

THE FREEPORT CITY COUNCIL
MONDAY, OCTOBER 7TH, 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 September 23rd & October 1st, 2013 Council Minutes. Pg. 857-861
5. Attending citizens and their business.
6. Consideration of approving Ordinance No. 2013-2046 amending the budget for the fiscal year 2012-2013. Pg. 862-868
7. Consideration of approving Resolution No. 2013-2425 authorizing the Fire Chief to donate a 1970 Kaiser Jeep Corporation 5 Ton Cargo truck, of said City to the Rivers End Volunteer Fire Department, Brazoria County. Pg. 869
8. **Public Hearing:** A Public Hearing regarding Chapter 370.002 of the Local Government Code and Division (A) of Section 130.99 of the Code of Ordinance of said City to review the Juvenile Curfew Ordinance of said City. Pg. 870
9. Consideration of approving Ordinance No. 2013-2049 readopting Chapter 130 of the Code of Ordinances of said City, providing a Juvenile Curfew for minor(s). Pg. 871-880
10. **Public Hearing:** The City Council and the Planning Commission of said City will conduct a Joint Public Hearing to consider a propose amendment to the Comprehensive Zoning Ordinance and Map of said City, codified as Chapter 155 of the Code of Ordinances of said City, granting to Loren Eric Hayes a specific use permit to operate an RV Park within said City on Lots 92 and 93, Brazos Coast Investment Company Subdivision, Division 14, A. Calvit Survey, Abstract 49 and J.F. Fields Survey, Abstract 62, Brazoria County, Texas, located on North Brazosport Boulevard, northeast of its intersection with Zapata Street. Pg. 881
11. Consideration of approving Ordinance No. 2013-2050 amending the Comprehensive Zoning ordinance of said city permit the specific use of Lots 92 & 93, Brazos coast Investment Company Subdivision 14, A Calvit Survey, Abstract 49 and J. F. Fields Survey, Abstract 62, Brazoria County, Texas within the corporate limits of said City, as an RV Park to be operated by the owner thereof, Loren Eric Hayes. Pg. 882-886

12. Consideration of approving Ordinance No. 2013-2051 amending Section 112.04 of the Code of Ordinance to require written consent by the surface owner or owner(s) of any property in the City, which is the site for exploration or drilling for oil, gas and other minerals. Pg. 887-889
13. Consideration of approving Ordinance No. 2013-2052 amending sections of 52.15 & 52.16 of the Code of Ordinances to increase the rates for certain water & sewer rates services on or after October 5th, 2013. Pg. 890-892
14. Consideration of approving a Commercial Tax Abatement application for Associated Builders and Contractors, Inc., a new building to be located behind the current facility at 1400 N. Velasco, Freeport, Texas, Tx. Id. 8110-0519.000. Pg. 893-921

Workshop

- A. Schneider Electric – Introduction to Performance Contracting. Pg. 922-933

Executive Session

Section 551.071 Government Code

Consultation with City Attorney concerning pending or contemplated litigation settlement offers or othe 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:

- Associated Builders and Contractors tax abatement
- Marina Legations

Adjourn

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

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

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, October 4th, 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 Freeport City Council of the City of Freeport met on Monday, September 23rd, 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 - Absent
Councilwoman Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Asst. City Manager
Delia Munoz, City Secretary
Bob Welch, Finance Director
Brian Davis, Fire Chief
Dan Pennington, Police Chief

Visitors: Michael Shane Vandergriff
Melanie Oldham

Call to order.

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

Invocation.

City Manager Jeff Pynes offered the invocation.

Pledge of Allegiance.

Mayor Norma Garcia led the Pledge of Allegiance.

Consideration of approving the September 16th, 2013 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the September 16th, 2013 Council Minutes.

Attending citizens and their business.

There were none.

Consideration of approving Ordinance No. 2013-2048 adopting a tax rate for fiscal year 2013-2014.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved \$ 0.675586 tax rate for fiscal year 2013-2014.

Record Vote: Mayor Norma M. Garcia – Aye
Councilwoman Michelle Kent – Aye
Councilman Fred Bolton - Absent
Councilwoman Sandra Loeza - Absent
Councilwoman Sandra Barbree - Aye

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council meeting adjourned at 6:03 p.m.

Mayor Norma Moreno Garcia
City of Freeport, Texas

City Secretary – Delia Munoz
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council and the Planning Commission met for a Joint Public Meeting on October 1st 2013 at 6:00 p.m. at the Freeport Municipal Court, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

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

Planning Com. Edward T. Garcia
Reuben Cuellar
Jesse Aguilar
Tobey Davenport
Eddie Virgil

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

Visitors: Clinton Wong Sam Reyna
Nicolosa Mireles Shannon Daughtry
Troy Brimage Gina Adams
Landis Adams Stoney Burke
Roy Yates Jason Travis

Call to order.

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

Invocation.

Mr. Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Garcia led the Pledge of Allegiance.

Attending citizens and their business.

There were none.

Joint Public meeting with the Planning Commission to consider approving the Urban Renewal Tract Re-plat as presented by Skymark Development.

There being a quorum with the Planning Commission, Mayor Norma Garcia opened the Joint Public meeting.

Edward Garcia asked for any comments or questions from the audience concerning the Urban Renewal Tract Re-plat as presented by Clinton Wong of Skymark Development. Mr. Wong presented a propose replat of the 327 acres to be re-plated.

Stoney Burke asked if the Developer was aware that there was a 16 inch water main line running across the proposed property. Mr. Clinton said he was.

Tobey Davenport concerned with about 5 drainage structures on the proposed properties.

Clinton Wong with Skymark Development said he had addressed the concerns with the drainage district.

Roy Yates favored the Urban Renewal Tract re-plat and stated that the developer would have to meet all the restrictions.

Edward Garcia closed the Planning Commission at 6:21 p.m. Mayor Garcia thanked the Planning Commission and reconvened the open session.

Discuss and consider approving the Urban Renewal Tract Re-plat as presented by Skymark Development.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved the Urban Renewal Tract Re-plat as presented by Skymark Development.

Discuss and consider approving a development agreement with Skymark Development related to its Urban Renewal Tract Development project proposal.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the development agreement with Skymark Development related to its Urban Renewal Tract Development project proposal.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye" Council adjourned at 6:24 p.m.

Mayor Norma M. Garcia
City of Freeport, Texas

City Secretary Delia Munoz
City of Freeport, Texas

ORDINANCE NO. 2013-2046

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACTS; AMENDING THE BUDGET FOR THE FISCAL YEAR 2012-2013; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, pursuant to the provisions of Subsection (a) of Section 102.007 of Chapter 102 of the Local Government Code and the provisions of Article 9 of the Home Rule Charter of the City of Freeport (hereinafter sometimes "the City"), the budget for the 2012-2013 fiscal year of the City was finally approved by the City Council, being the governing body thereof, by its Ordinance No. 2012-2023, read, passed and adopted on the 17th day of September, 2012, (hereinafter sometimes "the Budget"); and,

WHEREAS, Subsection (b) of Section 102.009 of the Local Government Code provides that, after final approval of the budget, the governing body of a municipality may spend municipal funds only in strict compliance with the budget, except in an emergency, but Section 102.010 of said Code provides that the provisions of Chapter 102 thereof do not prevent the governing body of such municipality from making changes in the budget for municipal purposes; and

WHEREAS, Subsection (c) of Section 102.009 of said Code provides that the governing body of a municipality may authorize an expenditure as an amendment to the original budget only in the case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention; and,

WHEREAS, Section 9.16 of the City's Home Rule Charter provides that the budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the City Council; and,

WHEREAS, the adoption of this ordinance and the amendment of the Budget is necessary for and in the best interest of the health, safety and general welfare of the inhabitants of the City.

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

SECTION ONE (1): FINDINGS OF FACT

In connection with the amendment and revision of the Budget, the City Council of the City makes the following findings:

(1) The amendments and revisions set forth in the Budget were the result of numerous public workshop meetings called and conducted in the manner required by the Texas Open Meetings Act, codified as Chapter 551, Government Code.

(2) A public hearing was held on the Budget on September 4, 2012, and conducted in the manner required by Section 102.006 of the Local Government Code and the City's Home Rule Charter.

(3) Notice of such public hearing was published in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City in the manner and time required by Chapter 102 of said Code and the City's Home Rule Charter.

(4) A grave public necessity exists and to meet an unusual and unforeseen conditions that could not have been included in the original budget through the use of reasonably diligent thought and attention and the Budget must be amended and revised with respect of the new or additional expenditures set forth in Exhibit "A" attached hereto and made a part hereof, such unusual and unforeseen conditions also being set forth in said Exhibit "A".

(5) The proposed changes are set forth in Exhibit "A" attached hereto and made a part hereof.

(6) All of the changes set forth in Exhibit "A" are for municipal purposes.

(7) The several amounts stated in Exhibit "A" as the amended or revised expenditures are hereby appropriated to and for the objects and purposes therein named.

(8) The contingent appropriations, as amended and revised in said Exhibit "A", do not exceed three (3%) percent of the total amended and revised budget appropriations reflected therein.

(9) The amended and revised expenditures of the general fund and the debt service fund contained in the Budget, as amended by said Exhibit "A", do not exceed the resources of each fund, as amended and revised.

SECTION ONE (2):

The existing budget of the City of Freeport, Texas, for the fiscal year 2012-2013 is hereby amended and revised as reflected in said Exhibit "A".

SECTION THREE (3):

As required by Subsections (a) and (d) of Section 102.009 of the Local Government Code, upon the passage and adoption of this ordinance, the amended and revised budget adopted hereby shall be filed with the City Secretary of the City to be maintained in the official records of the City, and a certified copy of this ordinance, with Exhibit "A" attached thereto, shall be filed by the City Secretary with the County Clerk of Brazoria County, Texas, and the State Comptroller of Public Accounts for the State of Texas.

SECTION FOUR (4):

Nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all

such rights may be hereafter enforced as if this ordinance had not been adopted.

SECTION FIVE (5):

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 SIX (6):

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

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

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

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200 West 2nd Street
 Freeport, TX 77541
 PH: (979) 233-3526
 FX: (979) 373-0113

Council

MEMORANDUM

To: Mayor and Council
From: Bob Welch
Re: Request for Amendment of Budgeted Funds # 3
Date: September 23, 2013

We are requesting the following amendments to the 2012-2013 Budget:

BUDGET AMENDMENTS	ACCT#	ACCOUNT DESCRIPTION	BUDGET AMENDMENTS	
			DEBITS	CREDITS
1 DONATIONS MUSEUM MUSEUM FUNDRAISER RECORD DONATION FROM FREEPORT WELDING TO THE MUSEUM	10-360-910 10-578-483	DONATIONS MUSEUM MUSEUM FUNDRAISER	1,000	1,000
2 DONATIONS MUSEUM MUSEUM FUNDRAISER RECORD DONATION FROM ROY YATES TO THE MUSEUM	10-360-910 10-578-483	DONATIONS MUSEUM MUSEUM FUNDRAISER	1,000	1,000
3 2008 PORT SECURITY GRANT REVENUE POLICE CAPITAL POLICE PROFESSIONAL SERVICES RECORD GRANT FUNDS RECEIVED FROM THE PORT OF FREEPORT	10-360-411 10-525-899 10-525-413	2008 PORT SECURITY GRANT REVENUE POLICE CAPITAL POLICE PROFESSIONAL SERVICES	448,792 15,359	464,151
4 POLICE OVERTIME INTERGOVERNMENTAL REVENUES AMEND BUDGET TO INCREASE OVERTIME FOR POLICE SRO BILLING TO BISD	10-525-190 10-360-450	POLICE OVERTIME INTERGOVERNMENTAL REVENUES	5,020	5,020
5 GRANT REVENUE-CENTRAL LIFT STAT CDBG PROJECT AMEND BUDGET TO RECORD CENTRAL LIFT STATION GRANT FUNDS RECEIVED	14-360-405 14-575-821	GRANT REVENUE CENTRAL LIFT STATION CDBG PROJECT	383,885	383,885
6 PROFESSIONAL SERVICES-ADMIN. INCREASE BUDGET FOR ADDITIONAL PROFESSIONAL SERVICES NEEDED IN THE CURRENT BUDGET YEAR	10-410-413	PROFESSIONAL SERVICES-ADMIN.	110,000	
7 MARINA-DIESEL REVENUE MARINA-DIESEL EXPENSE AMEND BUDGET TO ADD DIESEL SALES/EXPENSE TO CURRENT BUDGET	16-355-109 16-416-390	MARINA -DIESEL REVENUE MARINA-DIESEL EXPENSE	13,665	20,976

8	MARINA-GAS REVENUE	16-355-113	MARINA-GAS REVENUE	33,110
	MARINA-GAS EXPENSE	16-416-391	MARINA-GAS EXPENSE	28,792
	AMEND BUDGET TO ADD GAS SALES/EXPENSE TO CURRENT BUDGET			

SUMMARY EFFECT ON GOVERNMENTAL FUNDS:

BUDGET ADJUSTMENTS	ACCT#	CURRENT BUDGET	BUDGET AMEND	AMENDED BUDGET
DONATIONS MUSEUM	10-360-910	-15,500	-2,000	-17,500
MUSEUM FUNDRAISER	10-578-483	27,457	2,000	29,457
2008 PORT SECURITY GRANT REVENUE	10-360-411	-5,138	-464,151	-469,289
POLICE CAPITAL	10-525-899	282,758	448,792	731,550
POLICE PROFESSIONAL SERVICES	10-525-413	35,078	15,359	50,437
POLICE OVERTIME	10-525-190	90,000	5,020	95,020
INTERGOVERNMENTAL REVENUES	10-360-450	-94,500	-5,020	-99,520
GRANT REVENUE-CENTRAL LIFT STAT	14-360-405	0	-383,885	-383,885
CDBG PROJECT	14-575-821	201,979	383,885	585,864
PROFESSIONAL SERVICES-ADMIN	10-410-413	170,347	110,000	280,347
MARINA-DIESEL REVENUE	16-355-109	0	-20,976	-20,976
MARINA-DIESEL EXPENSE	16-416-390	4,575	13,665	18,240
MARINA-GAS REVENUE	16-355-113	0	-33,110	-33,110
MARINA-GAS EXPENSE	16-416-391	0	28,792	28,792
		697,056	96,371	795,427
		Net effect on Fund Balance:		DECREASE \$98,371

RESOLUTION 2013-2425

RESOLUTION OF THE CITY OF FREEPORT, TEXAS, AUTHORIZING THE FIRE CHIEF TO DONATE SURPLUS FIRE EQUIPMENT OF SAID CITY TO THE RIVERS END VOLUNTEER FIRE DEPARTMENT, BRAZORIA COUNTY, TEXAS.

WHEREAS, the City of Freeport strives to foster a cooperative municipal environment and improved preparedness on the Texas Gulf Coast; and

WHEREAS, the Freeport Fire & EMS Department strives to offer leadership in the fire service community and assist regional volunteer fire departments whenever possible; and,

WHEREAS, the City of Freeport continues to achieve continued improvement in an effective and efficient fire fleet; and,

WHEREAS, the cost of acquiring and maintaining fire service apparatus continues to be a challenge for many volunteer fire departments; and,

WHEREAS, the Brazoria County Fire Fighters Association supports and endorses cooperation among county departments,

NOW, THEREFORE, BE IS RESOLVED BY THE CITY OF FREEPORT, TEXAS, AS FOLLOWS:

The Fire Chief is authorized to execute the documents needed to transfer ownership of a 1970 Kaiser Jeep Corporation 5 Ton Cargo Truck, known locally as the Army (Government Surplus) Tanker, to the Rivers End Volunteer Fire Department, as a donation from the City of Freeport.

The Fire Chief is further directed to coordinate delivery with the Fire Chief from Rivers End Volunteer Fire Department and is responsible to ensure execution and delivery.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT,

TEXAS, this ____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

City Secretary

**NOTICE OF PUBLIC HEARING FOR THE
EVALUATION OF THE JUVENILE CURFEW ORDINANCE**

BE IT KNOWN that on Monday, October 7, 2013, beginning at 6:00, p.m., the City Council of the City of Freeport, Texas, will conduct a **PUBLIC HEARING** at the Police Department Municipal Courtroom of the City of Freeport, Texas, located therein at 430 North Brazosport Boulevard, pursuant to Chapter 370.002 of the ~~Local Government Code and Division (A) of Section 130.99~~ of the Code of Ordinances of said city, to **REVIEW THE JUVENILE CURFEW ORDINANCE** of said city, codified as Sections 130.20 through 130.99 of said Code of Ordinances, for purpose of determining whether or not to abolish, continue or modify said ordinance. **WRITTEN COMMENTS** concerning said ordinance may be mailed to the office of the City Manager, 200 W. 2nd St., Freeport, TX 77541, and will be considered if such comments arrive at such office prior to 5:00 p.m. on the day of such hearing. **VERBAL COMMENTS** will be accepted at the time of the hearing.

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

NOTE: Publish once at least ten (10) days before
the date of the hearing.

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS; CONTAINING FINDINGS OF FACTS AND CONCLUSION OF LAW; DECLARING THE PRESENCE OF MINORS IN PUBLIC PLACES, ON THE PUBLIC STREETS, AND IN THE COMMERCIAL ESTABLISHMENTS OF SAID CITY DURING THE NOCTURNAL AND DAYLIGHT HOURS HEREINAFTER SPECIFIED TO BE A PUBLIC NUISANCE AND PROVIDING FOR THE ABATEMENT THEREOF AS THEREIN PROVIDED; AMENDING CHAPTER 130 OF THE CODE OF ORDINANCES OF SAID CITY, PROVIDING A CURFEW FOR MINORS, REGULATING USE OF STREETS BY MINORS DURING NOCTURNAL AND DAYLIGHT HOURS, AND PROVIDING FOR RELATED MATTERS SUCH AS PERMITS, REGULATIONS AND DEFENSES, PARENTAL RESPONSIBILITIES, POLICE PROCEDURES AND PENALTIES, AS WELL AS IMPLEMENTATION THROUGH VOLUNTARY RESEARCH AND LOCAL ACTION FOR THE PREVENTION OF JUVENILE DELINQUENCY; 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 THIS ORDINANCE BUT NOT EXCEEDING FIVE HUNDRED (\$500.00) DOLLARS; PROVIDING THAT EACH DAY ANY SUCH VIOLATION CONTINUES AND EACH PART OF ANY DAY DURING WHICH ANY SUCH VIOLATION SHALL OCCUR SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; PROVIDING FOR CONTINUED EVALUATION OF THIS CURFEW ORDINANCE BY CITY COUNCIL WITH PUBLIC HEARINGS TO BE HELD BEFORE THE THIRD ANNIVERSARY OF THE ADOPTION HEREOF; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE ON FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Freeport, Texas, 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, 370.002 and 217.042 of the Local Government Code of Texas, Article 45.06 of the Code of Criminal Procedure of Texas and Sections 2.01 and 2.02 of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City of Freeport, Texas, is concerned about an increase in juvenile violence, juvenile gang activity, and crime by persons under the age of 18 in the City of Freeport, Texas, resulting in juveniles being involved in a wide range of unacceptable behavior including vandalism, public drinking and littering, drug use, breaking and entering, and harassment of residents; and,

WHEREAS, the City Council has determined the many of these problems involving minors occur during normal school hours as well as at night and early morning hours; and,

WHEREAS, the City Council has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities; and,

WHEREAS, the City Council believes that a curfew imposed upon those persons of compulsory school age will encourage participation in educational activities and will promote the public good; and,

WHEREAS, the City Council believes that a curfew for those under the age of 18 will help to attain the foregoing objectives and will serve to diminish the undesirable impact of such conduct on the citizens of the City of Freeport, Texas, and will promote the public good, safety and welfare;

WHEREAS, on the same day as but prior to the adoption hereof the City Council conducted a public hearing on the need to continue this curfew ordinance and to consider amendments thereto; and

WHEREAS, the City Council has determined and does here now declare that the re-adoption of this ordinance, as amended, is necessary to the health, safety and general welfare of the inhabitants of the City of Freeport, Texas.

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

First, Section 130.20 through 130.99 of the Code of Ordinances of the City of Freeport, Texas, added to said Code by Ordinance No. 1767, read, passed and adopted on the 20th day of June, 1994, and amended by Ordinance No. 1785, passed and adopted on the 19th day of June, 1995, and continued by Ordinance No. 2001-1957, read, passed and adopted on the 19th day of November, 2001, by Ordinance No. 2004-2069, read, passed and adopted on the 15th day of November, 2004, Ordinance No. 2007-2179, read, passed and adopted on the 5th day of November, 2007, and Ordinance No. 2010-2264, read, passed and adopted on the 18th day of October, 2010, is hereby re-adopted in its entirety to read as follows:

"Sec. 130.20 SHORT TITLE

This subchapter shall be known and may be cited as 'the Curfew Ordinance of the City of Freeport, Texas.'

Sec. 130.21 PURPOSES; FINDINGS; CONCLUSIONS.

(A) This subchapter is enacted in accordance with the prevailing community standards and regulations for the conduct of minors on streets, in public places and in private businesses during normal school hours, at night, and during early morning hours for the good of minors in the City, to promote family responsibility here, and for the public good, safety and welfare of the citizens of the City.

(B) The City Council finds that the curfew established by this Curfew Ordinance meets a very real local need and should, based on the published experiences of other local governments, be a significant factor in minimizing juvenile delinquency in the City in the years ahead. The community sense of the proper time for the cessation of all outdoor activities by minors on the streets, in public places and in private businesses, is reflected in the curfew hours declared by this subchapter which takes into consideration those hours when minors are normally in school as well as those dangerous nocturnal and early morning hours when the accumulation of minors poses a special risk due to their special susceptibility to peer pressure, their immaturity and their lack of experience, all tendencies normally associated with those of youthful years.

(C)The City Council finds that the City is not overcrowded. Local school facilities and adequate indoor living space permits minors in the City to healthfully occupy their time during daytime and nighttime hours. Commercial recreational facilities are almost nonexistent and there is little or nothing for minors to do outdoors, but roam the streets and frequent the commercial establishments of the City which are open after the curfew hours which this subchapter declares.

(D) The City Council finds that minors roaming the streets, public places and frequenting commercial establishments during the curfew hours which this Curfew Ordinance declares constitutes a public nuisance which should be abated as hereinafter provided.

(E) The City council finds that School hours should generally be used for educational activities by minors.

(F) Parental responsibility for the whereabouts of children is the norm. Legal sanctions to enforce such results have had a demonstrated effectiveness over the years. As parental control increases, the likelihood of juvenile delinquency decreases. There is a need for daytime and nighttime curfew hours for minors in order to achieve, under local conditions, the purposes hereinbefore stated.

Sec. 130.22 DEFINITIONS.

For the purpose of this subchapter, the following terms and phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present terms include the future, words in the plural number include the singular and words in the singular number include the plural. The word 'shall' is always mandatory and not merely directory.

CHIEF OF POLICE. 'Chief of Police' means the Chief of Police of the City or his or her designated representative.

COMMERCIAL ESTABLISHMENT. 'Commercial establishment' means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment, and includes the entire premises thereof and all adjacent parking areas under the control of the owner of the commercial establishment.

CUSTODY. 'Custody' includes possession of a minor by a parent of such minor, possession by the guardian of the person of such minor, or possession by any other person to whom legal conservatorship or other legal custody of the minor has been given by order of a court of competent jurisdiction.

CURFEW HOURS. 'Curfew hours' shall mean:

(1) For any minor 14 years of age or younger, on each day of the week from 10:00 p.m. until 5:00 a.m. of the following day;

(2) For any minor 15 years of age or older, on any Sunday, Monday, Tuesday, Wednesday, or Thursday, from 11:00 p.m. until 5:00 a.m. of the following day, and on any Friday or Saturday, from 12:00 midnight until 5:00 a.m. of the following day;

(3) For any minor, on any day when school is in session within the Brazosport Independent School District during the fall and spring semesters, from 7:30 a.m. through 3:30 p.m., unless a later arrival time or earlier dismissal time has been authorized at the school of appropriate attendance for such minor, in which event such earlier or later time shall apply.

DIRECT ROUTE. 'Direct route' means the shortest path of travel through a public place to reach a final destination without detour or stops along the way.

MINOR. 'Minor' means any person under the age of 18, or, in equivalent phrasing often herein employed, any person 17 or less years of age, provided, however, such definition shall not include any married person or any person who has had the disabilities of minority removed in accordance with the Texas Family Code.

PARENT. 'Parent' means:

(1) The mother, a man presumed to be the biological father, a man who has been adjudicated to be the biological father by a court of competent jurisdiction, or an adoptive mother or father of a minor, but does not include any person whose parent-child relationship with a minor has been terminated by a court of competent jurisdiction.

(2) A person who stands in loco parentis to a minor.

(3) A person to whom guardianship, conservatorship or other legal custody of the minor has been given by order of a court of competent jurisdiction.

PUBLIC PLACE. 'Public place' means a physical location which is owned by the public or by a political subdivision of the State of Texas or the federal government.

REMAIN. 'Remain' means to stay behind, to tarry and to stay unnecessarily upon the streets, public places or the premises of commercial establishments including congregating in groups of minors (or the interacting of individual minors together) in which any minor included would not be using the streets for a purpose declared to be a defense in Section 130.24.

STREET. 'Street' means a way or place of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes legal right-of-way, including, but not limited to, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term street is implied irrespective of what it is called or formally named, whether alley, avenue, court, road or otherwise.

TIME OF NIGHT. 'Time of night' as referred to herein is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public in the City. Proof that a particular time was observed by the City's Police Department on any calendar day shall be prima facie evidence in the Municipal Court of the conformity of such time to the then prevailing standard of time.

YEAR OF AGE. 'Year of Age' continues from one birthday, such as the seventeenth to (but not including the day of) the next, such as the eighteenth birthday, making it clear that '17 or less years of age' is herein treated as equivalent to the phrase, 'under 18 years of age'.

Sec. 130.23 CURFEW FOR MINORS.

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It shall be unlawful for a minor to be or remain in or upon the streets, public places or commercial establishments within the City during the curfew hours defined in Section 130.22 above.

Sec. 130.24 DEFENSES.

(A) It is a defense to prosecution of a minor under this subchapter for such minor being in or upon the streets, public places or commercial establishments within the City during the daytime or nighttime hours designated by this subchapter as times at which it is unlawful for such minor to remain in or upon such streets, public places or commercial establishments when such minor is:

(1) Accompanied by a parent having custody of such minor.

(2) Accompanied by an adult authorized by a parent of such minor having custody to take said parent's place in accompanying said minor for a designated period of time. For the purposes of this ordinance it shall be presumed that a step-parent of a minor who is accompanying such minor has been so authorized by a parent of a minor to take such parent's place in accompanying said minor.

(3) Exercising his or her rights under the First Amendment to the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by first delivering to the Chief of Police, at the City's Police Department, a written communication, signed by such minor and countersigned if practicable by a parent of such minor having custody of such minor, stating the home address and telephone number of the minor and the parent, addressed to the Chief of Police and specifying when, where and in what manner said minor will be on the streets at night or during hours when this subchapter is otherwise applicable to said minor in the exercise of a First Amendment Right which right shall be specified in such communication. This written communication shall be delivered to the office of the Chief of Police at least one week prior to the time specified in such communication as being the time when the minor will be exercising his or her First Amendment Right therein specified.

(4) Involved in a case of reasonable necessity, but then only after a parent of a minor or an employee of a public or private school has communicated to the City's police dispatcher, orally or in writing, the facts establishing such reasonable necessity, relating the same to specified streets at a designated time and a described purpose, including points of origin and destination. A copy of such written communication, or of the police record of an oral communication, in either case, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and addresses of such parent and minor, shall be admissible in evidence in the Municipal Court of the City as prima facie proof of the truth of all facts set forth therein.

(5) On the residential property where such minor resides, or where a parent of such minor resides.

(6) A student enrolled in a private school who was in fact released from attending class on the hour charged due to an official school holiday or in service day. Because of Court rulings requiring that students being home schooled receive equal protection of law with those in private schools, children who are being home schooled are also hereby placed under this defense.

(7) Engaged in an organized athletic activity sponsored by an official group or voluntary association comprised of adults and directly supervised by an adult or adults.

(8) Engaged in an out-of-school educational activity or an activity of a religious or other voluntary association attended by such minor. "Out-of-school educational activity" shall include organized trips for minors to parks, libraries, museums, recreation centers and other such private and public places so long as such trips are planned or permitted by a public school, a private school or by a group or association of home schoolers, and provided that such trips are directly supervised by an adult or adults.

(9) Returning home by a direct route from and within 30 minutes of release from school or from the excepted activities described in (A)(7) or (A)(8) of this Section.

(10) A student on his or her regular school lunch break.

(11) Authorized, by special permit from the Chief of Police, carried on the person of such minor thus authorized, as follows: When normal or necessary daytime or nighttime activities of a minor, particularly a minor well along the road to maturity, may be inadequately provided for by other provisions of this subchapter, then a request may be made to the Chief of Police, either for a regulation as provided in (A)(12) of this Section or for a special permit under this division (A)(11), as the circumstances warrant. Upon the Chief of Police's finding of necessity for the use of the streets to the extent warranted by a written application by a minor and by a parent of such minor, if feasible, stating (i) the home, age and address of such minor, (ii) the name, address and telephone number of a parent thereof, (iii) the height, weight, sex, color of eyes and hair and other physical characteristics of such minor, (iv) the reason or necessity which requires each minor to remain upon the streets during the curfew hours otherwise prohibited, (v) the street or route and the beginning and ending of the period of time involved by date and hour, and (vi) a photo of the minor and (vii) school attended, if any, and current grade enrolled in by this minor. The Chief of Police may grant a permit in writing for the use by such minor of such streets at such hours as in the Chief of Police's opinion may reasonably be necessary. In an emergency this may be handled by telephone, or other effective communication, with a corresponding record being made contemporaneously, either to the Chief of Police or, if unavailable, by a police officer authorized by the Chief of Police to act on his behalf in an emergency, at the police station. A special permit may also be issued to minors, ages 16 and 17 with a Texas driver's license, whereby the parent makes written application as set out above, except (iv) and (v) and where the parent assumes all responsibility and liability for the actions of the minor, releasing the City from any liability from non-enforcement of this Curfew Ordinance as to that minor.

(12) Authorized, by regulation issued by the Chief of Police, in other similar cases for reasonable necessity, similarly handled, but adapted to normal or necessary daytime or nighttime activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the Chief of Police permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved not to extend more than 10 minutes beyond the time for termination of such activity as therein specified, the reason for such minors attending such activity and a showing that such regulation is reasonably necessary and is consistent with the public interest and the purposes of this Curfew Ordinance. An application for such a regulation shall be in writing, signed by the applicant and be delivered to the office of the Chief of Police at least one week prior to the activity.

(13) In possession of a certified card of employment, signed by the Chief of Police and identifying the minor as outlined in (A)(11) of this Section. Such card shall be renewable every two months when the current facts so warrant.

(14) With parental consent, in a motor vehicle. This contemplates normal travel. From excess of caution, this clearly exempts bona fide interstate movement through the City. This also exempts interstate travel beginning or ending in the City.

(B) Each of the foregoing defenses, and their several limitations, such as provisions for notification, shall be severable.

Sec. 130.25 PARENTAL AND COMMERCIAL ESTABLISHMENT RESPONSIBILITY.

(A) It shall be unlawful for a parent or other person having custody of a minor as defined in this subchapter to knowingly permit or by inefficient control to allow such minor to be or remain upon any City street in violation of Section 130.23, under circumstances not constituting a Defense under Section 130.24, or otherwise beyond the scope of this subchapter. The term 'knowingly' includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor. It shall be prima facie evidence of a violation of this division by a parent charged hereunder, if such parent having legal custody of a minor had no knowledge of such minor's whereabouts at the time when such minor was cited for the underlying violation of Section 130.23 that forms the basis of the charge against the parent.

(B) It shall be unlawful for the owner or operator of a commercial establishment to knowingly allow a minor to remain at such commercial establishment during the hours of curfew established in this ordinance beyond the time necessary to conduct and complete an expected activity associated with the normal business of that commercial establishment. It shall be no defense to this subdivision that a minor made a purchase, if the minor did not immediately make such purchase upon arrival and depart immediately thereafter. It shall be a defense to prosecution under this subdivision that the owner or operator of such commercial establishment has promptly notified the Police Department dispatcher that a minor or minors who are present on the premises after hours have refused to depart. A copy of the police record of such notification, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received, shall be admissible in evidence in the Municipal Court of the City as prima facie proof of the truth of all facts set forth therein.

Sec. 130.26 POLICE PROCEDURES.

(A) A police officer of the City, upon finding or having his or her attention called to any minor in public places, on the streets of the City or at any commercial establishment within the City who appears to be in prima facie violation of this subchapter and not clearly subject to any Section 130.24 defenses, shall, subject to divisions (B), (C), and (D) of this section, take such minor to the City's police station where a parent of such minor having custody shall immediately be notified to come for such minor. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the police supervisor then on duty for accurate, effective, fair, impartial and uniform enforcement, and recording, thus making available experienced supervisory personnel, the best of facilities and access to information and records. In the absence of convincing evidence such as a birth certificate or a driver's license or other similar identification, a police officer on the street shall in the first instance use his or her best judgment in determining age. The officer may issue a notice to appear as provided in Section 33.11 of this code.

(B) Where a minor has been picked up pursuant to an apparent prima facie violation of the daytime curfew provisions of this subchapter the police officer having such minor in his custody shall, prior to transporting such minor to the police station, attempt to ascertain whether or not the minor is enrolled as a student at a public school. If it appears the minor is truant from attendance at a school at which he or she is enrolled, then the officer shall as a first alternative attempt to immediately transport such minor to the appropriate school where the minor is enrolled in attendance, and release the minor to a truant officer or other school official with the authority to take responsibility for such minor, if possible. If it is not possible the officer shall transport the minor to the police station and follow the procedure outlined in the other provisions of this section in handling such minor. In any event, the officer shall make or cause to be made a report to the appropriate school truant officer for the public school where the minor is enrolled in attendance. If it is determined that the minor is not enrolled in a public school, the police officer shall follow the procedure outlined in division (A) of this section, in handling such minor.

(C) Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the police officer may deliver to a parent thereof the minor under appropriate circumstances, as for example, a minor of tender age near his or her home and whose identity and address is already known to the officer or may readily be ascertained.

(D) In any event, when a minor is taken into custody by a police officer under this section, the officer shall, without unnecessary delay:

(1) Release the minor to the minor's parent, guardian, custodian, or appropriate school official;

(2) Take the minor to the minor before the municipal court to answer the charge; or

(3) Take the minor to a place designated by the chief of Police as a juvenile curfew processing office.

(E) In any event, any police officer who has taken a minor into custody for a curfew violation under this subchapter, shall, within 24 hours, file a written report with the Chief of Police or shall participate (to the extent of the information for which he or she is responsible) in the preparation and filing of such a report by such supervisor within 24 hours.

(F) When a parent having custody has come to take charge of such minor and the appropriate information has been recorded, such minor shall immediately be released to the custody of such parent. If a parent having custody cannot be located, or fails to take charge of the minor within a reasonable time, then the minor shall be released to the juvenile authorities having jurisdiction over such minor (with referral by the municipal court judge of the City if required by the statutes applicable to such juvenile authorities) or the minor may temporarily be entrusted to another relative, neighbor or other person who will on behalf of a parent having custody assume the responsibility of caring for the minor pending the availability or arrival of such parent.

(G) To insure parental notice in the case of a first violation by a minor, the Chief of Police shall, by certified mail and return receipt requested, send to a parent having custody written notice of said violation with a warning that any subsequent violation will result in full enforcement of this subchapter against a parent of a minor in violation and of the applicable penalties.

(H) In the event a police officer of the City, upon finding or having his or her attention called to any minor remaining at a commercial establishment in apparent violation of Section 130.25(B), shall undertake action against such minor under this subchapter, such officer shall first ascertain from the Police Department dispatcher whether or not the owner or operator of such establishment has a defense as outlined above under Section 130.25(B) by virtue of having made a report to the police department dispatcher as therein provided. If no such report has been made then the officer shall issue a Municipal Court Misdemeanor Citation to such owner or operator charging a violation of Section 130.25(B).

Sec. 130.97 REPORTS OF VIOLATIONS AND TRANSFER OF CASES TO THE BRAZORIA COUNTY JUVENILE PROBATION DEPARTMENT.

(A) Any minor who has been twice convicted of a violation of any of the provisions of the subchapter and who stands charged with a third violation hereof shall be reported by the Chief of Police to the Brazoria County Juvenile Probation Department pursuant to the Texas Family Code.

(B) At the discretion of the Chief of Police, a similar report may be made to the Brazoria County Juvenile Probation Department concerning any other minor who has been taken into custody for a curfew violation, whenever the Chief deems it appropriate.

. The Municipal Court Judge may transfer to the Brazoria County Juvenile Probation Department any minor offender, whether for a first offense or subsequent offense, where such judge determines that there is a real need for supervision of said minor.

Sec. 130.98 PENALTY.

(A) Should any person, firm, or corporation, their agent, servant, or employee, charged with a violation of any provision of this subchapter, be convicted by a court of competent jurisdiction, such person, firm, or corporation, their agents, servants or employees, may be fined any sum not less than \$1 nor more than \$500 for each violation, provided however, that convictions of violations of Section 130.25(A) shall be subject to minimum fines for enhanced offenses as specified by Division (B) of this

section.

(B) If, after a Section 130.26(G) notice of a first violation of Section 130.23 by a minor has been given to a parent or other person with custody of such minor as defined by this subchapter, such parent violates Section 130.25(A) (in connection with a second violation of Section 130.23 by such minor), such violation by such parent or other person having custody shall constitute a first offense of Section 130.25(A) by such parent or other person having custody and, upon conviction such parent or other person having custody shall be fined not less than \$25.00 for such first offense. If in the trial of a second offense under Section 130.25(A), enhanced, it is shown that the said parent or other person having custody has already been convicted of one previous violation of said Section, upon conviction the said parent or other person having custody shall be fined not less than \$50.00. If in the trial of a third or additional offense under Section 130.25(A), enhanced, it is shown that such parent or other person having custody has been convicted, respectively, of two or more violations of said Section as specified in the enhancement paragraph, such parent or other person having custody shall be fined not less than \$75.00 upon conviction of a third offense, enhanced, not less than \$100.00 for conviction of a fourth offense, enhanced, and so forth in increasing increments of \$25.00 for each subsequent conviction shown as alleged in the enhancement paragraph, up to a maximum of \$500.00. The judge presiding in a Municipal Court case filed under this subchapter, upon finding a parent or other person having custody guilty of a second or subsequent violation of Section 130.25(A), shall not only sentence such parent or other person having custody to pay such fine and the costs of prosecution but shall also assess any other punishment available to such judge under the laws of the State of Texas.

(C) Any person violating any of the provisions of this subchapter for which no penalty is otherwise provided shall be subject to the penalty set forth in Section 10.99.

Sec. 130.99 CONTINUING EVALUATION BY CITY COUNCIL

(A) Before the third anniversary of each re-adoption of this subchapter in its entirety, the City Council will hold public hearings to review and evaluate the provisions of this subchapter, and consider modifications of this subchapter to comply with Section 370.002 of the Local Government Code. Provided, however, such evaluation and consideration of updating may occur more often at the request of the Chief of Police.

(B) There shall be compiled and informally reported to the City Council through effective channels (such as the normal by-weekly distribution by the City Manager, to each member of the City Council, the Chief of Police and the City Attorney of noteworthy material) all exceptional cases hereunder of reasonable necessity, the notices of school and other activities, the special permits issued by the Chief of Police and the regulations adopted by the Chief of Police, as herein above authorized, for use by the City Council in connection with its evaluation and consideration of updating this subchapter.

(C) For the same reasons, as well as for the implementation beyond these legal aspects of the basic purposes hereof, the Chief of Police, City Manager and City Council, in coordinated efforts, shall work with existing, and may organize, voluntary groups and shall seek volunteer leadership in programs of research and of action dealing constructively on neighborhood and local basses, with juvenile delinquency and the prevention, control or containment thereof, in all its implications and with practicable steps toward attaining a better life for minors 17 or less years of age, and with the working of this Curfew Ordinance, community-wise and in individ- ual cases, as one much needed legal goal toward that end, as well as for continuing present protection of minors and of other persons, and of property and other interests important to the welfare of the people of the City."

Second, each day any violation of this ordinance continues and each part of any day any such violation occurs shall constitute a separate offense.

Third, this ordinance is cumulative of and in addition to all other ordinances of the City of

Freeport, Texas, on the same subject and all such ordinances are hereby expressly saved from repeal. Provided however, where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Fourth, no offense committed and no fine, forfeiture or penalty incurred prior to the effective date of this ordinance is to be affected by the adoption of this ordinance but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this ordinance had not been adopted.

Fifth, 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.

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

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

ATTEST:

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

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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.

NOTICE

A joint public hearing will be held on Monday, October 7, 2013, at 6:00 o'clock p.m., central standard time, at the Police Department Municipal Courtroom of the City of Freeport, Texas, located at 430 North Brazosport Boulevard, within the corporate limits of said city, in Brazoria County, Texas, at which time and place the City Council and the Planning Commission of said city will conduct a joint public hearing to consider 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, granting to Loren Eric Hayes a specific use permit to operate an RV Park within said city on Lots 92 and 93, Brazos Coast Investment Company Subdivision, Division 14, A. Calvit Survey, Abstract 49 and J.F. Fields Survey, Abstract 62, Brazoria County, Texas, located on North Brazosport Boulevard northeast of its intersection with Zapata Street.

**BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,
made on the 9th day of September, 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 specific use permit is being sought and to the owners of all land within 200 feet thereof.

ORDINANCE NO. 2013.2050

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 PERMIT THE SPECIFIC USE OF LOTS 92 AND 93, BRAZOS COAST INVESTMENT COMPANY SUBDIVISION, DIVISION 14, A. CALVIT SURVEY, ABSTRACT 49 AND J.F. FIELDS SURVEY, ABSTRACT 62, BRAZORIA COUNTY, TEXAS WITHIN THE CORPORATE LIMITS OF SAID CITY, AS AN RV PARK TO BE OPERATED BY , THE OWNER THEREOF, LOREN ERIC HAYSE, UNDER CERTAIN CONDITIONS THEREIN SPECIFIED; CONTAINING AN AUTOMATIC REPEALER CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EFFECTIVE DATE FOR THIS ORDINANCE HEREIN SPECIFIED.

WHEREAS, the City of Freeport, Texas, hereinafter sometimes called "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 do 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 conforms to the comprehensive zoning plan of the City.

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 all public hearings required by the Zoning Enabling Act of the State of Texas, hereinafter "the Act", now codified as Chapter 211 of the Local Government Code, and the present Comprehensive Zoning Ordinance of the City, codified as Chapter 155 of the Code of Ordinances of the City and hereinafter called "the Zoning Ordinance", were conducted in the manner and at the time required by the Act and the Zoning Ordinance.

Second, that not less than fifteen (15) days prior to the date of such hearings, a 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 time and place of such hearings.

Third, that not less than ten (10) days before the date of such public hearings, written notice of the application for the Specific Use Permit hereinafter mentioned was sent to all owners of real property located within two hundred (200') feet of the hereinafter described real property for which such permit is sought.

Fourth, that after giving due regard to the nature and condition of all adjacent uses and structures, the City Council of the City is of the opinion of that the proposed use conforms to the requirements and intent of the Zoning Ordinance and the Comprehensive Plan of the City; that the conditions attached to the granting of such permit set forth below are necessary to the public interest; and that the proposed use under such conditions will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the public welfare of the community.

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 granting of the Specific Use Permit hereinafter mentioned.

SECTION TWO—Comprehensive Zoning Ordinance Amended and Specific Use Permit Granted.

The Zoning Ordinance is hereby amended and a Specific Use Permit is hereby granted with respect to the following described real property located within the corporate limits of the City:

Lots 92 and 93, Brazos Coast Investment Company Subdivision, Division 14, A. Calvit Survey, Abstract 49 and J.F. Fields Survey, Abstract 62, Brazoria County, Texas, located on North Brazosport Boulevard northeast of its intersection with Zapata Street, within the City of Freeport, Texas;

hereinafter called "the premises", now owned by Loren Eric Hayes, hereinafter called "the owner", authorizing the use of the premises as a Recreational Vehicle Park, ~~the Park~~, to be operated by the owner thereof, hereinafter sometimes called "the Permittee", under the following terms and conditions, viz:

First, all parking must be off street and within designated parking areas; no hazardous materials may be stored on the premises; all supplies, equipment and products must be stored within a storage building located on the premises; no recreational vehicle shall be allowed to be parked or remain within the Park except in one of the spaces which are designated in the plan for the Park attached hereto as Exhibit A; the Park shall be kept clean and free of debris and available for inspection by the Building Official at all times; and the Park shall be operated in accordance with the applicable provisions of Section 120.24 through 120.26 of the Code of Ordinances of the City.

Second, the Permit herein granted shall automatically terminate upon the first to occur of the following events:

(1) The Permittee ceases to use the premises as a location for a recreational vehicle park for thirty (30) consecutive days.

(2) The Permittee ceases to be the sole owner of the Park for any reason or by any means.

(3) The Permittee leases or rents the Park or any part thereof to any third party or parties for more than thirty (30) days.

(4) The Permittee uses the premises as a location for a business not authorized by this permit.

Third, this permit may also be terminated by the City Council of the for any violation of any provision of Item First of this Section of this ordinance, or any amendment hereto. Such termination by the City Council shall be effected by the adoption of an ordinance terminating this ordinance, or any amendment hereto, adopted by the affirmative vote of a majority of the members of the City Council present and voting at any regular or special meeting thereof on the agenda of which such termination appear as an action item, such meeting to be held after at least ten (10) days prior written notice of the date, time and place of such meeting and of such proposed action is sent by certified mail, return receipt requested and addressed to the Permittee at the premises, specifying the particular violation or violations for which such termination is based. Any decision of the City Council thereon shall be final and non-appealable.

SECTION THREE--Automatic Repeal for Partial Invalidity.

All of the section or provision of this ordinance were adopted and are intended by the City Council of the City of Freeport, Texas, to be an integrated whole. Therefore, if any section or provision 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 not to be severable from the

remaining sections and provisions of this ordinance and such remaining sections and provisions and this ordinance shall thereupon automatically cease to be of any further force and effect.

SECTION FIVE--Effective Date.

This ordinance shall take effect and be in force from and after it is agreed to and accepted by the Permittee in the manner provided below: otherwise, on the sixtieth (60th) day after its adoption and passage, is shall be automatically repealed and shall thereafter be of no further force or effect.

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

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

AGREED TO AND ACCEPTED by the Permittee this _____ day of
_____, 2013.

"Permittee"

Loren Eric Hayes

THE STATE OF TEXAS X

COUNTY OF BRAZORIA X

This instrument was acknowledged before me on the _____ day of _____,
2013, by **LOREN ERIC HAYSE.**

Notary Public, State of Texas

C:\Freeport.SUP\Hayes RV Park SUP-Ord

ORDINANCE NO. 2013, 2051

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; ADDING A NEW DIVISION (C) TO SECTION 112.04 OF THE CODE OF ORDINANCES OF SAID CITY PROVIDING THAT, NOTWITHSTANDING THE OTHER PROVISIONS OF CHAPTER 112 OF SAID CODE, NO PERMIT SHALL BE ISSUED FOR EXPLORATION FOR OR PRODUCTION OF OIL, GAS AND OTHER MINERALS WHEN THE EXPLORATION SITE OR DRILL SITE IS TO BE SITUATED UPON THE SURFACE OF PROPERTY LOCATED WITHIN THE CITY UNLESS THE OWNER OR OWNERS OF THE SURFACE OF SUCH PROPERTY CONSENT IN A WRITING ATTACHED TO THE APPLICATION FOR SUCH PERMIT FILED WITH THE CITY SECRETARY; CONTAINING SAVINGS CLAUSES; 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, Sections 51.072, 54.001, 54.004 and 217.042 of the Local Government Code of Texas and Sections 2.01, 2.02, and Item (u) of Section 3.07 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 and do here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants 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 exploration for or production of oil, gas and other minerals when the exploration site or drill site is to be situated upon the surface of property located within the City creates a nuisance if such site is too close to structures located on or other uses of the surface of such property or other property adjacent thereto; and that the most practical and inexpensive way to prevent such nuisance is to require that the owner or owners of the surface of such property consent to an application for a permit to use such property for such site.

Second, Section 112.04 of the Code of Ordinances of the City is hereby amended to

add thereto a new division, to be known as Division., which shall read as follows:

■ (C) Notwithstanding the other provisions of Chapter 112 of this Code, no permit shall be issued for exploration for or production of oil, gas and other minerals when the exploration site or drill site is to be situated upon the surface of property located within the City unless the owner or owners of the surface of such property consent in a writing attached to the application for such permit filed with the City Secretary.

Third, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Fourth, 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.

Fifth, 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.

Sixth, this ordinance shall take effect and be in force from and after its passage and adoption.

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.Ord\Oil & Gas - Drilling Site Ord-Amn

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING SECTIONS 52.15 AND 52.16 OF THE CODE OF ORDINANCE OF SAID CITY TO INCREASE THE RATES FOR WATER AND SEWER SERVICES SET FORTH THEREIN FOR SERVICE FURNISHED ON OR AFTER OCTOBER 5, 2013, TO INDUSTRIAL FACILITIES, OFFICES AND OTHER COMMERCIAL ESTABLISHMENTS, RESIDENCES AND CUSTOMERS LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY; CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT FROM AND AFTER OCTOBER 5, 2013.

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, Chapter 552 of the Local Government Code and Section 2.01 and 2.02 and Items (n) and (u) of Section 3.07 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 and 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 its utility system.

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

First, Division (A) of Section 52.16 of the Code of Ordinances of the City of Freeport, Texas, is hereby amended to read as follows:

■(A) The city shall furnish water service to customers within the corporate limits of the city and shall charge each customer as follows:

(1) In the case of water furnished to single-family residences and multi-family residences:

0 gal. to 2,000 gal.	\$11.00 (minimum rate)
3,000 gal. to 12,000 gal.	\$3.80 per 1,000 gal.
All over 12,000 gal.	\$5.00 per 1,000 gal.

(2) In the case of water furnished to all other customers, including but not being limited to industrial facilities, offices and other commercial establishments:

0 gal. to 2,000 gal.	\$11.55 (minimum rate)
3,000 Up Gallons of Water	\$5.39 per 1,000 gal.

(B) The city shall furnish water service to customers outside the corporate limits of the city and shall charge each customer as follows:

0 gal. to 2,000 Gal. of Water	\$13.50
3,000 gal. to 12,000 Gal. of Water	\$5.50 per 1,000 gallons
13,000 Up Gallons Of Water	\$7 per thousand Gallons

Second, Division (A) of Section 52.15 of the Code of Ordinances of the City of Freeport, Texas, is hereby amended to read as follows:

■(A) The city shall charge for the furnishing of sewer service to customers within the corporate limits of the city and shall charge each customer as follows:

(1) In the case of sewer service furnished to single-family residences and multi-family residences:

0 gal to 2,000 gal.	\$10.00 (minimum charge)
3,000 gal. to 12,000 gal.	\$3.45 per 1,000 gallons
(12,000 gallons is the maximum charged for sewer for residential)	

(2) In the case of sewer service furnished to all other customers, including but not being limited to industrial facilities, offices and other commercial establishments:

0 gal. to 2,000 gal. of water	\$10.00
3,000 Up Gal. Of Water	\$5.39 per 1,000 Gallons

(5) The following miscellaneous charges shall be made for the indicated purposes:

Pg. 891

Apartment Deposit	\$35.00 per unit
Voluntary Ambulance	\$2.50 per month
Garbage	\$22.78 per month
Extra Garbage Can	\$11.98 per month
Dumpster	Call Waste Management for Pricing
Delinquency Fee (charged around 21 st of the Month)	\$40.00

Third, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Fourth, 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.

Fifth, this ordinance shall take effect and be in force from and after October 5, 2013.

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

OUR REF. NO.	YOUR INVOICE NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
004401	Tax Abatement App	8/30/2013	500.00	500.00	0.00	500.00

12539

TEXAS GULF BANK, N.A.
 FREEPORT - CLUTE - ANGLETON
 FREEPORT, TEXAS 77541
 88-1548-1131

**ASSOCIATED BUILDERS AND CONTRACTORS OF
 TEXAS GULF COAST, INC.**

P.O. BOX 2650
 FREEPORT, TX 77542
 (979) 233-1616

CHECK DATE CONTROL NUMBER AMOUNT

8/30/2013 012539 \$*****500.00

PAY Five Hundred and 00/100

----- Dollars

TO THE
 ORDER
 OF

CITY OF FREEPORT
 200 WEST 2ND STREET
 FREEPORT, TX 77541

John N. Wood
John N. Wood
 AUTHORIZED SIGNATURE

⑈012539⑈ ⑆113115484⑆ 2001000128⑈

890199/04-08

Security Features. Details on Back



Texas Gulf Coast Chapter

September 3, 2013

The Honorable Norma M. Garcia, Mayor of Freeport
City of Freeport
200 West Second Street
Freeport, TX 77541

Dear Mayor Garcia:

Associated Builders and Contractors of Texas Gulf Coast, Inc. (ABC) is pleased to submit the enclosed tax abatement application for the potential construction of a new facility in Freeport. The board of ABC is considering investing approximately \$11 million in a new building to be constructed behind the current facility at 1400 N. Velasco Blvd., Freeport, Texas. The investment is expected to create 10 full-time jobs and 130 construction jobs at its peak.

The significant increase in industrial investments on the Texas Gulf Coast will require ABC to consider a new larger facility to meet the anticipated increase in demand for services. The new building is expected to be approximately 50,000 square feet, and will include modern computer labs, office space, meeting rooms, craft certification facilities, medical testing and health care facilities, as well as space for other services. The new facility is projected to provide a complete range of services for industrial contractors and employees including education, safety training, craft training, certifications, badging, security validation, business development, management education and information development.

ABC and its affiliated organizations, Merit Shop Training, Inc. and The Contractors' Safety Council of Brazosport, Inc. are registered non-profit entities which provide education, training, certifications and other services for industrial contractors, industry and their employees. ABC is an important ally with industry in meeting the demand for a qualified workforce capable of providing construction and maintenance services.

ABC requests the city consider a 7 year 100% tax abatement for the new building and equipment. If the board decides to move forward with the project, the beginning of construction and subsequent completion would fall within a range of possibilities. Accordingly, ABC requests that 2015 be the first year of tax abatement.



Texas Gulf Coast Chapter

We have appreciated the assistance of the city staff in considering the potential road and infrastructure needs of the project, and wish to offer our thanks. Please let us know if you have any questions, or need additional information regarding our application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gerald Andrews', written over a large, stylized initial 'G'.

Gerald Andrews, Chairman

Enclosure

APPLICANT INFORMATION

Associated Builders and Contractors of
Company Name: Texas Gulf Coast, Inc. Submittal Date: 9/3/2013

Address: 1400 N. Velasco Blvd., Freeport, Texas 77541

Name/Address/Telephone of Company contact on this project:

Terry McAlister, President

1400 N. Velasco Blvd., Freeport, Texas 77541 (979) 233-0148

PROJECT INFORMATION

Check type of facility to be abated:

Manufacturing
Regional Service
Research

Regional Distribution
Regional Entertainment Center
Other Basic Industry

Proposed facility address and legal description: (attach exhibit if necessary):

1400 N. Velasco Blvd., Freeport, Texas 77541

See attached legal description.

Attach a map showing the site. (Attach as Exhibit)

Proposed facility located in the following taxing jurisdictions:

School District Brazosport Independent School District
Drainage District Velasco Drainage District
City City of Freeport
Other Taxing Jurisdictions Brazoria County
 Port Freeport

Describe product or service to be provided: Please see the attached description of the
proposed facility and services to be provided.

This application is for a: New Facility Expansion

PROJECT DESCRIPTION

Please attach a statement which:

1. fully explains the project;
2. describes the site and existing improvements;
3. describes all proposed improvements;
4. provides a list of improvements and fixed equipment

ECONOMIC IMPACT INFORMATION

A. Estimated cost of improvements:

Real Estate \$ 10,500,000

Personal Property \$ 500,000

B. Permanent employment estimates:

If existing facility, current plant employment: 22

Estimated number of jobs retained: 22 Jobs created: 10

Number of employees anticipated at start up: 5 within 1 year 10

C. Construction employment estimates:

Construction to start: Month Nov to Jan Year 2013/14

Construction to be completed: Month Dec Year 2014

Number of construction jobs anticipated:

At start: 20 Peak 130 Finish 20

D. School District Impact Estimates: (for projects over \$5,000,000)

Number of families transferred to area: 3

Number of students added to ISD: 6

E. City impact estimates:

Volume of treated water required from city: 1,500,000 Gal

Volume of effluent water to be treated by city: 1,500,000 Gal

Has permitting been started? Yes No

F. Estimated appraised value on site:


	LAND	PERSONAL PROPERTY	IMPROVEMENTS
Valuation of existing property as of January 1 st , preceding this abatement application	\$ <u>135,650</u>	\$ <u>0</u>	\$ <u>0</u>
Valuation of personal property and Improvements, not subject to abatement, excluding exempt pollution control equipment, upon completion of the project subject to this application	\$ _____	\$ <u>50,000</u>	\$ _____
Estimated value, upon completion of project of exempt pollution control equipment	\$ _____	\$ _____	\$ _____
Estimated value of abated improvements after abatement agreement expires	\$ _____	\$ <u>250,000</u>	\$ <u>10,500,000</u>

G. Statement of planned efforts to use City of Freeport Vendors and services:

Please attach a statement describing willingness and planned efforts to use qualified City of Freeport vendors and services where applicable in the construction and operation of the facility.

DECLARATION

To the best of my knowledge, the above information is an accurate description of project details.



Company Official Signature

9/03/13

Date Signed

Gerald Andrews, Chairman

Printed Name and Title of Company Official

Associated Builders and Contractors of Texas Gulf Coast, Inc. City of Freeport – Tax Abatement Application

Purpose of the Organization and Services Provided

Associated Builders and Contractors of Texas Gulf Coast, Inc. (ABC) and its affiliated organizations have a primary function of providing education, training and services for industrial contractors and employees of industry in the Texas Gulf Coast region. ABC provides a multitude of services and is also the management organization for Merit Shop Training, Inc. and The Contractors' Safety Council of Brazosport, Inc. These organizations together are an important support structure for industry and provide critical services such as craft training, safety training, security verifications, business development tools, management education and information development. ABC and its affiliates are registered non-profit organizations.

ABC has been operating for many years in the Brazosport area, but has been at its current location on Velasco Boulevard since the 1990's. ABC and its affiliates have been providing services to industry in the Texas Gulf Coast region since the 1970's. Merit Shop Training, Inc. for instance began a craft training program initially held at the vocational building at Brazosport High School. Later this program was transferred to Brazosport College where it remains today. The focus is on meeting the needs of contractors and industry by providing the services wherever required including on occasion at high schools or contractor job sites.

Project Description

The recently announced plans by The Dow Chemical Company and other large industrial employers to make substantial investments in new facilities and plant expansions has created a critical need for additional services from ABC and affiliates. The increase in contractor labor and new employees will significantly increase the need for education, certification, training and support services. After careful consideration of various alternatives, ABC has determined that existing facilities are inadequate to meet the future demand as the organization continues to service industrial contractors and employees.

The board of ABC decided to consider the construction of a new facility to meet the substantial increase in demand anticipated. One potential location for this facility is the undeveloped land at the existing ABC location of 1400 N. Velasco Blvd. in Freeport, Texas. The City of Freeport has committed to working closely with ABC in considering additional needs for road and infrastructure expansion. If ABC builds a new facility on the currently undeveloped land, existing facilities would continue to be utilized until the new building became available. The old facilities will then likely be demolished and the land will be available for other commercial use.

Project Description - continued

The specific reinvestment zone for tax abatement purposes will include only the currently undeveloped land as indicated in the map and legal description provided.

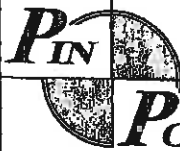
Preliminary analysis indicates a new facility which will meet the future needs of the organizations will require an estimated investment of \$11 Million. This investment will allow ABC to provide services for an estimated future demand that is three times the current level of services provided. The new building will enable the three organizations to handle training needs for future growth of industry through the expansion of services, specialty classes and field verifications. The design is intended to provide a one-stop shop for the services the organization provides.

The new building is anticipated to be approximately 50,000 square feet located in a one story building. It will include everything needed to meet the significant increase in services provided. This investment will create jobs for 10 additional full-time employees. Included in this application is a drawing providing a preliminary plan for the layout of the building, as well as the anticipated investment in personal property and equipment.

Specifically, the new facilities will include the following:

- Computer labs with 200 testing stations
- Classroom space and meeting rooms
- Office space
- Space for hands-on validation of skills and training
- Craft certification facilities
- Medical testing and health care service facilities
- Badging space for industry
- Tenant space for other services
- Kitchen facilities
- Parking for 400 vehicles

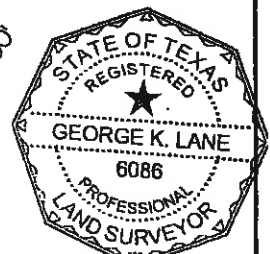
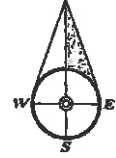
Building a new facility is a critically important decision for the future of Associated Builders and Contractors of Texas Gulf Coast, Inc. Extensive consideration has been given to the various options available. The organization is an important part of our industrial community, and the significant commitment companies are making to invest in new plants has created a critical need for sufficient capacity to support our industrial partners.



P.O. BOX 3344, LAKE JACKSON, TEXAS. 77566 (979) 299-3373

Surveying & Mapping, LLC

PROPOSED SITE TRACT A



LINE DATA	
A1	N 33° 04' 00" E - 991.01'
A2	S 56° 56' 00" E - 304.00'
B1	S 56° 56' 00" E - 304.00'
B2	S 33° 04' 00" W - 805.00'
C1	N 56° 56' 00" W - 304.00'
C2	S 33° 04' 00" W - 116.01'
C3	N 56° 56' 00" W - 374.00'
R1	S 56° 56' 00" E - 374.00'
R2	S 33° 04' 00" W - 875.00'
R3	N 33° 04' 00" E - 805.00'
R4	N 56° 56' 00" W - 304.00'

TRACT A: 6.92 ACRES, TRACT B: 5.62 ACRES, TRACT C: 3.39 ACRES AND R.O.W. TRACT: 1.89 ACRES OUT OF LOTS 1-12, BLOCK 43, ALL OF BLOCKS 44, 45, 46, 53, 54, 55 AND LOTS 1-12, BLOCK 56; CLOSED ALLEYS THROUGH BLOCKS 44, 45, 46, 53, 54, 55; CLOSED PORTION OF BRITT BAILEY STREET AND AVENUE I, L AND K

VELASCO TOWNSITE

COMMUNITY NO: 885467 PANEL NO: 0280 SUFFIX: 1 ZONE: AE BASE: 2' MAP REVISED: 11/17/93

I have consulted the HUD-FHA Flood Hazard Boundary Map in the above described property and it IS in a designated flood hazard area. The plot 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 plot; the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back and distances from property lines are as indicated. There are no encroachments, conflicts, or prohibitions, except as shown.

- NOTES:**
- PROPERTY SUBJECT TO RECORDS, RESTRICTIONS, REGULATIONS, & ORDINANCES (IF ANY) INCLUDING THOSE IN THE CITY OF FREEPORT
 - ALL PROPERTY CORNERS ARE 1/2" IRON ROD FOUND UNLESS NOTED OTHERWISE.
 - ALL TEMPORARY BENCHMARKS AND ELEVATIONS ARE BASED ON HIS BENCHMARK 053, DATUM: NAD 83, ELEV. 14.67, TBM & ELEV: 2.24' TBM R: 2.00' TBM R: 2.0'
 - EASEMENT GRANTED TO THE CITY OF FREEPORT PER (04) VOL. 60, PG. 676, D.R.B.C., SHOWN ABOVE.
 - ROAD AND ALLEYS VACATED BY CITY ORDINANCE 1439 RESERVED AS U.E. AND DRAINAGE EASEMENTS.

ABSTRACT AND TITLE INFORMATION WAS PROVIDED BY PROVIDED BY: GREAT AMERICAN TITLE THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. BEARINGS ARE BASED ON THE RECORDED MAP OR PLAN. G.F. NO. 13577-6A1B1 DATED: 01/18/2013

ALL BUILDING LINES, EASEMENTS, BUILDING RESTRICTIONS (DEED RESTRICTIONS, ETC.) AND ZONING ORDINANCES, IF ANY, THAT MAY AFFECT SUBJECT PROPERTY SHOULD BE VERIFIED BY BUILDER BEFORE COMMENCING CONSTRUCTION.

PREPARED EXCLUSIVELY FOR: ABC OF TEXAS GULF COAST, INC.
This is to certify that I have made an on the ground survey of the property located at: 1400 NORTH VELASCO BOULEVARD, (AKA STATE F.M. NO. 529), IN THE CITY OF FREEPORT, TEXAS.
Tract A, Tract B, Tract C & R.O.W. Tract out of Lots 1-12, Block 43; all of Blocks 44, 45, 46, 53, 54, 55 and Lots 1-12, Block 56; all closed alleys through Blocks 44, 45, 46, 53, 54 and 55; closed portion of Britt Bailey Street and Avenue I, J and K within the aforesaid Blocks of Velasco Townsite, City of Freeport, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 32, Page 14, Deed Records, Brazoria County, Texas, more fully described by metes and bounds attached hereto.

Borrower(s):
ASSOCIATES BUILDERS & CONTRACTORS OF THE TEXAS GULF COAST, INC.

Drawn by: FJS
Job No.: 2013-1058
Request: ABC
Book No: 13PPO47
Scale: 1" = 200'
Date: 01/20/2013

LEGEND	
	ASPHALT
	CHAIN-LINK
	COVERED
	CONCRETE
	WOOD FENCE
	IRON FENCE
	CONTROLLING MONUMENT
	SET 1/2 LB
	U.E. UTILITY EASEMENT
	A.E. AERIAL EASEMENT
	B.L. BUILDING LINE
	R.O.W. RIGHT-OF-WAY
	I.R. IRON ROD
	I.P. IRON PIPE
	FND. FOUND

Pg. 901
George K. Lane, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6086



P.O. Box 3344 Lake Jackson, Tx 77566 (979) 299-3373 office (979) 299-3307 fax
www.pinpointsurvey.com -- pinpoint@survey@sbcglobal.net

Tract A: 6.92 Acres
Blocks 44, 45, 46 and a portion of Avenue I, J, & K
Velasco Townsite
Brazoria County, Texas

Tract A: Being a 6.92 acre tract of land being all of Blocks 44, 45, 46 together with a portion of abandoned right-of-way of Avenue I, J and K (Ordinance 1439) of Velasco Townsite recorded in Volume 32, Page 14, Deed Records of Brazoria County, Texas and being more fully described by metes and bounds as follows: (All bearings based on the Southeast line of Blocks 44, 45 & 46 - being South 33° 04' 00" West.)

BEGINNING at a ½" iron rod found in the Northeast right-of-way line of Avenue H (70' R.O.W. Vol. 32, Pg. 14, D.R.B.C.) for the South corner of Block 46 and the South corner and **TRUE PLACE OF BEGINNING** of the herein described tract;

THENCE North 56° 56' 00" West – 304.00 feet along the Northeast R.O.W. line of Avenue H to a ½" iron rod set marked with a plastic cap labeled "PINPOINT RPLS 6086" at the intersection of the Northeast R.O.W. line of Avenue H with the Southeast right-of-way line of Britt Bailey Street (70' R.O.W. Vol. 32, Pg. 14, D.R.B.C.) for the West corner of Block 46 and the herein described tract;

THENCE North 33° 04' 00" East – 991.01 feet along the Southeast R.O.W. line of Britt Bailey Street to a ½" iron rod set marked with a plastic cap labeled "PINPOINT RPLS 6086" in the R.O.W. of Avenue K for the North corner of the herein described tract;

THENCE South 56° 56' 00" East – 304.00 feet parallel with the Northeast line of Block 44 to a ½" iron rod set marked with a plastic cap labeled "PINPOINT RPLS 6086" for the East corner of the herein described tract;

THENCE South 33° 04' 00" West [Reference Bearing] – 991.01 feet along the Southeast line of Blocks 44, 45 and 46 to the **PLACE OF BEGINNING** and containing 6.92 acres of land, more or less. *This description is based on an actual survey made on the ground and is accompanied by a plat prepared under the direct supervision of George K. Lane, RPLS No. 6086 on January 20th, 2013.*



George K. Lane, R.P.L.S.
Registered Professional Land Surveyor No. 6086
P.O. Box 3344 Lake Jackson, Tx 77566
(979) 299-3373 – phone (979) 299-3307 -- fax
pinpointsurvey@sbcglobal.net -- email





IMPROVEMENTS

ABC - Project Personal Property and Equipment

Main Lab Computers	37,500
Main Lab Computer Tables	110,000
Main Lab Chairs (200)	6,000
Proctor Stations for Main Lab (4)	1,600
Servers for main Lab	9,000
Card printers for lab	3,000
ID scanners for check in	3,000
Chairs for check-in station (5)	1,000
Main Lobby Chairs	2,000
Lobby Monitors	2,000
Tables/Chairs Conference Rooms	26,250
Podiums for Classrooms	3,500
Tables/Chairs Classrooms	35,000
Projectors for Conference Room	7,500
Flat Screens for Classrooms	5,250
Flat Screens for Boardroom	2,250
Alternate lobby/waiting furniture	4,000
Desk/Chair/ Credenzas 16 Offices	25,000
MSTI Lab Computers/Monitors/Chairs	12,500
Library Chairs	400
Outside eating furniture	15,000
Deli furniture	2,400
Kitchen equipment (3 areas)	75,000
Filing cabinets	4,000
Records retention shelving system	1,000
Security Camera System	30,250
Phone System	30,000
Wireless access points	8,000
Stanchion kits for lobby	2,000
Trash receptacles	7,000
Smoking receptables	4,000
Ice Machines	6,000
Tables Chairs Executive Offices	3,600
Conference Room Table (2)	15,000
	500,000

**Associated Builders and Contractors of Texas Gulf Coast, Inc.
City of Freeport – Tax Abatement Application**

Economic Impact Information

Investment: \$11 Million

Full-Time Jobs Created: 10

Construction Jobs Created: 130 at Peak

In addition to the economic impact from the investment, construction and full-time job creation, the new building will enable ABC and affiliates to substantially increase the services provided in support of local industry. In the last year, the organization was able to provide training of 112,000 units. The expansion of industry is expected to increase the demand for these services to three times this level, with a significant increase in people coming to Freeport to receive these services.

The expansion of industry will provide economic benefits for the citizens of Freeport as employees, business owners and taxpayers. ABC and its affiliates are an important partner with industry in providing the needed support services. The investment in a new facility will enable the organization to meet the substantial increase in demand. ABC has appreciated the extensive support the City of Freeport has provided in the past and looks forward to continuing this relationship.

Associated Builders and Contractors of Texas Gulf Coast, Inc. City of Freeport – Tax Abatement Application

Associated Builders and Contractors of Texas Gulf Coast, Inc. and its affiliated organizations Merit Shop Training, Inc. and The Contractors' Safety Council of Brazosport, Inc. are committed to supporting local business in every way possible. As a supporting organization for local industrial contractors, business and industry, the organization strives to provide the services needed to preserve and promote economic expansion in Freeport. In consideration of the potential investment in a new facility, ABC is committed to efforts to use qualified City of Freeport vendors and service providers where applicable in the construction and operation of the facility. In discussions with potential general construction contractors, the importance of using Freeport businesses which can meet the requirements of the project has been emphasized, and the project team has been identifying qualified vendors and service providers.

**BRAZORIA COUNTY APPRAISAL DISTRICT
CERTIFICATION OF APPRAISED VALUE OF PROPERTIES
AS OF JANUARY 1, 2013**

TO: CITY OF FREEPORT

FROM: BRAZORIA COUNTY APPRAISAL DISTRICT

DATE: September 3, 2013

The Brazoria County Appraisal District hereby certifies that the following appraised values as of January 1, 2013, for property of "ASSOCIATED BUILDERS & CONTRACTORS OF TEXAS GULF COAST INC" described in Exhibit "A" attached hereto are listed in the records of the Brazoria County Appraisal District and indicated by the following account numbers:

<u>PERSONAL PROPERTY ACCOUNT(S).</u>	<u>APPRAISED VALUE(S)</u>
--------------------------------------	---------------------------

n/a

<u>LAND ACCOUNT(S)</u>	
------------------------	--

8110-0519-000*	\$360,890
----------------	-----------

<u>IMPROVEMENT ACCOUNT(S)</u>	
-------------------------------	--

8110-0519-000**	\$248,550
-----------------	-----------

Land = 6.92 ac @ \$19,602 = \$135,650*
Improvements = \$0**

Certified this 3rd day of September, 2013.

BRAZORIA COUNTY APPRAISAL DISTRICT


Cheryl Evans, Chief Appraiser Pg. 908

**COMMERCIAL TAX ABATEMENT
GUIDELINES AND CRITERIA**

PROCEDURES

AND

APPLICATION

CITY OF FREEPORT, TEXAS

**ECONOMIC DEVELOPMENT INCENTIVES
CITY OF FREEPORT**

I. Introduction

The City of Freeport is committed to desirable economic development. A successful economic development program depends on a viable working relationship between all aspects of the public and private sector. In addition to insuring the protection of the environment and other natural resources as high priority, any attempts to stimulate the economy should be relatively assured of eventful positive economic effects on the City of Freeport's revenue raising capabilities.

This document describes guidelines and criteria to opportunities that the City may consider in attempts to assert positive economic development. Nothing herein shall imply or suggest that the City of Freeport is under obligation to afford these opportunities to any applicant.

All applicants shall be reviewed on a case by case basis. The customized design of a total incentives package is intended to allow maximum flexibility in addressing the unique concerns of each applicant while enabling the City to respond to the changing needs of the community. Consideration will be given to applicants according to the criteria listed in this document.

II. TAX ABATEMENT

A. Definitions

1. **Abatement** means the full or partial exemption from ad valorem taxes on certain real property in a reinvestment zone designated by the city council for economic development purposes.
2. **Affected jurisdiction** means Brazoria County and any school district, the majority of which is located in the county and levies ad valorem taxes upon and provides services to property located within the proposed or any existing reinvestment zone designated by the city council.
3. **Agreement** means a contractual agreement between a property owner and/or lessee and an affected jurisdiction for the purposes of tax abatement.

4. *Base year value* means the assessed value of eligible property January 1 preceding the execution of the agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the agreement.

5. *City* means Freeport, Texas.

6. *Deferred maintenance* means improvements necessary for continued operations which do not improve productivity or alter the process technology.

7. *Distribution Center Facility* means buildings and structures, including machinery and equipment, used or to be used primarily to receive, store, service, or distribute goods or materials owned by the facility operator, where a majority of the goods or services are distributed to points at least 50 miles from its location in Brazoria County, Texas.

8. *Expansion* means the addition of buildings, structures, machinery or equipment purposes of increasing production capacity.

9. *Facility* means property improvements completed or in the process of construction which together compromise an integral whole.

10. *Manufacturing facility* means buildings and structures, including machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

11. *Modernization* means the replacement and upgrading of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing or repairing.

12. *New facility* means a property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.

13. *Other basic industry* means buildings and structures, including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services, which serve a market primarily outside the Brazoria Primary Metropolitan Statistical Area (PMSA) and result in the creation of new permanent jobs and create new wealth in the PSMA.

14. *Personal property* means tangible personal property located on the real property, excluding that personal property located on the real property prior to the period covered by the abatement agreement with the City, and other than inventory or supplies.

15. *Productive life* means the number of years a property improvement is expected to be in service.

16. *Regional entertainment facility* means buildings and structures, including machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside at least 50 miles from its location in Brazoria County.

17. *Research facility buildings* means buildings and structures, including machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.

18. *Reinvestment zone* means any area of the City which has been designated a reinvestment zone for tax purposes and which is located within the taxing jurisdiction of the City. It is the intent of the City to designate reinvestment zones on case by case basis in order to maximize the potential incentives for eligible enterprises to locate or expand within the City.

19. *Regional Service facility* means buildings and structures, including machinery and equipment, used or to be used to service goods where a majority of the goods being serviced originate at least 50 miles from the facilities location in Brazoria County.

20. *Value of property* means the assessed value of eligible property for purposes of ad valorem taxation.

B. General Criteria - All applicants should meet the following criteria before being considered for abatement.

1. The project expands the local tax base.
2. The project creates permanent full time employment opportunities.
3. The project in all likelihood would not otherwise be developed.
4. The project makes a contribution to enhancing further economic development.
5. The project must remain in good standing to all reasonable aesthetic and environmental concerns.

6. The project has not begun and no construction has commenced at time of application approval.

7. Companies seeking to qualify for tax abatement on the basis of job retention shall document that without the creation of a reinvestment zone and/or tax abatement, it will either reduce or increase operations.

8. The project should not have any of the following objections:

a. There would be substantial adverse affect on the provision of government service or tax base.

b. Insufficient financial capacity.

c. Planned or potential use of the property would constitute a hazard to public safety.

d. Planned or potential use of the property would give adverse impacts to adjacent properties; or,

e. Any violation of laws of the U.S. or State of Texas or ordinances of the City would occur.

f. Property owned or used by the State of Texas or its political subdivisions.

g. Property owned by an organization owned, operated or directed by a state political subdivision.

C. Specific Criteria - If the project in the application meets the general criteria, is a facility of a targeted enterprise and has a capital cost that exceeds \$50,000.00, then abatement of any or all of the increased value will be considered. In no case would tax abatement exceed the maximum allowed by state law, presently 100% for 10 years.

<u>Total Investment</u>	<u>Abatement Per Year</u>
\$50,000 to \$100,000	90% 85%
\$100,000 to \$1,000,000	90% 85% 80%
Over \$1,000,000	90% 85% 80% 75% 70% 65% 60%

DESIGNATION OF A REINVESTMENT ZONE

The City Council by ordinance must designate an area as a reinvestment zone. Prior to adopting such an ordinance the City Council must conduct a public hearing on the designation that entitles all interested persons to speak and present evidence for or against the designation. Not later than the seventh day before the date of the hearing, notice of the hearing must be:

1. Published in a newspaper having general circulation in the City.

2. Delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone.

3. Should any affected jurisdiction be able to show cause in the public hearing why the grant of abatement will have a substantial adverse effect on its bonds, tax revenue, service capacity or the provision of services, that showing shall be reason for the City to deny any designation of the reinvestment zone, the granting of the abatement or both.

TAX ABATEMENT AGREEMENT

The City by resolution may enter into a tax abatement agreement in accordance with the criteria contained in this document. At least seven days before entering into the agreement, the City will deliver written notice of its intent to each taxing unit that is included in the reinvestment zone.

1. Any agreement will include, but not be limited to, the following specific Items.

a. All appropriate stipulations included in the application as outlined by this document for a reinvestment zone and tax abatement agreement; and

b. The amount and duration of the tax abatement; and

c. A method for determining the qualifications of meeting the criteria and applicant's promise to meet and maintain these qualifications over the term of the agreement; the City will be allowed, upon written request and reasonable notice, to inspect and audit such records of the applicant as are necessary to substantiate that the applicant is meeting criteria agreed upon during the term of the abatement; and

d. A provision that in the event the agreement is not kept, the tax abatement agreement will be determined null and void and all abated taxes will be paid immediately to the City and all other taxing units participating in the agreement; and

e. Any and all other statutory requirements pertaining to municipal tax abatements agreements, including but not limited to those requirements set forth in Section 312.205 of the State Tax Code (Vernon's 1992 with 1976 supplement), as amended.

2. Eligible Property. Abatement may be extended to the value of buildings, structures, fixed machinery, equipment, site improvements plus that office space and related fixed improvements necessary to the operation and administration of the facility. The economic life of the property and improvements must exceed the life of the abatement agreement.

a. Abatement may be granted to new facilities;

b. Abatement may be granted for improvements to existing facilities for purposes of modernization and expansion.

3. Recapture

a. In the event that the facility is completed and begins producing goods and/or services, but subsequently discontinues such production for any reason excepting fire, explosion or other casualty or natural disaster for a period of one year during the abatement period, then the agreement shall terminate and so shall the abatement of taxes for the calendar year during which the facility no longer produces. The taxes otherwise abated for the calendar year shall be paid to the City within (60) days from the termination.

b. Should the City determine that the company or individual is in default according to the terms and conditions of the abatement agreement, the City shall notify the company or individual, in writing, at the address stated in the agreement, and if such non-compliance is not resolved within (60) days from the date of such notice, then the agreement shall be terminated.

c. In the event that the company or individual:

(1). allows its ad valorem taxes owed the City or affected jurisdiction to become delinquent and fails to timely and properly follow legal procedures for their protest and/or contest, or

(2). violates any of the terms and conditions of the abatement agreement and fails to resolve such violations with sixty (60) days from the date of written notice of such violations, the agreement then may be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within (60) days of the termination.

4. Upon completion of construction, the City shall annually evaluate each facility receiving abatement to ensure compliance with the agreement and report possible violations to the City Council and the City Attorney.

5. The City must deliver a report to the Texas Comptroller's Office describing the guidelines and criteria, reinvestment zone, terms of any abatement agreements, and any other information required by the Comptroller. The reports will be submitted by March 31 of the year following the designation of a zone or the execution of a tax abatement.

APPLICATION FOR TAX ABATEMENT INSTRUCTIONS

1. Attach additional pages if there is not enough space allotted to answer questions on the application.

2. Applicants and projects must meet the requirements established by the City of Freeport Guidelines and Criteria in order to receive positive consideration.

3. Applicants must submit an application processing fee in the amount of Five Hundred Dollars (\$500) or one percent (1%) of the value of the proposed improvement(s), whichever is less, to cover cost to the City of attorney's fees and legal notices to be published.

4. Applicants must submit an adequately definitive legal description that sufficiently describe the tract(s) of land comprising the proposed reinvestment zone (tax abatement area) upon which the new facility, expansion or modernization project will be located. Applications with insufficient or indefinite legal descriptions will be returned to the applicant for amendment such applications will not be considered for hearing until corrected.

5. Applicant must submit the attached *Certification of Appraised Value of Properties* form which is part of this application. This certification should cover the proposed tax abatement area and it is the responsibility of the applicant to obtain this information from the Brazoria County Appraisal District.

APPLICANT INFORMATION

The taxing unit may consider applicant's financial capacity in determining whether to enter into an abatement agreement. Established companies for which public information is available, or the wholly owned businesses of such companies, should include with the new application a copy of their latest annual report to the stockholders. Other applicants and new companies should attach a statement showing:

- (1). when the company was established
- (2). business references (name, contact person, accountant, attorney)
- (3). may be required to submit an audit financial statement and business plan.

PROJECT INFORMATION

Only facilities listed in the General Criteria of the Guidelines may receive abatement. Check guidelines definitions to see if project qualifies.

If the project is a Regional Entertainment Facility, Regional Service Facility, Regional Distribution Center Facility or other basic industry, include the following items;

- (1). market studies
- (2). business plans
- (3). agreements or other materials demonstrating that the facility is intended to serve a market of which the majority is substantially outside the City of Freeport.

ECONOMIC MARKET

Permanent Employment Estimates

In estimating the permanent employment, include the total number of jobs retained or created at this site by your firm as well as known permanent jobs of service contractors required for operation.

Estimated Appraised Value on Site

The value on January 1 preceding abatement should be the value established by the Brazoria County Appraisal District. If the applicant must estimate value because taxable value is not known or is combined with other properties under a single tax account, please so state. To qualify, the abated properties must be expected to result in an addition to the tax base of at least fifty thousand dollars (\$50,000) after the period of abatement expires. Projections of value should be a best estimate" based on taxability in Texas. The projection of project values not abated should include personal property and ineligible project related improvements such as an office in excess of that used for plant administration, housing, etc.

APPLICATION FOR TAX ABATEMENT COMMERCIAL/INDUSTRIAL

This application should be filed at least ninety (90) days prior to the beginning of construction or the installation of equipment. This application will become part of any later agreement or contract and knowingly false representations thereon will be grounds for the voiding of any later agreement or contract.

Original copy of this application and attachments should be submitted to:

City Manager
City of Freeport
200 West Second Street
Freeport, TX 77541

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APPLICANT INFORMATION

Company Name: _____ Submittal Date: _____

Sole Proprietor () Partnership () Corporation () Other: _____ ()

Address: _____

Name/Title/Address/Telephone of Company contact on this project:

PROJECT INFORMATION

Check type of facility to be abated:

Manufacturing	()	Regional Distribution	()
Regional Service	()	Regional Entertainment Center	()
Research	()	Other Basic Industry	()

Proposed facility address and legal description: (attach exhibit if necessary):

Attach a map showing the site. (Attach as Exhibit)

Proposed facility located in the following taxing jurisdictions:

School District	Brazosport Independent School District
Drainage District	Velasco Drainage District
City	City of Freeport
Other Taxing Jurisdictions: Brazoria County; Port Freeport	

Describe product or service to be provided: _____

Application is for: New Facility () Expansion () Modernization ()

PROJECT DESCRIPTION

Please attach a statement which:

1. fully explains the project;
2. describes the site and existing improvements;
3. describes all proposed improvements; and,
4. provides a list of improvements and fixed equipment for which abatement is requested.

A. Estimated cost of improvements:

Real Estate Added: \$ _____

Personal Property Added: \$ _____

B. Permanent employment estimates:

If existing facility, current plant employment: _____
 Estimated number of jobs retained: _____ jobs created: _____
 Number of employees anticipated at start up: _____ within
 1 year _____

C. Construction employment estimates:

Construction to start: Month: _____ Year: _____
 Construction to be completed: Month: _____ Year: _____
 Number of construction jobs anticipated: At start: _____
 Peak _____ Finish: _____

D. School District impact estimates: (for projects over \$5,000,000)

Number of families transferred to area: _____
 Number of students added to ISD: _____

E. City Impact estimates:

Gallons of treated water required from city: _____
 Gallons of effluent water to be treated by city: _____
 Project Started? Yes () No () Finished Yes () No ()

F. Estimated appraised value on site:

	LAND	IMPROVEMENTS	PERSONAL PROPERTY
Valuation of existing property as of January 1, preceding this abatement Application	\$ _____	\$ _____	\$ _____
Valuation of Personal Property and Improvements, not subject to abatement, excluding exempt pollution control equipment, upon completion of project subject to this application	\$ _____	\$ _____	\$ _____
Estimated value, upon completion of project of exempt pollution control equipment.	\$ _____	\$ _____	\$ _____
Estimated value of abated improvements after abatement agreement expires	\$ _____	\$ _____	\$ _____

G. Statement of planned efforts to use Vendors and Services located in the City of Freeport:

Please attach a statement describing willingness and planned efforts to use qualified vendors and services located in the City of Freeport where applicable in the construction and operation of the facility.

DECLARATION

To the best of my knowledge, the above information is an accurate description of project details.

Company Official Signature

Printed Name and Title of
Company Official

Date Signed

CERTIFICATION OF APPRAISED VALUE OF PROPERTIES
AS OF JANUARY 1, 20____

To: City of Freeport

Fm: Brazoria County Appraisal District

Date: _____, 20____

The Brazoria County Appraisal District hereby certifies that the following appraised values as of January 1, 20____ for property of _____ Described in Exhibit "A" attached hereto are listed in the records of Brazoria County Appraisal District and indicated by the following Account Numbers:

<u>PERSONAL PROPERTY</u>	<u>APPRAISAL VALUE</u>
Account No. _____	\$ _____
Account No. _____	\$ _____
<u>LAND</u>	
Account No. _____	\$ _____
Account No. _____	\$ _____
Account No. _____	\$ _____
<u>IMPROVEMENTS</u>	
Account No. _____	\$ _____
Account No. _____	\$ _____
Account No. _____	\$ _____

Certified this _____ day of _____, 20____

Chief Appraiser
Brazoria County Appraisal District

By: _____

City of Freeport Workshop on Performance Contracting

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October 7, 2013

Schneider
Electric

Agenda

- Introduction to Schneider Electric
- Overview of Performance Contracting
- Case Study
- Procurement Process
- Next Steps



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Schneider Electric

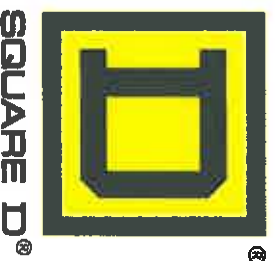


Schneider

Founded in 1836 (Schneider Brothers Foundry)



Today - \$33B, 145k employees, 102 countries



What is Performance Contracting (PC)?

Pg. 925

- Finance needed capital projects today through energy savings over time
- One company to design, install and guarantee the project
- Addresses most needed improvements
- Encouraged by SECO

Legislative Mandates

- Meets Senate Bill 12 requirements (reduce electrical consumption 5% per year, for 6 years)

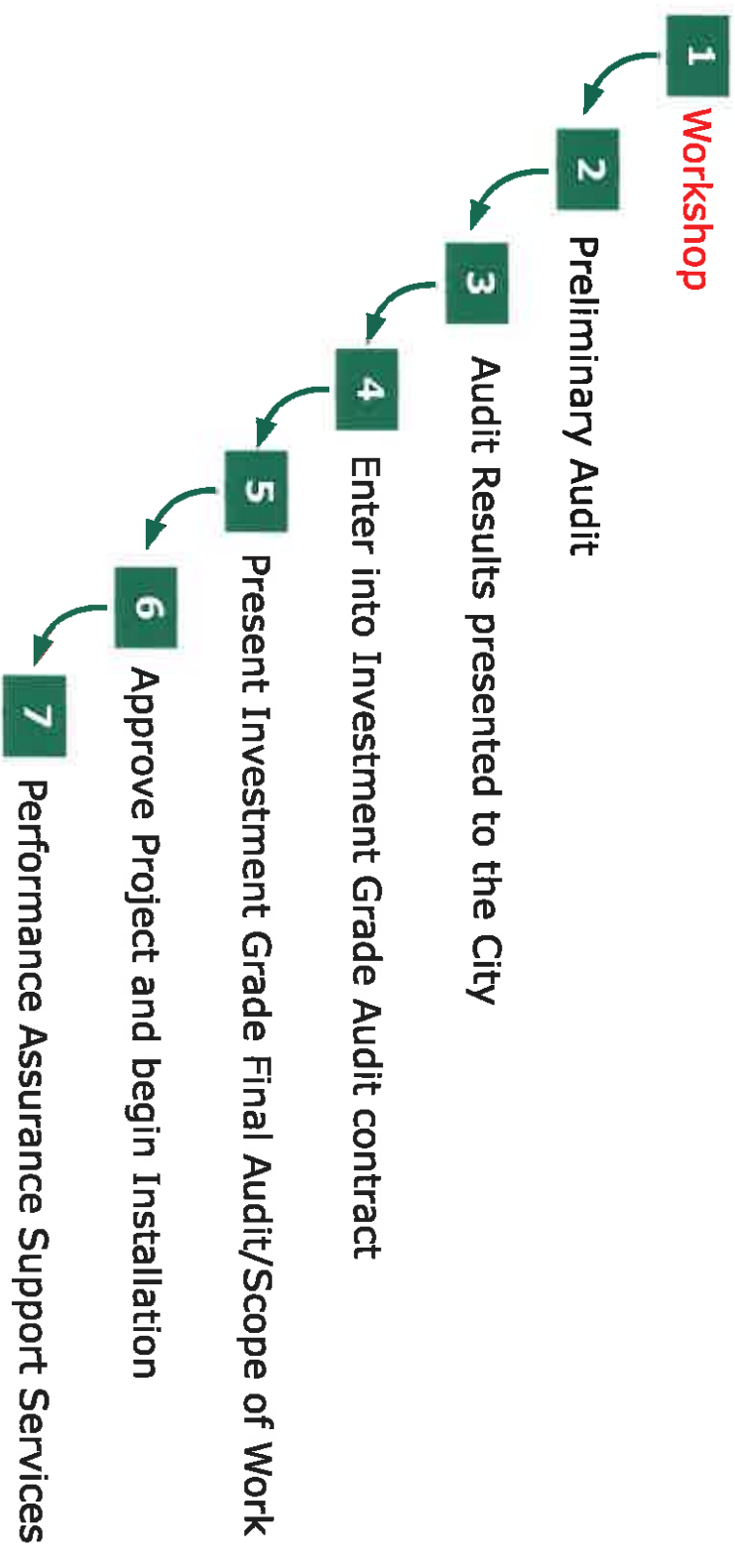
How to Finance it

- Tax Free Municipal Lease
- CIP fund
- LoanSTAR – SECO Office
- Texas Public Finance Authority
- Master Lease Purchase Program
- State/Federal sources





What is the Process?



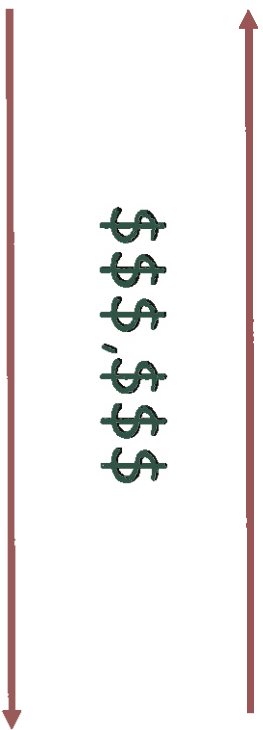
How do we pay for it?

Financing the Project



Your Facilities

\$\$\$\$,\$\$\$\$



Utility Provider

Financing the Project



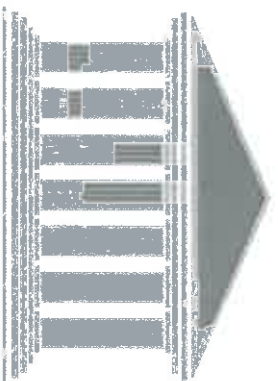
Schneider
Electric

Pay less to utility

Gexa
ENERGY

Savings pays 3rd Party
Finance for Project

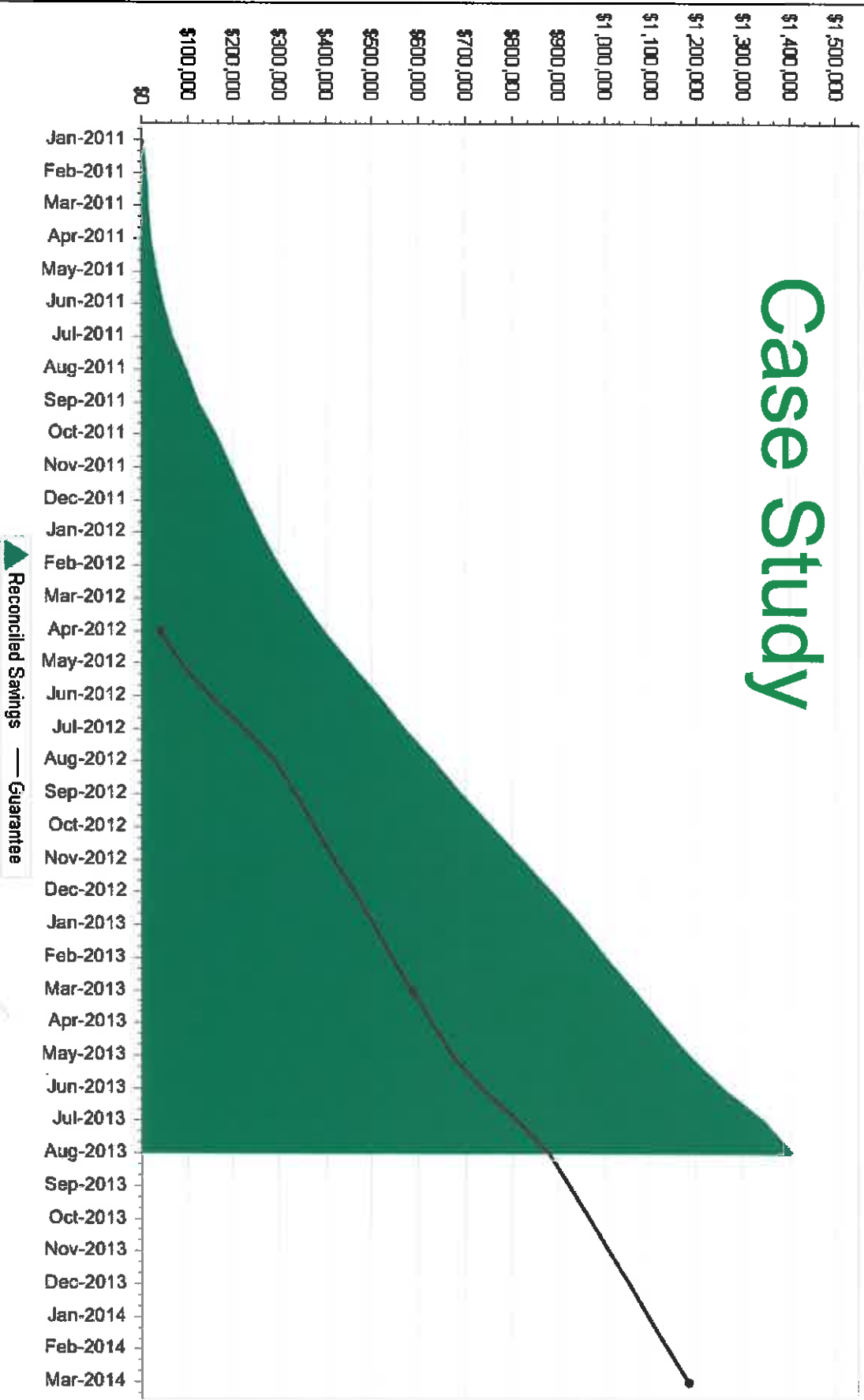
Funding Source



**Brazosport ISD
Savings vs. Guarantee**

Annual Guarantee : \$534,850
 Guarantee through Aug-2013 : \$880,760
 Reconciled Savings through Aug-2013 : \$1,408,400

Case Study



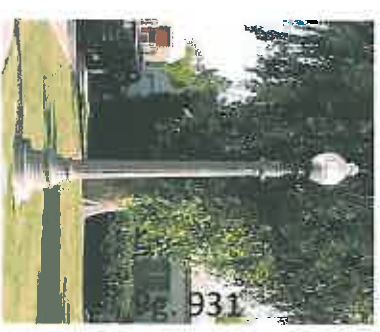
Performance Contract Clients

- Abilene (Multiple Phases)
- Alvarado
- Arlington
- Carrollton
- Dallas (Multiple Phases)
- Elgin
- Harlingen
- Houston (Multiple Phases)
- Lufkin
- Marshall
- Seguin
- Texarkana Bi-State



What can a PC do for Freeport?

- WWTP upgrades
- Water meter replacement
- Automatic Meter Reading system
- EMS (building controls)
- Commissioning of existing equipment
- Lighting Retrofit for facilities
- Mechanical system replacements
- Other water retrofits
- Possibly beautify City lighting



In Summary

- Performance Contracting identifies energy savings
- Savings are guaranteed
- Search for Projects that self fund
- Brings deferred projects to the forefront for execution
- One company for turn key solution
- Meet the SB12 mandate requirements
- Stretch your tax dollars to do more

NEXT STEPS-

review results of the Preliminary Audit



Questions?

Schneider
Electric

