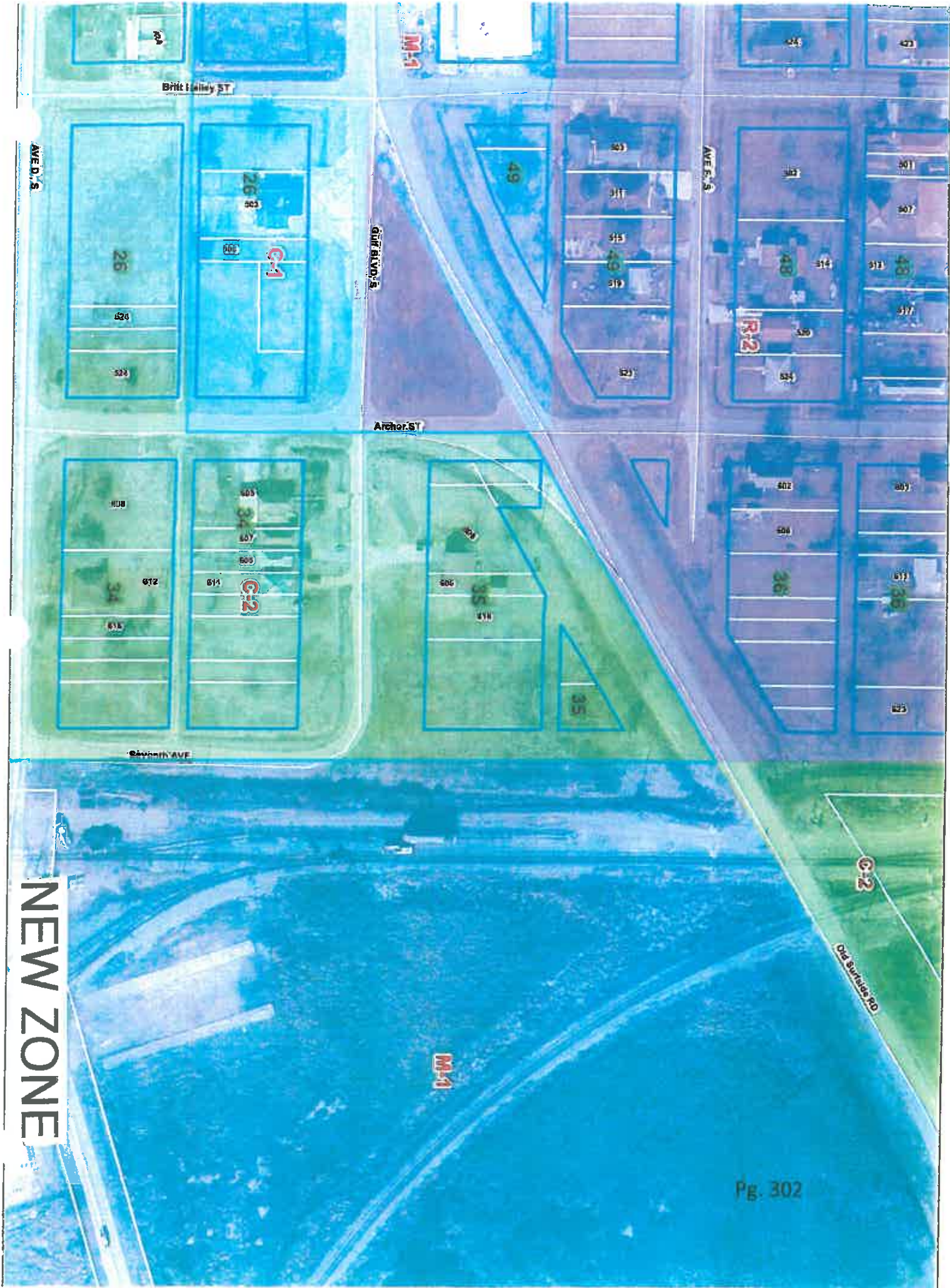
Taxing Jurisdiction

Owner: BARHAM DARREL
 % Ownership: 100.0000000000%
 Total Value: N/A

Entity Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD BRAZORIA COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
CFP CITY OF FREEPORT	N/A	N/A	N/A	N/A
DR2 VELASCO DRAINAGE DISTRICT	N/A	N/A	N/A	N/A
GBC BRAZORIA COUNTY	N/A	N/A	N/A	N/A
JBR BRAZOSPORT COLLEGE	N/A	N/A	N/A	N/A
NAV PORT FREEPORT	N/A	N/A	N/A	N/A
RDB ROAD & BRIDGE FUND	N/A	N/A	N/A	N/A
SBR BRAZOSPORT INDEPENDENT SCHOOL DISTRICT	N/A	N/A	Fig. 300	N/A
Total Tax Rate:	N/A			



CURRENT ZONE



Britt Valley ST

Ave D, S

Old Blvd, S

Ave S, A

Archer ST

Griffin AVE

Old Surface RD

M-1

C-1

R-2

C-2

M-1

C-2

NEW ZONE

TO ALL PERSONS IN INTEREST, CITIZENS, CORPORATIONS, AND FIRMS, THEIR AGENTS AND ATTORNEYS, AND TO ALL PERSONS, FIRMS, AND CORPORATIONS OWNING ANY INTEREST IN THE BELOW DESCRIBED LAND OR ANY LAND LOCATED WITHIN TWO HUNDRED (200') FEET THEREOF 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, May 6, 2013, at 6:00 o'clock p.m., central daylight savings time, at the Police Department Municipal Courtroom of the City of Freeport, Texas, located at South Avenue L, 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 a proposed amendment to the Comprehensive Zoning Ordinance and Map of said city, codified as Chapter 155 of the Code of Ordinances of said City, changing the zoning classification of Lots 13 through 24, Block 56, Velasco Townsite, known locally as S. Ave L., from their present classification of R-2 Single-Family Residential to a new classification of C-2 General Commercial.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,
made on the 1st day of April, 2013.

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. Also, a copy of this notice must be mailed at least ten (10) full days prior to the date of the public hearing to the owner(s) of the land for which a change in zoning classification is being sought and to the owners of all land within 200 feet thereof.

City

City of Freeport
Public Works Division
Phone: 979-233-3526

For Office Use Only

Case Number: _____
Date Filed: _____
P & Z Date: _____
Council Date: _____
Request for:

Application for
Rezoning

____ Map Change
____ Text Change

- Address or general location of site: South Avenue L
- Subdivision VELASCO Block 56 Lots 13-24 Acres _____
- Current Zoning Classification: R-2
- Proposed Zoning Classification: C-2
- Reason for Requesting a Rezoning (attach additional sheet if necessary):

I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application. The application fee of \$150.00, to cover the cost of this rezoning application, has been paid to the City of Freeport on NO CHARGE 2013. I also certify that I have been informed and understand the regulations regarding rezoning as specified in the Zoning Ordinance of the City of Freeport. I understand it is necessary for me, or my authorized agent, to be present at both the Planning and Zoning Commission and the City Council public hearings.

Owner's signature: City of Freeport

Owners name: City of Freeport

Address: 200 West 2nd Street

City, State, Zip: Freeport, TX 77541 Phone: 979-233-3526

In lieu of representing this request myself as owner of the subject property, I hereby authorize the person designated below, to act in the capacity as my agent for the application, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person with the city (and vice-versa) in processing and responding to requirements, information or issues relative to this request.

Brazoria CAD

Property Search Results > 260004 CITY OF FREEPORT for Year 2013

Property

Account

Property ID: 260004 Legal Description: VELASCO (FREEPORT), BLOCK 56, LOT 14-20-21
 Geographic ID: 8110-0522-000 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: S AVE L FREEPORT, Mapsco:
 Neighborhood: VELASCO Map ID:
 Neighborhood CD: S8110

Owner

Name: CITY OF FREEPORT Owner ID: 21410
 Mailing Address: 200 W 2ND ST % Ownership: 100.0000000000%
 FREEPORT, TX 77541-5773
 Exemptions: EX

Values

(+) Improvement Homesite Value: + N/A
 (+) Improvement Non-Homesite Value: + N/A
 (+) Land Homesite Value: + N/A
 (+) Land Non-Homesite Value: + N/A Ag / Timber Use Value
 (+) Agricultural Market Valuation: + N/A N/A
 (+) Timber Market Valuation: + N/A N/A

 (=) Market Value: = N/A
 (-) Ag or Timber Use Value Reduction: - N/A

 (=) Appraised Value: = N/A
 (-) HS Cap: - N/A

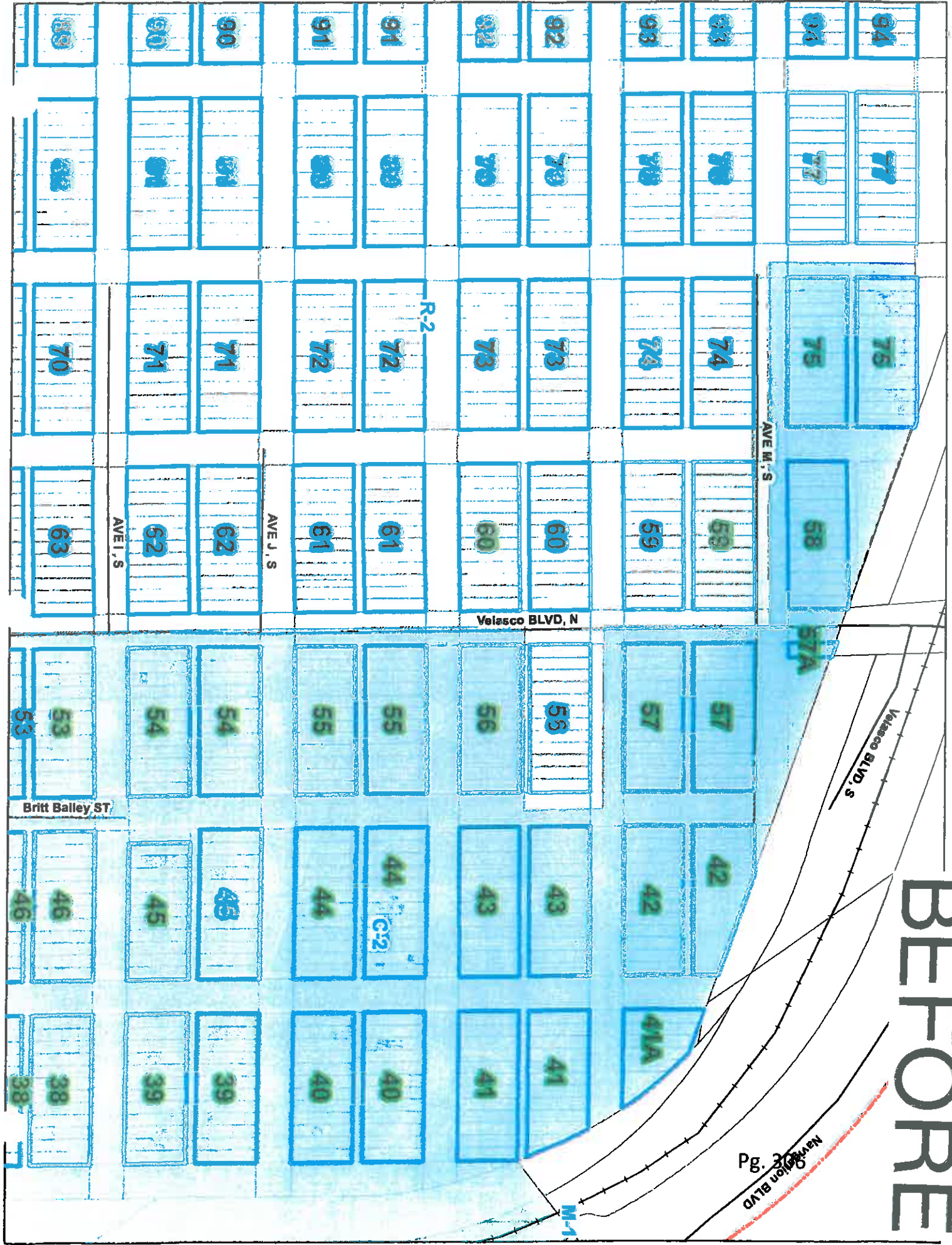
 (=) Assessed Value: = N/A

Taxing Jurisdiction

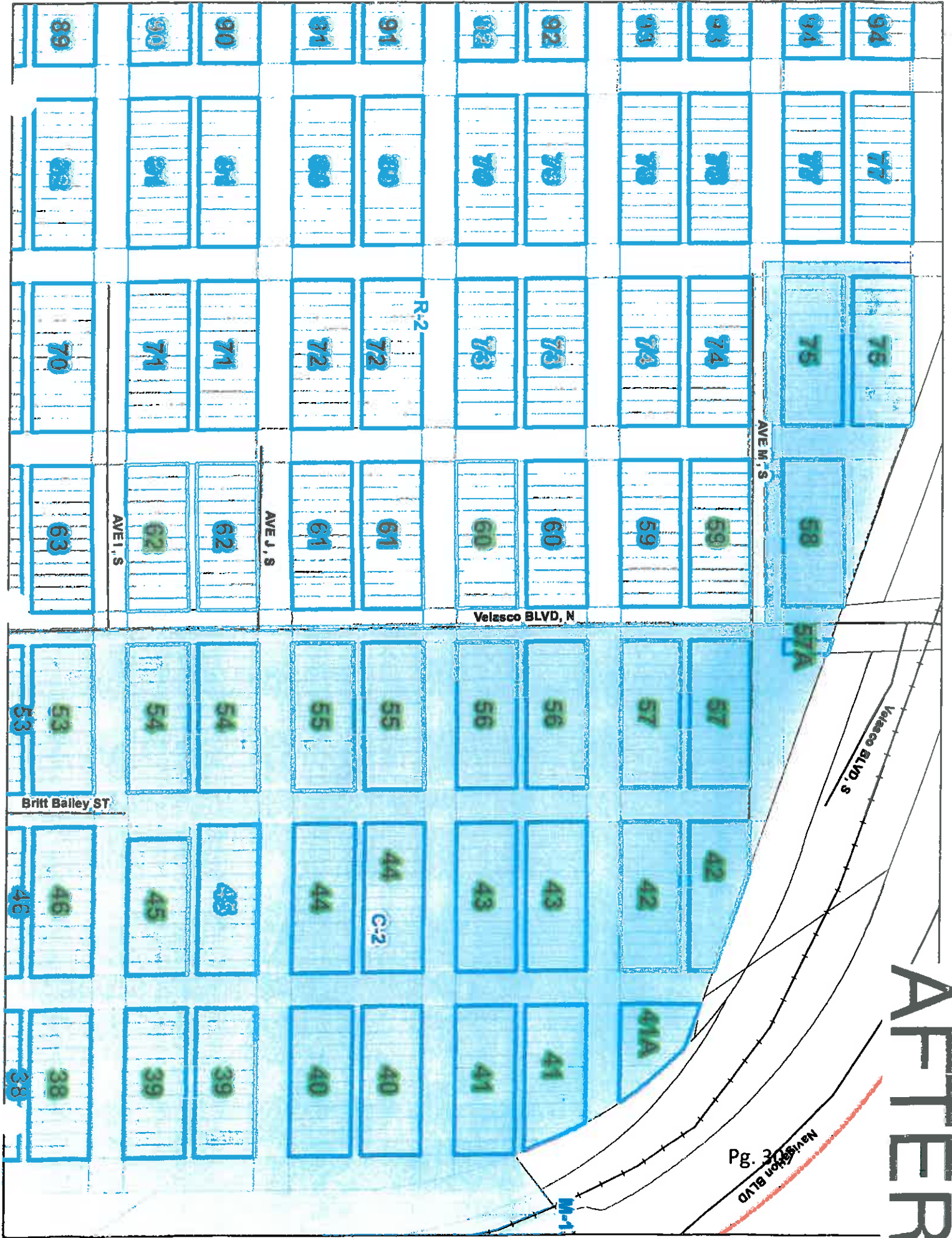
Owner: CITY OF FREEPORT
 % Ownership: 100.0000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
CFP	CITY OF FREEPORT	N/A	N/A	N/A	N/A
DR2	VELASCO DRAINAGE DISTRICT	N/A	N/A	N/A	N/A
GBC	BRAZORIA COUNTY	N/A	N/A	N/A	N/A
JBR	BRAZOSPORT COLLEGE	N/A	N/A	N/A	N/A
NAV	PORT FREEPORT	N/A	N/A	N/A	N/A

BEFORE



AFTER



AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY TO CHANGE THE ZONING CLASSIFICATION OF LOTS 2, 3 and 4, BLOCK 35, VELASCO TOWNSITE, KNOWN LOCALLY AS 604 S. GULF BOULEVARD, FROM ITS PRESENT ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY RESIDENTIAL TO A NEW ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL; RATIFYING AND CONFIRMING ALL ACTIONS PREVIOUSLY TAKEN BY THE PLANNING COMMISSION OF SAID CITY OR THE CITY COUNCIL, OR BOTH; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE 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 of the Home Rule Charter of the City authorizes the City Council thereof to adopt the provisions of 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.

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 not less than ten (10) days before the date of such hearings, written notice of the proposed change in classification was proposed and to all owners of property located within two hundred (200') feet of such property.

Fourth, that after considering evidence submitted at such hearings, the City Council of the City is of the opinion and finds that the conditions which warranted the classification of the hereinafter described property as R-2 Single-Family Residential at the time of the adoption of such classification for such property have substantially changed; that conditions now exist which indicate that the classification of such property as R-2 Single-Family Residential is no longer appropriate and, considering the community as a whole and the present Comprehensive Zoning Plan of the City, such property should be reclassified for purposes of zoning and the zoning of such property changed from R-2 Single-Family Residential to C-2 General Commercial.

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 and the change in zoning classification hereinafter mentioned.

Sixth, that this Ordinance in its final form has been reviewed by the Planning Commission of the City as required by Section 32.00.4 of the Code of Ordinances of the City.

SECTION TWO--Comprehensive Zoning Ordinance Amended
and Zoning Changed.

Ordinance No. 1100, read, passed and adopted on the 3rd day of April, 1964, and now codified as Chapter 155 of the Code of Ordinances of the, is hereby amended and supplemented to provide that the following described parcel of land within the corporate limits of the City, to-wit:

Lots 2, 3 and 4, Block 35, Velasco Townsite,
City of Freeport, Brazoria County, Texas,
according to the map or plat of said townsite
recorded in Volume 32, page 14 of the Deed
Records of said county and known locally as
604 S. Gulf Boulevard,

be and the same is hereby reclassified for purposes of zoning as C-2 General Commercial as defined in Section 155.038 of the Code of Ordinances and that the zoning of said land should be and the same is hereby changed from R-2 Single-Family Residential to C-2 General Commercial.

SECTION THREE--Ratification and Confirmation.

The City Council of the City hereby ratifies and confirms any and all action taken by the Planning Commission of the City or the City Council of the 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 said Chapter 155, 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 said Chapter 155.

SECTION FOUR--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 FIVE--Effective Date.

This ordinance shall take effect and be in force from and after its passage and approval.

READ, PASSED AND ADOPTED this ____ day of _____, 2013.

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Munoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney
City of Freeport, Texas

C\Freeport.Zon\604SGulf-ZongChng-Ord

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY TO CHANGE THE ZONING CLASSIFICATION OF LOTS 13 THROUGH 24, BLOCK 56, VELASCO TOWNSITE, KNOWN LOCALLY AS S. Ave L, FROM THEIR PRESENT ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY RESIDENTIAL TO A NEW ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL; RATIFYING AND CONFIRMING ALL ACTIONS PREVIOUSLY TAKEN BY THE PLANNING COMMISSION OF SAID CITY OR THE CITY COUNCIL, OR BOTH; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE 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 of the Home Rule Charter of the City authorizes the City Council thereof to adopt the provisions of 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.

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 not less than ten (10) days before the date of such hearings, written notice of the proposed change in classification was proposed and to all owners of property located within two hundred (200') feet of such property.

Fourth, that after considering evidence submitted at such hearings, the City Council of the City is of the opinion and finds that the conditions which warranted the classification of the hereinafter described property at the time of the adoption of such classification for such property have substantially changed; that conditions now exist which indicate that the classification of such property as R-2 Single-Family Residential is no longer appropriate and, considering the community as a whole and the present Comprehensive Zoning Plan of the City, such property should be reclassified for purposes of zoning and the zoning of such property changed from R-2 Single-Family Residential to C-2 General Commercial.

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 and the change in zoning classification hereinafter mentioned.

Sixth, that this Ordinance in its final form has been reviewed by the Planning Commission of the City as required by Section 32.00.4 of the Code of Ordinances of the City.

SECTION TWO--Comprehensive Zoning Ordinance Amended
and Zoning Changed.

Ordinance No. 1100, read, passed and adopted on the 3rd day of April, 1964, and now codified as Chapter 155 of the Code of Ordinances of the, is hereby amended and supplemented to provide that the following described parcel of land within the corporate limits of the City, to-wit:

Lots 13 through 24, Block 56, Velasco Townsite,
City of Freeport, Brazoria County, Texas, according
to the map or plat of said townsite recorded in
Volume 32, page 14 of the Deed Records of said county
and known locally as S. Ave L,

be and the same is hereby reclassified for purposes of zoning as C-2 General Commercial, as defined in Section 155.038 of the Code of Ordinances and that the zoning of said land should be and the same is hereby changed from R-2 Single-Family Residential to C-2 General Commercial.

SECTION THREE--Ratification and Confirmation.

The City Council of the City hereby ratifies and confirms any and all action taken by the Planning Commission of the City or the City Council of the 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 said Chapter 155, 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 said Chapter 155.

SECTION FOUR--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 FIVE--Effective Date.

This ordinance shall take effect and be in force from and after its passage and approval.

READ, PASSED AND ADOPTED this ____ day of _____, 2013.

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Munoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney
City of Freeport, Texas

C\Freeport.Zon\S Ave L-ZongChng-Ord

COUNTY OF BRAZORIA)(

CITY OF FREEPORT)(

BE IT REMEMBERED that the Planning and Traffic Commission of the City of Freeport, Texas met in a regular meeting on, **Tuesday, April 23, 2013 at 6:00 P.M.** at the Police Department Conference Room, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

Planning Commission:

**Edward Garcia – Chairperson
Reuben Cuellar
Tobey Davenport
Jesse Aguilar, Jr.
Eddie Virgil**

Staff: Melissa Farmer
Kola Olayiwola

Guest: Vijay Patel

Open Meeting.

Mr. Edward Garcia called meeting to order at 6:00 P.M.

Invocation.

Mr. Tobey Davenport opened the meeting with a prayer.

Approval of the Minutes for March 26, 2013.

Ms. Eddie Virgil move to accept the Minutes for March 26, 2013, seconded by Mr. Jesse Aguilar, Jr., unanimous vote for approval.

Discuss/consider approving request of Mr. Jesse Aguilar, Jr., to re-plat Block Six Hundred and Thirty-One (631), Lots Twenty-Two (22) through Twenty-Four (24), known locally as 823 North Avenue A; and Block Six Hundred and Thirty-One (631), Lots Twenty (20) and Twenty-One (21), known locally as 817 North Avenue A, Velasco (Freeport), Texas.

Mr. Tobey Davenport made a motion to approve the re-plat, seconded by Mr. Reuben Cuellar, with Mr. Tobey Davenport, Mr. Reuben Cuellar, Mr. Edward Garcia and Ms. Eddie Virgil voting “aye,” and Mr. Jesse Aguilar, Jr. abstaining from the vote, motion passed.



Integra Realty Resources
Houston

5 Riverway, Suite 200
Houston, TX 77056
Federal Tax ID #36-4506539

T (713)243-3300
F (713)827-8552
www.irr.com

Invoice

Invoice Number: 155-2012-2544
Invoice Date: 3/21/2013
Page: 1

Bill To:

City of Freeport c/o Schiffer,
Schiffer, Odom, Hicks & Johnson, PLLC
700 Louisiana, Suite 1200
Houston, TX 77002
Attn: Ms. Karen Jewell

Rww: David Dominy; Appraiser: Cindy Williford

Project No. 155-2012-2544

Project Name: The Freeport Municipal Marina

Pine St. at Old Brazos River Waterfront
Freeport, Brazos County, TX 77541
Appraisal Services

\$15,000.00

TOTAL DUE THIS INVOICE:

\$15,000.00

*Please make check payable to: **Integra Realty Resources-Houston**
Note Invoice number on check.*

Terms: Net 30

HOUSTON

PROPERTY MANAGEMENT

Jeff Pynes
Chief Executive Officer
City Manager

April 3, 2013

Jeff Pynes
City Manager

Please place the following item on the April 15, 2013, City Council agenda:

Discuss / consider the sale of the city interest in the East 2/3 of lot 2
and the West 2/3 of lot 3, Block 40, Freeport Townsite, known as
123 West 6th Street
Tax ID 4200-0434-000

This is a re-agenda item from the April 1, 2013, Council meeting, upon advice of counsel,
due to error on agenda description.

This is trust property which was sold at Sheriff sale on October 15, 2012, deed number
2012-047916. There are no outstanding demolition or care of premises liens on the property.

Find attached the following:

- a. property management data sheet
- b. property location plat
- c. bid analysis

N C Hickey
N C Hickey
Property

attach

xc: Lacey Powell

/s



**PROPERTY MANAGEMENT
MEMO**

Council Agenda Date: _____

Agenda item: _____

Type of Property: Trust
Sheriff Deed: 10-15-2012
Street Address: 123 West 6th Street
Legal Description: East 2/3 lot 2, West 2/3 lot 3, Block 40
Account Number: 4200-0434-000

Years Taxes Delinquent: 7 years (2006-2012)

Appraisal District Value: \$50,000
Offer by: **Catherine Le** \$25,999
Court Cost & Post Judgement: 3649.49

Pre-judgment liens extinguished N/A
Post judgment lien settlement
required prior to approval: N/A

Amount to distribute: \$22,349.51
Distribution to Freeport \$ **6,235.13**

Zoning: R-3 Residential

Council Action Approve offer
 Reject Offer

COMMENTS

Motion by _____ Second _____ Vote _____

Trust Sale-Council Action

126
 20."WEST 16 2/3 FT" 20
 19 122 19A 41 18 18A
 116 17

101 14
 15 41
 16

Sixth ST, W

Cherry ST

Ramirez 99-019319
 Lot 1 plus 16.67 ft Lot 2
 127 2
 Freeport 12-047916
 2A
 E 2/3 Lot 2 + W 2/3 Lot 3
 123 40 3
 Solis 3A 02-013183
 E 1/3 Lot 3, Lot 4
 119 4

R F Jordan 126 20
 R F Jordan 19
 R F Jordan 126 19A 40 18
 R F Jordan 18A
 Leija 17

Seventh ST, W

127 1
 2 E 2/3
 2 W 1/3 39 3
 122
 3 EAST 1/3
 119 4

5
 6
 7
 8
 9
 10
 11 40
 12
 13
 14 102
 15
 16
 40A

39A
 5
 39
 102 6
 Pg. 322
 7
 8

BID ANALYSIS

Cause Number: 59051 **Account Number:** 4200-0434-000
Offer Amount: \$25,999.00 **Value \$:** \$50,000.00
Person Offering: CATHERINE LE **Adjudged Value\$:** \$50,000.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	2006-2011	\$3,894.75
Brazosport ISD		\$10,229.82
BRHND		\$505.55
Brazosport College		\$1,580.45
Velasco Drainage		\$805.27
City of Freeport		\$6,583.93
	Total	\$23,599.77

Costs

Court Costs	\$919.00	Sheriff Fees	\$1,148.71
Publication Fees	\$167.40	Research Fees	\$191.00
Ad Litem		Recording fee's	\$24.00
	Liens	0	
Cost of Deed		Deed file date	
	Total		\$2,450.11

Post Judgement Information

Taxing Entity	Tax Year's	
BC	2012	\$204.39
Brazosport ISD		\$529.83
BRHND		\$21.67
Brazosport College		\$109.14
Velasco Drainage		\$39.88
City of Freeport		\$294.47
	Post Judgment Total	\$1,199.38

Proposed Distribution

Offer Amount \$25,999.00 **Costs + P & J** \$3,649.49 ✓
Net to Distribute \$ \$22,349.51 ✓

BC	16.50%	\$3,688.42
Brazosport ISD	43.35%	\$9,687.87
BRHND	2.14%	\$478.77
Brazosport College	6.70%	\$1,496.72
Velasco Drainage	3.41%	\$762.61
City of Freeport	27.90%	\$6,235.13

RECEIVED
 MAR 19 2013
 PROPERTY MGMT
 Pg. 323



PROPERTY MANAGEMENT

Jeff Pynes
Chief Executive Officer
City Manager

April 8, 2013

Jeff Pynes
City Manager

re: Lots 13-14, Block 17, Freeport Townsite
322 East Broad Street
Tax ID 4200-0236-000

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

Discuss / consider the sale of city interest in
lots 13-14, block 17, Freeport Townsite, known
as 322 East Broad Street
Tax ID 4200-0236-000

This property was sold at Sheriff Sale on April 11, 2012.

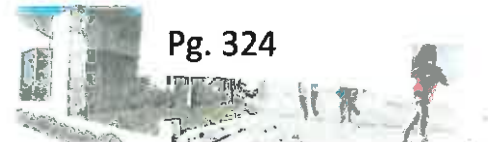
Find attached the following documents:

- a. Plat showing property location
- b. Trust Property Memo
- c. Letter from prospective buyer
- d. Bid Analysis

N C Hickey
Property

attach

/s



PROPERTY MANAGEMENT

Trust Property Memo

Council Agenda Date: April 15, 2013

Agenda item: _____

Type of Property: Trust
Street Address: 322 East Broad
Legal Description: Lots 13-14, Block 17
Account Number: 4200-0236-000

Years Taxes Delinquent: 2005 - 2012 (7 years)

Appraisal District Value: \$26,500.00

Offer by: **Dennis Ashley**
Court Cost & Pre-judgement: \$ 2,779.77

Pre-judgment liens extinguished \$ 1,313.61

Post judgment lien settlement
required prior to approval: \$ **338.25**

Amount to distribute: \$ 20.23

Distribution to Freeport \$ **5.31**

Zoning: R-2 Residential

Council Action Approve offer
 Reject Offer

COMMENTS

There is a structure on the property. A drive-by indicated the structure to be in bad shape and should be brought up to code or demo'd. The prospective buyer inquired whether or not the county or city would offer assistance in demolition. See attached letter.

Motion by _____ Second _____ Vote _____ Pg. 325 _____

Hello Lacey,

I am only interested in the Land Value of this property. If my offer is accepted, does the City or County offer any assistance in the demolition of the structure? Either way please consider my cash offer for this account number. Thank you.

[Handwritten signature]

RECEIVED

APR - 4 2013

PROPERTY MGMT

Pg. 327

BID ANALYSIS

Cause Number:	40515	Account Number:	4200-0236-000
Offer Amount:	\$2,800.00	Value \$:	\$23,270.00
Person Offering:	DENNIS ASHLEY	Adjudged Value\$:	\$26,500.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	2005-2010	\$1,081.16
Brazosport ISD		\$3,472.84
BRHND		\$152.89
Brazosport College		\$382.14
Velasco Drainage		\$225.14
City of Freeport		\$1,890.24
	Total	\$7,204.41

Costs

Court Costs	\$1,465.16	Sheriff Fees	
Publication Fees		Research Fees	
Ad Litem		Recording fee's	
	Liens		0
Cost of Deed		Deed file date	
	Total		\$1,465.16

Post Judgement Information

Taxing Entity	Tax Year's	
BC	2011-2012	\$223.66
Brazosport ISD		\$585.85
BRHND		\$25.06
Brazosport College		\$114.05
Velasco Drainage		\$44.40
City of Freeport		\$321.59
	Post Judgment Total	\$1,314.61

Proposed Distribution

Offer Amount	\$2,800.00	Costs + P & J	\$2,779.77
Net to Distribute \$			\$20.23

BC	15.01%	\$3.04
Brazosport ISD	48.20%	\$9.75
BRHND	2.12%	\$0.43
Brazosport College	5.30%	\$1.07
Velasco Drainage	3.13%	\$0.63
City of Freeport	26.24%	\$5.31

RECEIVED
 APR - 4 2013
 PROPERTY MGMT
 Pg. 328



PROPERTY MANAGEMENT

Jeff Pynes
Chief Executive Officer
City Manager

April 30, 2013

Jeff Pynes
City Manager

Please place the following item on the May 6, 2013, City Council agenda:

Discuss / consider the sale of the city interest in lots 18-19, Block 64
313-315 South Ave H Trust Property
Tax ID 8110-0634-000

This is trust property which was sold at Sheriff sale on July 12, 2012, deed number 2012-031738. There are no outstanding demolition or care of premises liens on the property.

Find attached the following:

- a. property management data sheet
- b. property location plat - hi-lighted in yellow
- c. bid analysis

N C Hickey
N C Hickey
Property

attach

xc: Lacey Powell

/s



**PROPERTY MANAGEMENT
MEMO**

Council Agenda Date: May 6, 2013

Agenda item no.: _____

Legal Description: Lot 18 - 19, Block 64, Velasco Townsite
Street Address: 313 - 315 S. Ave H
Tax ID 8110-0634-000

Type of Property: Trust
Sheriff Sale Date: 7-12-12
Sheriff Deed Number: 12-031738

Years Taxes Delinquent: 7 years
Taxes extinguished by Sheriff Sale: \$1,388.54

Appraisal District Value: \$4,690.00
Offer by: **First United Missionary
Baptist Church** \$1,850.00
Court Cost : \$ 568.42
Post Judgment: \$ 264.81
Liens: Paving, Demo & Care of Premises \$ 0
Amount Left to Distribute: \$1,066.77
Distribution Amount to Freeport: \$ 271.24

Zoning: R-2 Residential

Action: Accept Offer
 Reject Offer
 Re-agenda

COMMENTS:

Motion by _____ Second _____ Vote _____
Trust sale-Council action

Block: 64 Owner _____
 Lot(s) 18 - 19 Tax ID 8110-0634-000 Deed _____
 Street Address 313 - 315 South Avenue H _____

S. Ave H

Caldwell (not open)

24	23	22	21	20	19	18	17	16	15	14	13
			Pearl Ezell	Trust	Trust	Trust	First United Methodist	First United Methodist			
1	2	3	4	5	6	7	8	9	10	11	12

Alley

S. Ave G

Velasco Blvd

Block template

BID ANALYSIS

Cause Number: 61001 **Account Number:** 8110-0634-000
Offer Amount: \$1,850.00 **Value \$:** \$4,690.00
Person Offering: **FIRST UNITED MISSIONARY BAPTIST CHURCH** **Adjudged Value\$:** \$4,690.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	2006-2010	\$166.72
Brazosport ISD		\$512.95
BRHND		\$22.72
Brazosport College		\$62.46
Velasco Drainage		\$34.85
City of Freeport		\$290.95
Total		\$1,090.65

Costs

Court Costs	\$239.34	Sheriff Fees	\$52.48
Publication Fees	\$69.60	Research Fees	\$175.00
Ad Litem		Recording fee's	\$32.00
	Liens		0
Cost of Deed		Deed file date	
Total			\$568.42

Post Judgement Information

Taxing Entity	Tax Year's	
BC	2011-2012	\$45.05
Brazosport ISD		\$117.89
BRHND		\$5.01
Brazosport College		\$23.12
Velasco Drainage		\$8.93
City of Freeport		\$64.81
Post Judgment Total		\$264.81

Proposed Distribution

Offer Amount \$1,850.00 **Costs + P & J** \$833.23 ✓
Net to Distribute \$ \$1,016.77 ✓

BC	15.29%	\$155.43
Brazosport ISD	47.03%	\$478.20
BRHND	2.08%	\$21.18
Brazosport College	5.73%	\$58.23
Velasco Drainage	3.20%	\$32.49
City of Freeport	26.68%	\$271.24 ✓

RECEIVED
APR 30 2013
PROPERTY MGMT



PROPERTY MANAGEMENT

Jeff Pynes
Chief Executive Officer
City Manager

April 8, 2013

Jeff Pynes
City Manager

re: Block 70, Lots 12A & 13A
Caldwell Street ROW

Please place the following item on the April 15, 2013, City Council agenda:

Discuss / consider the sale of that portion of Caldwell Street right-of-way between blocks 63 and 70 between South Avenue H and Avenue I, abutting lots 12 and 13, Block 70, Velasco Townsite.

This right-of-way was closed and abandoned by Special Election held October 17, 1964, (proposition 11) to "dispose of such part of such street so closed to the abutting property owners, reserving easement right-of-way desired by the City Council". Ordinance No. 1109

Mr. Roel Perez, 223 South Avenue I, has requested the purchase of this abandoned right of way, and is the owner of the abutting property. See attached plat.

An appraisal of the subject right of way determined the value to be \$11,000. The price for the two parcels would be as follows:

1/2 of the appraised value	\$5,500.00
Deed preparation	185.00
1/2 of appraisal fee	175.00
Filing fee	16.00
Total cost:	\$5,876.00

Taxes are current, and there are no outstanding liens. Zoning: R-2 Residential.

N C Hickey
Property

attach
xc: Stephanie Perez





The Dow Chemical Company

April 15, 2013

The City of Freeport
Jeff Pynes, City Manager
200 West Second Street
Freeport, TX 77541

LETTER OF INTENT

This Letter of Intent confirms the mutual understanding between The Dow Chemical Company and The City of Freeport with respect to the widening and improvements to Casco Road located in Freeport, TX, related to the Dow Gulfstream Project.

The purpose of the Casco Road Project is to allow the safe land transportation of chemical plant components from the adjacent dock site to a chemical plant construction site located in Freeport via Casco Road and State Highway 332. The significantly oversized chemical plant components are fabricated at off-site specialized fabrication shops and are transported to the site by barge. Due to the size (maximum 206 feet long), width (maximum 51 feet) and weight (maximum 1,600,000 pounds) of the plant components, Casco Road must be widened and improved. The project includes 3,518 square feet expansion. The road improvements will benefit the City for future Casco Road usage. The anticipated construction time is six months. The Project is located in Brazoria County, Texas, approximately one mile north of the Village of Surfside Beach, TX, (Appendix A, Vicinity Map). Existing land use within the Project consists of City of Freeport road right-of-ways (ROW) and estuarine wetlands. Surface waters near the vicinity of the Project typically have a direct connection to the GIWW. All features are shown in Appendix A.

Both Parties hereby agree to the following:

1. The Dow Chemical Company agrees to perform improvements to the existing Casco Road as shown on drawings:

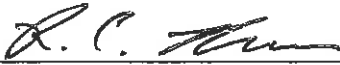
E2-0326-CV10A-48717, E2-0326-CV10B, CV11A, CV12B, CV13A, CV13B, CV13C, CV13D, CV13E, CV14A, and CV15A.
2. Dow will maintain Casco Road throughout the duration of the project (approximately 5 years).
3. Dow will provide a Storm Water Pollution Prevention Plan (SWPPP) and install appropriate SWPPP structural control measures as required for the duration of the project.

4. The City of Freeport will continue to own Casco Road and will be the permit holder for the USACE Preconstruction Notification for Nationwide Permit 14.
5. Within 60 days of the completion of the project, The Dow Chemical Company will asphalt Casco Road per the design drawings provided to the City of Freeport. The City of Freeport will take over responsibility for maintenance and repairs to the road at this time.

Each of the undersigned Represents, Warrants and Covenants that he has the authority to sign this agreement, and that this instrument is binding according to its terms upon the entity designated below as being represented by him.

Dated this _____ day of _____, 2013.

THE DOW CHEMICAL COMPANY

By: 
Robert ("R.C.") Thomas
Property Manager

By:  4/26/13
Maria Romero
Gulfstream Project Representative

THE CITY OF FREEPORT

By: _____
Jeff Pynes
Chief Executive Officer – Freeport
City Manager