

NOTICE OF PUBLIC HEARING  
THE FREEPORT CITY COUNCIL  
MONDAY, MARCH 16, 2015, 6:00 P.M.  
FREEPORT MUNICIPAL COURT ROOM  
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.  
FREEPORT, TEXAS  
AGENDA  
FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the February 17, 2015 Council Minutes. Pg. 137-141
5. Attending citizens and their business.
6. **Proclamation:** Proclaiming April 2015 as “Fair Housing Month”. Pg. 142-145
7. Consideration of approving Ordinance No. 2015-2086 amending Ordinance No. 2015-2082 as amended by Ordinance No. 2015-2085 which called the annual General Election for the City of Freeport for the Second Saturday in May 2015, being May 9, 2015; amending the provisions of said ordinance designating polling places for the day of said election and amending the provisions of said ordinances designating polling places for early voting. Pg. 146-155
8. Consideration of approving Resolution No. 2015-2463 approving issuance up to a maximum amount of \$59,000,000 Brazosport Water Authority Water Supply System Revenue Bonds; and containing other provisions relating to the subject. Pg.156-161
9. Consideration of approving Resolution No. 2015-2464 opposing Senate Bill 343 and any legislation that would be contrary to the spirit of local self-government and that would erode the authority of a Home Rule Municipality. Pg. 162-172
10. Consideration of scheduling a Joint Public Hearing with the Planning Commission to consider granting a Specific Use Permit to Kimley-Horn and Associates for Verizon Wireless to erect a new 151’ High, Monopole, Telecommunication Tower on portion of the property legally described as: A0049 A CALVIT BC C DIVISION 14, 101B.526.527B, 7.2 ACRES, locally known as 2121 Zapata Road. Pg. 173
11. Consideration of approving and signing a replat for Robert and Linda Fox, on Lots 4 & 5, Block 102, Freeport Townsite, Recorded in Volume 2, Page 95 of the Brazoria County Plat Records in the S.F. Austin Survey Abstract 32, City of Freeport, Brazoria County, dated January 2015, locally known as 819 W. 5th Street. Pg. 174

12. Consideration of approving and authorizing the City Manager to expend funds for a new server to support the Police Department body cameras. Pg. 175
13. Consideration of approving and authorizing the City Manager to expend funds for the Police Department body cameras. Pg. 176
14. Discuss and consider authorizing the Mayor of Freeport to sign, with the Mayors of Oyster Creek, Lake Jackson and Richwood, a joint certification of the unemployment numbers for the contiguous census tracts that are within their respective jurisdictions. Pg. 177-187
15. Consideration approving and setting a bid date for April 9, 2015 for furnishing all labor, material, and equipment and performing all work required for the construction of "Emergency Power and Monitoring Systems". Pg. 188-190
16. Consideration of approving and awarding the bids for street striping at a per lineal foot price . Pg. 191
17. Consideration of approving and awarding the bids for street replacement of asphalt streets, including catch basins, for portions of Seventh street and Ash Street. Pg. 192
18. Consideration of approving and awarding the bids for street replacement of concrete streets, including curbs, gutters catch basins and sidewalks for portions of Cedar Street ad North Ave. J. Pg. 193
19. Consideration of approving and releasing the City interest in trust property ; Block 4, Lot 4, Velasco Townsite , known as 8 South Ave. C, Tax Id 8110-0040-000. Pg. 194-197
20. Consideration of approving and releasing the City interest in trust property; Block 27, Lot 8, Velasco Townsite, known as 516 South Ave. C, Tax Id 8110-0327-000. Pg. 198-201
21. Consideration of approving and releasing the City interest in trust property; Block 36, Lot 7, Velasco Townsite, known as 614 South Ave. F, Tax Id. 8110-0393-000. Pg. 202-205
22. Consideration of approving and releasing the City interest in trust property ; Block 749, Lot 15, Velasco Townsite, known as 1405 North Ave. T, Tax Id. 8110-3492-000. Pg. 206-209
23. Consideration of approving and releasing the City interest in trust property; Block 749, Lot 22, Velasco Townsite, known as 1419 North Ave. T, Tax Id. 8110-3496-000. Pg. 210-213
24. Consideration of approving and authorizing the Mayor to sign the pre-storm disaster and/or Storm Recovery Debris Management contract for two additional years. Pg. 214-216
25. Consideration of advertising and setting a bid date for May 20, 2015 to request for proposals on Disaster and/or Storm Recovery Monitoring. Pg. 217-235

26. Consideration of authorizing the City Manager to expend funds for the improvement of city wide playgrounds; installing kiddie cushion. Pg. 236-240

27. Consideration of taking action on any item discussed in Executive Session.

Executive Session:

Section 551.071, Government Code

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

- Pending Contractual Negotiations – Dow Chemical
- Pending Contractual Negotiations –Waste Management

Section 551.074, Government Code

Deliberations concerning the duties of a public officer or employee: City Manager

- Employee Compensation

Adjourn

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

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

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, March 13, 2015 at or before 5:00 p.m.

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Delia Munoz - City Secretary  
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport 77541

BE IT REMEMBERED, that the Freeport City Council met on Tuesday, February 17, 2015 at 6:05 p.m., at the Freeport Municipal Court, Freeport Police Department, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Norma Moreno Garcia  
Councilman Larry McDonald  
Councilman Fred Bolton – Absent  
Councilwoman Sandra Loeza  
Councilwoman Sandra Barbree

Staff: Jeff Pynes, City Manager  
Gilbert Arispe, Assistant City Manager  
Delia Munoz, City Secretary  
Wallace Shaw, City Attorney  
Nat Hickey, Property Manager  
Dan Pennington, Police Chief  
Brian Davis, Fire Chief  
Larry Fansher, Park Director  
David Hoelewyn, Street Director

Visitors: Annette Sanford           Melanie Oldham  
Judy Schaffer           Larry Schaffer  
Ron Wise           Jerry Meeks  
Nicole Mireles           Sam Reyna  
Eric Hayes           Chief Burby  
John Longoria           Ronnie Woodruff  
Lance Reaves           Larry Nutt  
Elijah Galicia

Call to order.

Mayor Norma M. Garcia called the meeting to order at 6:05 p.m.

Invocation.

Wallace Shaw led the invocation.

Pledge of Allegiance.

Texas City Chief Burby led the Pledge of Allegiance.

Consideration of approving the February 2, 2015 Council Minutes.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved the February 2, 2015 Council Minutes.

Attending citizens and their business.

Brazosport Water Authority, Board President Juan Longoria, spoke in support of the 59 million Revenue Bonds; for the seven current member cities to pay for a desalination plant and a pipeline needed to provide water to Rosenberg. BWA has scheduled a meeting for Tuesday, February 24, 2015 at the Lake Jackson Civic Center to discuss the Rosenberg deal and to answer questions about the project. Lake Jackson, Clute, and Richwood have already approved the BWA Revenue Bonds. Mayor Garcia stated that one council member was absent and she wanted it reagendaed so that he may have the opportunity to hear the BWA presentation.

General Manager Ronnie Woodruff and BWA attorneys were present.

**Proclamation:** Brazoria County Head Start Early Learning Schools Proclamation.

Mayor Norma Garcia read the proclamation out loud.

**Announcement :** Freeport Police Department receives "Recognized Law Enforcement Agency" from the Texas Law Enforcement Recognition Program.

Chief Robert Burby awarded the Freeport Police Department a plaque for receiving the "Recognized Law Enforcement Agency" from the Texas Law Enforcement Recognition Program". The Freeport Police Department will also be recognized at the Texas Police Chiefs Association annual conference in April. Chief of Police Dan Pennington accepted the plaque.

Consideration of approving Resolution No. 2015-2462 supporting the creation of the Lower Brazos River Coalition, the mission of which is to protect the interests of its members by increasing the current flows in the Brazos River.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution No. 2015-2462 supporting the creation of the Lower Brazos River Coalition, the mission of which is to protect the interests of its members by increasing the current flows in the Brazos River.

Consideration of approving Resolution No. 2015-2463 approving issuance up to a maximum amount of \$59,000,000 Brazosport Water Authority Water Supply System Revenue Bonds; and containing other provisions relating to the subject.

Mayor Garcia stated that one council member was absent and she wanted it reagendaed so that he may have the opportunity to hear the BWA presentation.

Consideration of approving Ordinance No. 2015-2083 amending the definition of unsafe building or structure contained in Section 150.025 (k) of the Code of Ordinances.

A brief discussion on the amendment stating “that the repair of such building would require the replacement of more than 75% of its structural member” was an issue. This item was reagendaed.

Consideration of approving Ordinance No. 2015-2084 abandoning the unopened and unused right-of-way for the 500 Block of East Fourth Street shown on the plat of the Freeport Townsite as the right-of-way between Block 3 and 4 of said Townsite, and repealing Ordinance No. 2015-2079.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved Ordinance No. 2015-2084 abandoning the unopened and unused right-of-way for the 500 Block of East Fourth Street shown on the plat of the Freeport Townsite as the right-of-way between Block 3 and 4 of said Townsite, and repealing Ordinance No. 2015-2079.

Consideration of approving Ordinance No. 2015-2085 amending Ordinance No. 2015-2082 of said City, which the Annual General Election for the City of Freeport for the second Saturday in May 2015, being May 9, 2015 at which the voters of said City residing in Ward B and D shall be permitted to vote for or against the candidates for Position B and D on the City Council of the City of Freeport and at which time the voters of said City shall elect at large a Mayor for said City; amending the provisions of said ordinance designating polling places for early voting; providing for ratification and confirmation by the Mayor of said City of the action taken by this ordinance; and providing for an effective date of this ordinance.

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting “Aye”, Council unanimously approved Ordinance No. 2015-2085 amending Ordinance No. 2015-2082 of said City, which the Annual General Election for the City of Freeport for the second Saturday in May 2015, being May 9, 2015 at which the voters of said City residing in Ward B and D shall be permitted to vote for or against the candidates for Position B and D on the City Council of the City of Freeport and at which time the voters of said City shall elect at large a Mayor for said City; amending the provisions of said ordinance designating polling places for early voting; providing for ratification and confirmation by the Mayor of said City of the action taken by this ordinance; and providing for an effective date of this ordinance.

Consideration of approving and authorizing the Mayor to sign an Amendment (2) to the PSG agreement for operation, maintenance and management services, known as Veolia Water.

Consideration of approving and setting a bid date for street striping at a per lineal foot price within the City.

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved and authorized the Mayor to sign an Amendment (2) to the PSG agreement for operation, maintenance and management services, known as Veolia Water.

Consideration of approving and setting a bid date for street striping at a per lineal foot price within the City.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved March 16, 2015 for a bid date for street striping at a per lineal foot price within the City.

Consideration of approving and setting a bid date for street replacement of asphalt streets, including catch basins, for portions of Seventh Street and Ash Street within the City.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved March 16, 2015 for a bid date for street replacement of asphalt streets, including catch basins, for portions of Seventh Street and Ash Street within the City.

Consideration of approving and setting a bid date for street replacement of concrete streets, including curbs, gutters catch basins and sidewalk, for portions of Cedar Street and North Ave. J. within the City.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved March 16, 2015 for a bid date for street replacement of concrete streets, including curbs, gutters catch basins and sidewalk, for portions of Cedar Street and North Ave. J. within the City.

Consideration of approving the modified truck route in the City of Freeport.

Mr. Pynes requested this item be reagendaed. The Planning Commission at this moment is in process of reviewing the proposed change from 8<sup>th</sup> Street to Terminal Street. He stated that most of the signage will be TxDot right of way and will request larger signs. Their priority is to move the trucks out of the residential area.

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

Mayor Garcia reconvened the formal session to motion on the Executive Session.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, to instruct Mr. Pynes to get directions from Olson & Olson LLP on this item.

- USOR Site PRP Group v A & M Contractors, et al., Us District Court, Southern District of Texas.

Mayor Norma Garcia opened the Work Session at 7:20 p.m.

Work Session:

Discussion regarding residential housing initiatives.

Mr. Pynes reported to Council that he has done research on what other communities are doing to stimulate housing growth. He has talked to developers on a plan to stimulate a strong residential development. The developer or individual would acquire a lot and build a minimum house with standards with certain square footage, driveway, garage, sidewalk; front portion of the house has to be decorative and landscaping. The City would offer a 380 agreement with our terms and guidelines.

Discussion regarding improvements on alleys.

Mr. Pynes is requesting guidance on improvements on alleys. Councilman McDonald stated that the money coming in from FLNG needs to be earmarked strictly for infrastructure. Mr. Pynes suggested making the alleys a no thru street and residence paying their prorated share. Mayor Norma Garcia gave Mr. Pynes 30 days to come up with a plan for improvements on the alleys.

Discussion regarding public infrastructure improvements.

Mayor Garcia would like to start repairing infrastructures in the City and gave Mr. Pynes 30 days to come up with a plan or schedule.

Executive Session:

Section 551.071, Government Code

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

- USOR Site PRP Group v A & M Contractors, et al., Us District Court, Southern District of Texas.

Mayor Norma Garcia closed the Executive Session at 7:51 p.m. and reconvened the Formal Session to motion in open session.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Mayor Norma M. Garcia adjourned the meeting at 7:52 p.m.

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Mayor Norma M. Garcia  
City of Freeport, Texas

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City Secretary- Delia Munoz  
City of Freeport, Texas



## Munoz, Delia

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**From:** melissas@brazoria-county.com  
**Sent:** Wednesday, March 04, 2015 10:25 AM  
**To:** mdearing@cityhall.cityofalvin.com; jnance@psf.cityofalvin.com; gappelte@cityhall.cityofalvin.com; rhyne@angleton.tx.us; shernandez@angleton.tx.us; lrodriguez@angleton.tx.us; rhondafhall2011@gmail.com; rw@mvtaylor.com; rfhall@dow.com; rcantu@bonneytexas.gov; info@bonneytexas.com; pwdirector@cityofbrazoria.org; citysecretary@cityofbrazoria.org; citymanager@cityofbrazoria.org; info@brooksidevillage-tx.org; craigbailey4641@comcast.net; cshiflet@ci.clute.tx.us; rpoitevint@ci.clute.tx.us; dclaybourn@ci.clute.tx.us; danbury1@sbcglobal.net; Welch, Bob; MorenoGarcia, Norma; Munoz, Delia; donna@holidaylakestexas.com; clerk@holidaylakestexas.com; donmudd@skynet.houston.com; secretary@cityofiwacolonny.com; jc.cityhall@coastal-link.net; mmundo@lakejacksontx.gov; droberts@lakejackson.tx.us; dmartin@cityofmanvel.com; bderouen@cityofmanvel.com; carmen@cityofoystercreek.com; pwdirector@richwood.govoffice.com; kschrom@richwoodtx.gov; kkuban@warpspeed1.net; citymanager@westcolumbiatx.org; citysecretary@westcolumbiatx.org; cking@warpspeed1.net; rminshew@ci.sweeny.tx.us  
**Cc:** nancyf@brazoria-county.com  
**Subject:** Fair Housing 2015  
**Attachments:** Fair Housing Month Proclamation- CITIES.docx; Fair Housing Public Notice1.doc

### MEMORANDUM

The Department of Housing and Urban Development (HUD) requires Subrecipients of Community Development Program (CDBG) funds to take affirmative steps to further fair housing opportunities within their local communities.

In order to assist the City in complying with the fair housing components of the CDBG program, enclosed is a sample proclamation proclaiming April 2015 as "Fair Housing Month" for Council's consideration. Please consider placing it on your Council agenda in March.

In addition, enclosed is a newspaper notice for publication advising citizens of Council's action and a public notice for posting at City Hall.

Please be sure to keep a copy of all documents (signed proclamation, newspaper ad and publisher's affidavit) recording your City's compliance with the fair housing components of the CDBG program, **also please forward a copy of all the above to our office @ 1524 E Mulberry, Suite 162, Angleton, Texas 77515 .**

**The Proclamation is now updated for your use, should you so choose.**

Thank you for your time and attention in this matter.

Thank you,

**Melissa Shade**

Brazoria County Welfare & Community Development  
1524 E. Mulberry Suite 162, Angleton, TX 77515

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# PROCLAMATION

**WHEREAS**, the Department of Housing and Urban Development has initiated the sponsorship of activities during the month of April of each year designed to reinforce the Department's commitment to the concept of Fair Housing and Equal Opportunity; and

**WHEREAS**, the City of Freeport affirmatively supports the efforts of the Federal Government and the State of Texas to assure equal access to all Americans to rental housing and homeownership opportunities; and

**WHEREAS**, the City of Freeport welcomes this opportunity to reaffirm its commitment to provide equal access to housing to all of its residents without regard to race, color, religion, sex, disability, familial status, national origin or source of income; and

**WHEREAS**, the City of Freeport affirmatively supports programs that will educate the public concerning their rights to equal housing opportunities and to participate in efforts with other organizations to assure every person their right to fair housing; and

**WHEREAS**, the City of Freeport is honored to join the Federal Government, the State of Texas, and local jurisdictions across America in celebrating the rich diversity of our people and the right of all citizens to live where they choose without fear of discrimination.

**NOW, THEREFORE**, be it resolved, the City of Freeport, does hereby proclaim April as the month to celebrate and honor all efforts which guarantee the right to live free of discriminatory housing practices and proclaim this month as:

## **“FAIR HOUSING MONTH”**

and urge all local officials and public and private organizations to join activities designed to further Fair Housing objectives.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of

\_\_\_\_\_ to be affixed this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

## **PUBLIC NOTICE**

### **HOUSING DISCRIMINATION IS PROHIBITED BY LAW**

Fair Housing is a National Policy of the United States. It's the law, and it's your right. To promote fair housing practices, the City of Freeport has passed a Fair Housing Proclamation designating the month of April 2015 as Fair Housing Month.

Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination against any person on the basis of race, color, religion, sex, age, disability, familial status or national origin in the sale or rental of units in the housing market.

For more information on fair housing or to report possible fair housing discrimination, call the U. S. Department of Housing and Urban Development's toll free hotline at 1-800-669-9777 or 1-800-927-9275 (TDD).

Delia Munoz  
City Secretary  
City of Freeport

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS; CONTAINING A PREAMBLE; AMENDING ORDINANCE NO. 2015-2082 OF SAID CITY AS AMENDED BY ORDINANCE NO. 2015-2085, WHICH CALLED THE ANNUAL GENERAL ELECTION FOR THE CITY OF FREEPORT FOR THE SECOND SATURDAY IN MAY, 2015, BEING MAY 9, 2015, AT WHICH THE VOTERS OF SAID CITY RESIDING IN WARDS B AND D SHALL BE PERMITTED TO VOTE FOR OR AGAINST THE CANDIDATES FOR POSITIONS B AND D ON THE CITY COUNCIL OF THE CITY OF FREEPORT AND AT WHICH THE VOTERS OF SAID CITY SHALL ELECT AT LARGE A MAYOR FOR SAID CITY; AMENDING THE PROVISIONS OF SAID ORDINANCE DESIGNATING POLLING PLACES FOR THE DAY OF SAID ELECTION AND AMENDING THE PROVISIONS OF SAID ORDINANCE DESIGNATING POLLING PLACES FOR EARLY VOTING; PROVIDING FOR RATIFICATION AND CONFIRMATION BY THE MAYOR OF SAID CITY OF THE ACTION TAKEN BY THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, on the 2<sup>nd</sup> day of February, 2015, the Mayor and City Council of the City of Freeport, Texas, ordered and ordained, respectively, that a general election be held on the second Saturday in May, 2015, being May 9, 2015, throughout said City for the office of Mayor in Wards B and D for Positions B and D on the City Council of said City, as more fully appears in Ordinance No. 2015-2082 of said City; and,

WHEREAS, on the 17<sup>th</sup> day of February, 2015 the Mayor and City Council of the City of Freeport, Texas the amended ordinance no. 2015-2085 with respect to the designation of polling places for the day of the election and for early voting;

WHEREAS, the City Council of the City of Freeport, Texas, desires to further amend the provisions of said ordinance with respect to the polling places at which electors may vote on election day and for early voting.

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, HEREBY ORDER AND ORDAIN, RESPECTIVELY:

First, Section Two of said Ordinance No. 2015-2082, as amended by Ordinance No. 2015-2085, is hereby further amended to read as follows:

"SECTION TWO--Municipal Polling Places

As provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, which is incorporated herein by reference, for the purpose of the election called by this ordinance, there shall be two (2) municipal polling places, one located outside the City of Freeport at the Oyster Creek City Hall, located at 3210 FM 523 in the Village of Oyster Creek, Texas, where voters residing in Brazoria County Election Precinct 8 and also residing within the City of Freeport shall vote on election day and one within the City of Freeport located at the Freeport Library, 410 Brazosport Blvd., Freeport, Brazoria County, Texas, where all other voters residing within the City shall vote on election day. On that day, voting will also be permitted at the following Vote Center Poling Places:

East Annex (Old Walmart)	1524 E Mulberry, Angleton
Ryan Center	2925 South Bypass 35, Alvin
Brazoria Library	620 S Brooks, Brazoria
Holiday Lakes City Hall	195 N Texas Ave, Holiday Lakes
Liverpool City Hall	8901 CR 171, Liverpool
Bonney Annex Building	19025 FM 521, Bonney
Drainage District #4 Building	4813 W Broadway, Pearland
Turner High School	4717 Bailey Rd, Pearland
Sweeny Community Center	205 W Ashley-Wilson Rd, Sweeny
Danbury Community Center	6115 5 <sup>th</sup> St, Danbury
Clute City Hall	108 E Main, Clute
Lake Jackson Civic Center	333 Hwy 332 East, Lake Jackson
Richwood City Hall	1800 N Brazosport Blvd, Richwood
Hillcrest Village Municipal Building	200 W Timberlane, Alvin
Westside Event Center	2150 Countryplace Pkwy, Pearland
Mims Community Center	4283 FM 521, Brazoria
Surfside Beach City Hall	1304 Monument Dr, Surfside
Alvin Library	105 S Gordon, Alvin
Courthouse North Annex	7313 Corporate Dr., Manvel
Silverlake Recreation Center	2715 Southwyck Pkwy, Pearland
Pearland Library	3522 Liberty Dr, Pearland
Fellowship Bible Church	1720 E Broadway, Pearland
Courthouse West Annex	451 N Velasco, Angleton
Pearland Westside Library	2803 Business Center Dr #101, Pearland

Second, Section Six of said Ordinance No. 2015-2082, as amended by Ordinance No. 2015-2085, is hereby further amended to read as follows:

**SECTION SIX--Early Voting.**

Early voting shall begin on April 27, 2015, and end on May 5, 2015, such early voting to be conducted by the County Clerk of Brazoria County, Texas, at the following locations between the hours of 8:00 a.m. and 5:00 p.m., Monday April 27, 2015, through Friday, May 5, 2015, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, May 2, Monday, May 4, and Tuesday, May 5, 2015:

Angleton Main Location:	East Annex (Old Walmart) 1524 E Mulberry #144, Angleton
Alvin Branch Location:	Alvin Library 105 S Gordon, Alvin
Brazoria Branch Location:	Brazoria Library 620 S Brooks, Brazoria
Freeport Branch Location:	Freeport Library 410 Brazosport Blvd, Freeport
Lake Jackson Branch Location:	Lake Jackson Library 250 Circle Way, Lake Jackson
Manvel Branch Location:	Courthouse North Annex 7313 Corporate Dr, Manvel
Pearland East Branch Location:	Tom Reid (Pearland) Library 3522 Liberty Dr, Pearland
Pearland West Branch Location:	Westside Event Center 2150 Countryplace Pkwy, Pearland
Shadow Creek Branch Location:	Pearland Westside Library

Sweeny Branch Location:

Sweeny Community Center  
205 W Ashley Wilson Rd, Sweeny.\*

Third, 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.

Fourth, by signing this ordinance, the undersigned Mayor of the City hereby ratifies and confirms as his action all matters hereinabove recited which by law come within his jurisdiction.

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

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Norma Moreno Garcia, Mayor  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Delia Munoz, City Clerk  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Wallace Shaw, City Attorney  
City of Freeport, Texas

C:\Freeport.Elc\2015 Electn Ord-Amn#2

NOTICE OF ELECTION FOR COUNCIL POSITIONS B AND D

TO: ALL PERSONS ENTITLED TO VOTE UNDER THE PROVISIONS OF CHAPTER 11 OF TITLE 2 OF THE TEXAS ELECTION CODE WHO ARE RESIDENTS OF THE CITY OF FREEPORT, TEXAS, AND ARE DULY REGISTERED TO VOTE IN THE PRECINCT WHERE AND ON THE DAY ON WHICH THEY VOTE, GREETINGS:

I.

You will take notice that an annual general election will be held in Wards B and D of the City of Freeport, Texas, on the second Saturday in May, 2015, being May 9, 2015, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of electing a person to the office of Mayor for the City of FREEPORT, Texas, now held by NORMA MORENO GARCIA, for a term of two (2) years and, on the same day, in Wards B and D, for the purpose of electing for a term of two (2) years each, persons to the following named offices of the City of Freeport, Texas, to-wit:

Council Position B, now held by FRED BOLTON, and

Council Position D, now held by SANDRA BARBREE.

II.

As provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, there shall be two (2) municipal polling places for said election, one located outside the City of Freeport at the Oyster Creek City Hall, located at 3210 FM 523 in the Village of Oyster Creek, Texas, where voters residing in Brazoria County Election Precinct 8 and also residing within the City of Freeport shall vote on election day and one within the City of Freeport located at the Freeport Library, 410 Brazosport Blvd, Freeport, Texas, where all other voters residing with the City of Freeport shall vote on election day. On that day, voting will also be permitted at the following Vote Center Polling Places:



East Annex (Old Walmart)	1524 E Mulberry, Angleton
Ryan Center	2925 South Bypass 35, Alvin
Brazoria Library	620 S Brooks, Brazoria
Holiday Lakes City Hall	195 N Texas Ave, Holiday Lakes
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Drainage District #4 Building	4813 W Broadway, Pearland
Turner High School	4717 Bailey Rd, Pearland
Sweeny Community Center	205 W Ashley-Wilson Rd, Sweeny
Danbury Community Center	6115 5 <sup>th</sup> St, Danbury
Clute City Hall	108 E Main, Clute
Lake Jackson Civic Center	333 Hwy 332 East, Lake Jackson
Richwood City Hall	1800 N Brazosport Blvd, Richwood
Hillcrest Village Municipal Building	200 W Timberlane, Alvin
Westside Event Center	2150 Countryplace Pkwy, Pearland
Mims Community Center	4283 FM 521, Brazoria
Surfside Beach City Hall	1304 Monument Dr, Surfside
Alvin Library	105 S Gordon, Alvin
Courthouse North Annex	7313 Corporate Dr., Manvel
Silverlake Recreation Center	2715 Southwyck Pkwy, Pearland
Pearland Library	3522 Liberty Dr, Pearland
Fellowship Bible Church	1720 E Broadway, Pearland
Courthouse West Annex	451 N Velasco, Angleton
Pearland Westside Library	2803 Business Center Dr #101, Pearland

### III.

Early voting shall begin on April 27, 2015, and ends on May 5, 2015, such early voting to be conducted by the County Clerk of Brazoria County, Texas, at the following locations between the hours of 8:00 a.m. and 5:00 p.m., Monday, April 27, 2015, through Friday, May 1, 2015, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, May 2, 2015, Monday, May 4, 2015, and Tuesday, May 5, 2015, to-wit:

Angleton Main Location:	East Annex (Old Walmart) 1524 E Mulberry #144, Angleton
Alvin Branch Location:	Alvin Library 105 S Gordon, Alvin
Brazoria Branch Location:	Brazoria Library 620 S Brooks, Brazoria
Freeport Branch Location:	Freeport Library 410 Brazosport Blvd, Freeport
Lake Jackson Branch Location:	Lake Jackson Library 250 Circle Way, Lake Jackson
Manvel Branch Location:	Courthouse North Annex 7313 Corporate Dr, Manvel
Pearland East Branch Location:	Pearland Library 3522 Liberty Dr, Pearland
Pearland West Branch Location:	Westside Event Center 2150 Countryplace Pkwy, Pearland
Shadow Creek Branch Location:	Pearland Westside Library 2803 Business Center Dr #101, Pearland
Sweeny Branch Location:	Sweeny Community Center 205 W Ashley Wilson Rd, Sweeny

WITNESS MY OFFICIAL SIGNATURE HEREUNTO AFFIXED this

\_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Delia Muñoz, City Secretary,  
City of Freeport, Texas

MAYOR'S RETURN

I certify that on the \_\_\_\_ day of \_\_\_\_\_, 2015, I posted a true and correct copy of the foregoing "Notice of Election", on the bulletin board located at the Freeport City Hall used for posting notices of meetings of the City Council, such day being more than twenty-one (21) days prior to said election.

---

Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

CITY SECRETARY'S RETURN

I hereby certify that I caused a copy the above and foregoing "Notice of Election" to be published in the Brazosport Facts, heretofore designated as the official newspaper of the City of Freeport, Texas, it being a newspaper published in the adjoining City of Clute, in Brazoria County, Texas, which meets all of the criteria set forth in Section 2051.044 of the Government Code. I requested that, such publication be one (1) time, not less than ten (10) days nor more than thirty (30) days before the date hereinabove fixed for the holding of said election.

WITNESS my official signature and the seal of said City hereunto affixed this \_\_\_\_ day of \_\_\_\_\_, 2015.

---

Delia Muñoz, City Secretary  
City of Freeport, Texas

AVISO DE ELECCION PARA POSICIONES CONSEJALES B Y D

PARA: TODAS LAS PERSONAS CON DERECHO AL VOTO BAJO LAS PROVISIONES DEL CAPITULO 11 DE EL TITULO 2 D EL CODIGO DE ELECCIONES DE TEXAS QUE SON RESIDENTES DE EL DISTRITO ELECTORAL AY C DE CIUDAD DE FREEPORT, TEXAS, Y QUE SE ENCUENTRAN DEBIDAMENTE REGISTRADOS PARA VOTAR EN EL RECINTO DONDE Y EN EL DIA EN QUE SE VOTE, SALUDOS:

I.

Este es un aviso que una eleccion general annual se llevara acabo en el distrito electoral B y D de la Ciudad de Freeport, Texas, en el Segundo Sabado en Mayo, 2015, que es Mayo 9, 2015, entre las horas de 7:00 a.m. y 7:00 p.m. con el proposito de elegir a una persona para la posiciones de Alcalde de la Ciudad de Freeport, Texas, ahora ocupada por NORMA MORENO GARCIA, para un termino de dos (2) anos y, el mismo dia, en los distritos electorales B y D, con el proposito de elegir para un termino de 2 años cada uno, a personas par alas siguientes pocisiones de la Ciudad de Freeport, Texas, a saber:

Posicion Consejal B, ahora ocupada por FRED BOLTON; Y

Posicion Consejal D, ahora ocupada por, SANDRA BARBREE.

II.

Conforme lo dispuesto en le acuerdo de election conjunta y en el contrato de servicios de eleccion entre la Ciudad y el Secretario del Condado de Brazoria, Texas, debera haber dos (2) lugares de votacion municipal para dicha election, uno situado fuera de la Ciudad de Freeport, en el Oyster Creek City Hall, localizado en 3210 FM 523 en el Pueblo de Oyster Creek, Texas, donde votantes que viven en el Condado de Brazoria distrito electoral 8 pero tambien que viven dentro de la Ciudad deben votar el dia de election y uno dentro de la Ciudad de Freeport localizado en el Freeport Library, 410 Brazosport Blvd, Freeport, Texas, donde todos los demas votantes que viven dentro de la Ciudad deben votar el dia de eleccion. En ese dia votaciones tambien se permitiran en cualquiera de los siguientes Sitios de votacion:

East Annex (Old Walmart)	1524 E Mulberry, Angleton
Ryan Center	2925 South Bypass 35, Alvin
Brazoria Library	620 S Brooks, Brazoria
Holiday Lakes City Hall	195 N Texas Ave, Holiday Lakes
Liverpool City Hall	8901 CR 171, Liverpool
Bonney Annex Building	19025 FM 521, Bonney
Drainage District #4 Building	4813 W Broadway, Pearland
Turner High School	4717 Bailey Rd, Pearland
Sweeny Community Center	205 W Ashley-Wilson Rd, Sweeny

Danbury Community Center	6115 5 <sup>th</sup> St, Danbury
Clute City Hall	108 E Main, Clute
Lake Jackson Civic Center	333 Hwy 332 East, Lake Jackson
Richwood City Hall	1800 N Brazosport Blvd, Richwood
Hillcrest Village Municipal Building	200 W Timberlane, Alvin
Westside Event Center	2150 Countryplace Pkwy, Pearland
Mims Community Center	4283 FM 521, Brazoria
Surfside Beach City Hall	1304 Monument Dr, Surfside
Alvin Library	105 S Gordon, Alvin
Courthouse North Annex	7313 Corporate Dr., Manvel
Silverlake Recreation Center	2715 Southwyck Pkwy, Pearland
Pearland Library	3522 Liberty Dr, Pearland
Fellowship Bible Church	1720 E Broadway, Pearland
Courthouse West Annex	451 N Velasco, Angleton
Pearland Westside Library	2803 Business Center Dr #101, Pearland

### III.

Votaciones anticipadas deben comensar Abril 27, 2015, y terminar Mayo 5, 2015, dichas votaciones anticipadas debran ser llevadas acabo por el Secretario de el Condado de Brazoria, Texas entre las horas de 8:00 a.m. y 5:00 p.m. en los siguientes lugares, desde el Lunes Abril 27, 2015 hasta el Viernes Mayo 1, 2015 y entre las horas de 7:00 a.m y 7:00 p.m. el Sabado Mayo 2, 2015, el Lunes Mayo 4, 2015 y el Martes Mayo 5, 2015, a saber:

<u>Angleton Main Location:</u>	East Annex (Old Walmart Building 1524 E. Mulberry, Room 144, Angleton
<u>Alvin Branch Location:</u>	Alvin Library 105 S. Gordon, Alvin
<u>Brazoria Branch Location:</u>	Precinct 4 County Barn 1001 Market St., Brazoria
<u>Freeport Branch Location:</u>	Freeport Library 410 Brazosport Blvd., Freeport
<u>Lake Jackson Branch Location:</u>	Lake Jackson Library 250 Circle Way, Lake Jackson
<u>Manvel Branch Location:</u>	Courthouse North Annex 7313 Corporate Dr., Manvel
<u>Pearland East Branch Location:</u>	Pearland Library 3522 Liberty Dr., Pearland
<u>Pearland West Branch Location:</u>	Westside Event Center 2150 Countryplace Pkwy., Pearland
<u>Shadow Creek Branch Location:</u>	Pearland Westside Library 2803 Business Dr. #101, Pearland

Sweeny Branch Location:

Sweeny Community Center  
205 W. Ashley Wilson Rd., Sweeny

Testigo a mi firma official a esto puesto el dia \_\_\_\_\_ de \_\_\_\_\_ de  
el 2015.

\_\_\_\_\_  
Norma Moreno Garcia, Alcalde,  
Ciudad de Freeport, Texas

ATTEST:

\_\_\_\_\_  
Delia Muñoz, Secretaria de la Ciudad  
Ciudad de Freeport, Texas

RESOLUTION APPROVING ISSUANCE UP TO A MAXIMUM AMOUNT OF \$59,000,000 BRAZOSPORT WATER AUTHORITY WATER SUPPLY SYSTEM REVENUE BONDS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Brazosport Water Authority (the "Authority") was created by 1985 Tex. Laws, Reg. Sess., Ch. 449 at 3063, as amended, under the authority of Article XIV, Section 59 of the Texas Constitution, and the boundaries of the Authority have not been in any way changed or altered since the enactment of Chapter 449, Acts of the 69th Legislature of Texas, Regular Session, 1985. The Authority has entered into a take-or-pay water supply contract (the "Contract"), dated February 20, 1987, with seven member cities of the Authority, including the City of Freeport, (the "City"), under the terms of which the cities are collectively obligated to make payments to the Authority sufficient to pay the principal and interest requirements on outstanding bonds, and such Contracts remain in full force and effect.

WHEREAS, the Board of Directors (the "Board") of the Authority desires to proceed with (i) the expansion and extension of the Authority's water supply system to the City of Rosenberg, Texas and (ii) the design, testing and completion of a pilot well and facilities necessary to complete final engineering and design for a desalinization plant (collectively, the "Additional Projects"), as described in Section 8.2 of the Contract, through the issuance of the Authority's Water Supply System Revenue Bonds, in one or more series (the "Bonds") under a bond resolution in substantially the form attached as Exhibit A hereto (the "Bond Resolution") and has authorized the Authority's attorneys and financial advisors to take any action reasonably necessary to proceed with preparation for the issuance of Bonds for the Additional Projects; and

WHEREAS, the Board will proceed with the Additional Projects in multiple phases, in substantially the amounts and as more particularly described in Exhibit B attached hereto, with the aggregate cost of such Additional Projects not to exceed a total of \$59,000,000; and

WHEREAS, the City Council of the City of Freeport (the "City Council") finds such Additional Projects to be necessary and feasible;

WHEREAS, pursuant to Section 7.1 of the Contract, the City Council acknowledges the term of the Contract shall be extended until payment in full of the principal, premium, if any, and interest on any Bonds associated with the Additional Projects that may be issued from time to time and all related fees;

WHEREAS, pursuant to Section 8.2 of the Contract, the City Council finds that the City is not in default under the Contract; and

WHEREAS, pursuant to Section 8.2 of the Contract, the Board of the Authority and the City Council of the City mutually agree such Additional Projects are necessary and feasible and acknowledge receipt of the Bond Resolution by the City for review; NOW THEREFORE

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

SECTION 1.01 AUTHORIZATION AND INTENT. In accordance with Sections 8.2 and 9.4 of the Contract, the City Council hereby authorizes and approves the issuance of one or more series of Bonds by the Authority for the Additional Projects pursuant to the Bond Resolution and the Mayor, the City Manager or any other duly appointed person is hereby authorized and directed to execute any necessary certificates and otherwise take any action, reasonably necessary to proceed with the issuance of each series of Bonds in an aggregate amount not to exceed \$59,000,000.

SECTION 1.02. RATIFICATION AND EXTENSION OF CONTRACT. The terms of the Contract previously entered into are hereby ratified by the City and the term of the Contract shall be extended until payment in full of the principal, premium, if any, and interest on any Bonds associated with the Additional Projects that may be issued from time to time and all related fees.

SECTION 1.03. CONTINUING DISCLOSURE. As used in this Section, the following terms have the meanings ascribed to such terms below:

“*MSRB*” means the Municipal Securities Rulemaking Board.

“*Rule*” means SEC Rule 15c2-12, as amended from time to time.

“*SEC*” means the United States Securities and Exchange Commission

(a) So long as the Bonds or any bonds issued for the Additional Projects described herein remain outstanding, the City will provide certain updated financial information and operating data to the MSRB annually in an electronic format as prescribed by the MSRB and available via the Electronic Municipal Market Access (“EMMA”) system at [www.emma.msrb.org](http://www.emma.msrb.org). The information to be updated includes all quantitative financial information and operating data that is customarily prepared by the City. The City shall update such information within six months after the end of each fiscal year. Any financial statements so to be provided shall be (1) prepared in accordance with the Accounting Principles described in this Resolution and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If audited financial statements are not so provided, then the City shall provide unaudited financial statements for the applicable fiscal year by the required time, and audited financial statements when and if audited financial statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to documents (i) available to the public on the MSRB’s internet web site or (ii) filed with the SEC. All filings shall be made electronically, in the format specified by the MSRB.



(b) The City shall notify the MSRB in an electronic format prescribed by the MSRB, in a timely manner (not in excess of ten (10) days after the occurrence of the event), of any of the following events with respect to the Bonds:

- (i) Principal and interest payment delinquencies;
- (ii) Non-payment related defaults, if material;
- (iii) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) Substitution of credit or liquidity providers or their failure to perform;
- (vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (vii) Modifications to rights of holders of the Bonds, if material;
- (viii) Bond calls, if material, and tender offers;
- (ix) Defeasances;
- (x) Release, substitution, or sale of property securing repayment of the Bonds, if material;
- (xi) Rating changes;
- (xii) Bankruptcy, insolvency, receivership or similar event of the City;
- (xiii) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (xiv) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The City shall notify the MSRB in an electronic format prescribed by the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with this Section by the time required by such Section.

All documents provided to the MSRB shall be accompanied by identifying information, as prescribed by the MSRB.

(c) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the City in any event will give the notice required by this Section of any Bond calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Registered Owners and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under the Resolution for purposes of any other provision of this Resolution.

Nothing in this Section is intended to or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(d) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell the Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Registered Owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Resolution that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Registered Owners and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with this Section an explanation, in narrative form, of the reasons for the amendment and of the

impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this Section if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, and the City also may amend the provisions of this Section in its discretion in any other manner or circumstance, but in any case only if and to the extent that the provisions of this sentence would not have prevented an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds, giving effect to (a) such provisions as so amended and (b) any amendments or interpretations of the Rule.

SECTION 1.03 FINDINGS. It is hereby found and determined that the matters and facts set out in the preamble to this Resolution are true and correct.

SECTION 1.04 INTERPRETATIONS. The titles and headings of the sections of this Resolution have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof in this Resolution and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

SECTION 1.05 CITY’S SUCCESSORS AND ASSIGNS. Whenever, in this Resolution, the City Council is named and referred to it shall be deemed to include its successors and assigns, and all covenants and agreements in this Resolution by or on behalf of the Participating Customer, except as otherwise provided herein, shall bind and inure to the benefit of its successors and assigns whether or not so expressed.

SECTION 1.06 SEVERABILITY CLAUSE. If any word, phrase, clause, sentence, paragraph, section or other part of this Resolution, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution and the application of such word, phrase, clause, sentence, paragraph, section or other part of this Resolution to any persons or circumstances shall not be affected thereby.

SECTION 1.07 OPEN MEETING. It is hereby officially found and determined that the meeting at which this Resolution was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by the Texas Open Meetings Act.

*[Execution Page Follows.]*

PASSED AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

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Mayor  
City of Freeport, Texas

ATTEST:

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City Secretary  
City of Freeport, Texas

[CITY SEAL]

**To:** terryjhenley@comcast.net; treid@pearlandtx.gov; Tamara Young;  
dmartin@cityofmanvel.com; Mackie Bobo; Christina Stover (tinerstx@windstream.net)  
**Cc:** Guerrero, Rick; Shanna Igo (sigo@tml.org); Tom Wilkinson (twilkinson@bvcog.org);  
nelda@neldamartinez.com  
**Subject:** CALL TO ACTION - LEGISLATIVE MEMO TO Region 14 Mayors & Councilmembers  
**Attachments:** TML White Paper on SB343.docx; Resolution in opposition to SB 343 (1).pdf; Language  
of SB 343 Text.docx; TML city state partner DOC021715-02172015142429.pdf; TML  
revenue cap DOC021715-02172015142439.pdf; TML city debt  
DOC021715-02172015142451.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Fellow Texas Cities of Region 14:

**I would like to encourage** TML Region 14 cities to pass the Resolution opposing SB 343 (attached sample) AND/OR contact their State Senators and Representatives and ask them to please oppose this bill.

We also need to build strong opposition to the property tax cap bills (Revenue caps-SB 182/HB 365 and Appraisal caps-HB 957/SB 156) as well. These bills are potentially devastating to cities and what takes away the little authority the State has left us.

There are also some attached white papers regarding "Being a Partner with the State", city debt and information on revenue caps. Thanks to the Texas Municipal League staff for keeping us informed and providing the needed tools to discuss with our legislators.

#### **LOCAL CONTROL.**

Bert Miller  
TML Region 14  
Director  
Mayor, Navasota

**RESOLUTION OF OPPOSITION BY THE CITY OF FREEPORT** 2015-2464

**WHEREAS**, Section 5, Article XI of the Constitution of Texas provides that, by majority vote of the qualified voters of a city having more than five thousand (5,000) inhabitants, a City may adopt or amend their charters, subject to such limitations as may be by the Legislature and providing that no charter or ordinance passed under said charter may contain any provision inconsistent with the Constitution of the State or of the general laws enacted by the Legislature of this State; and

**WHEREAS**, pursuant thereto, the Legislature adopted, among others, Section 51.072 of the Local Government Code, providing that a home-rule municipality has full power of local self-government and that the grant of power to such a municipality under such code does not prevent, by implication or otherwise such a municipality from exercising the authority incident to local self-government; and,

**WHEREAS**, Senate Bill 343, filed by Senator Don Huffines during the current 84<sup>th</sup> Texas Legislative Session would totally violate the spirit of local self-government, the intent of the people of Texas in adopting Section 5, Article XI of the Texas Constitution and the intent of the Legislature in adopting Section 51.072 of the Local Government Code.

**WHEREAS**, there are numerous citizens, businesses, municipalities, counties, farmers and ranchers and industries located in Texas that have benefited from the local self-government of home-rule cities as it is currently defined in and allowed by the Local Government Code.

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

First, that the City Council of the City of Freeport, Texas, strongly opposes Senate Bill 343 and any legislation that would be contrary to the spirit of local self-government and that would erode the authority of a home-rule municipality.

Second, that a copy of this resolution be sent to the Senator and Representatives in the Texas Legislature representing the citizens of the City of Freeport and all others whom the Mayor of the City deems appropriate.

Third, this resolution shall take effect upon its passage and adoption.

Read, passed and adopted this \_\_\_\_ of \_\_\_\_\_, 2015.

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

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

## By: Huffines S.B. No. 343

A BILL TO BE ENTITLED

AN ACT relating to the conformity of local law with state law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1, Local Government Code, is amended by adding Section 1.006 to read as follows:

Sec. 1.006. CONFORMITY WITH STATE LAW. (a) Where the state has passed a general statute or rule regulating a subject, a local government shall restrict its jurisdiction and the passage of its ordinances, rules, and regulations to and in conformity with the state statute or rule on the same subject, unless the local government is otherwise expressly authorized by statute.

(b) Unless expressly authorized by state statute, a local government shall not implement an ordinance, rule, or regulation that conflicts with or is more stringent than a state statute or rule regardless of when the state statute or rule takes effect.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.



TEXAS MUNICIPAL LEAGUE

President Nelda Martinez, Mayor, Corpus Christi  
Executive Director Bennett Sandlin

February 29, 2015

The Honorable Don Huffines  
Texas Senate  
P.O. Box 12068  
Austin, Texas 78711-2068

Dear Senator Huffines:

I am writing on behalf of the Texas Municipal League to express our concerns with Senate Bill 343, which would upend the relationship between Texas cities and state government. Under the bill, city voters and locally-elected officials would have to get the state legislature's permission to enact any local ordinance, rule, or regulation.

Rather than pursue this legislation, we ask that you recognize that cities have to make decisions at the neighborhood level and not every neighborhood in a state of 26 million people is the same. That is why Texans recognize that there is a role for state government and a role for local government. Current law balances city authority to enact reasonable regulations to protect health and safety and property values with ensuring that the will of the local voters is heard and that our state's economy remains vibrant.

Many refer to current law by stating that "cities are creatures of the state." That's a true statement, but it's not entirely accurate. Without boring you with too many historical details, you should know that there are two types of cities in Texas: (1) general law; and (2) home rule. General law cities are purely creatures of the state legislature, but home rule cities are creatures of the Texas Constitution.

The approximately 800 general law cities might not be affected by your bill. These are cities under 5,000 inhabitants that can do only what the state legislature expressly authorizes them to do. In other words, your bill isn't needed to limit these cities because they already are limited.

The approximately 350 home rule cities would clearly be affected by your bill. Keep in mind that over 18 million Texans, which is approximately 75 percent of the state's population, live in these cities. The Texas Constitution (Article XI, Section 5) authorizes cities over 5,000 population to adopt – by election – a home rule charter. The charter grants the citizens of that city the power of self-government. These "home rule" cities can regulate however they choose, so long as not preempted by state or federal law from doing so. By approving the home rule amendment to the



Constitution in 1912, the voters of Texas approved the idea that larger cities don't need the state's "permission" to act.

Your bill would undo 100 years of home rule in Texas, and it is probably unconstitutional. That may indeed be the goal of your legislation, but please allow us to explain why eliminating home rule authority is bad public policy. Some might argue that home rule in Texas is a ruse because the state legislature so frequently preempts what home rule cities do. The status of home rule authority is academically debatable, but we posit a more practical need for it. That need relates to the checks and balances, the "process," that eventually leads to reasonable regulations. Rather than a blanket policy change, like S.B. 343 would enact, the home rule process leads to compromise.

Here are some examples of that compromise:

- In the 1960s, home rule cities could annex unilaterally, and some in the legislature believed that some cities were acting unreasonably. The Municipal Annexation Act was passed to limit how, when, and where home rule cities can annex. The authority wasn't simply taken away. It wasn't taken away because most legislators recognize that municipal annexation is crucial to the state's economy.
- In the 1980s, one home rule city adopted an ordinance prohibiting pit bulls in its city limits in response to a number of brutal incidents. The city was sued by dog owners, and the Texas Supreme Court upheld its home rule authority to prohibit specific breeds. The following legislative session, a law was passed to stop any city from banning specific breeds. However, the law also contains language expressly authorizing cities to regulate dogs that are actually a danger. That authority was granted because most legislators recognized the need to control dangerous animals in populated areas.
- In the 2000s, two home rule cities implemented red light photo enforcement systems. Over the next decade, several bills to preempt this authority were filed. As more cities expressed interest in the systems, the legislature compromised in 2007 and passed a law governing the how, when, and where of the systems, and filled state coffers with half of the civil penalty revenue from each violation. The authority was retained because most state legislators saw a way to fund state trauma care programs by revenue-sharing with cities.

The passage of S.B. 343 would also affect some *current* home rule regulations. In many cases, cities regulate when the Texas Legislature doesn't. City councils often step up to the plate to protect the quality of life, and even save the lives, of Texans. Here are just a few examples of cities moving ahead when the state won't:

- Sex offender residency restrictions
- Synthetic drug regulations
- Texting while driving limitations
- Payday lender regulations

- Oil and gas well ordinances
- Panhandling regulations

All of these would be wiped out by your bill. For example, the state has taken no action related to where child sex predators can live. If your bill passes, a sex offender in Lewisville will then be able to live right next door to an elementary school.

Preemption may indeed be your goal for some of the current regulations, like a fracking ban perhaps. But legislation has already been filed to deal with that specific example (and many others that legislators consider wrong). And we believe that it will result in a compromise that balances quality of life and the state's economy. One home rule city in Texas has adopted a resolution (rule) prohibiting the use of its staff or resources to house undocumented immigrants. Your bill would preempt that resolution as well.

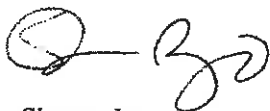
You should also consider that S.B. 343 would also ban future regulations a city might pass. We obviously can't predict the future. We can't predict which political party will hold the majority, and we can't predict what cities may need to regulate to protect their citizens. That is why S.B. 343 – a blanket preemption that would completely alter the system of local decision making that's been in place for over 100 years – isn't needed. The unintended consequences and the uncertainty it would bring to the law are simply too great.

The League's position is that your bill is unnecessary. The bill, effectively a "super-preemption bill," would be another step in the centralization and consolidation of government power, which would seem contrary to your political ideals. Its passage would be akin to abolishing cities and centralizing government in Austin.

We hope you will instead consider working alongside us as we seek to protect city authority to enact reasonable regulations to protect health and safety and property values, while ensuring that the state's economy remains vibrant.

Thank you for your consideration and please do not hesitate to contact me if I can be of any assistance to you.

Sincerely,



Shanna Igo  
*Deputy Executive Director*

**S.B. 343**  
**Abolish Local Control. Centralize Power in**  
**Austin.**  
**Just like New York.**

**S.B. 343 would totally upend the relationship between Texas cities and state government, making Texas like the State of New York. City voters and locally-elected officials would have to get the state legislature's permission to enact any local ordinance.**

- In 1868, a federal judge named Dillon issued a ruling that cities can do only what their state government expressly authorizes them to do. The State of New York follows Dillon's Rule, and what's good for New York definitely isn't good for Texas.
- Shortly after that federal court decision, the people of Texas decided centralized government isn't the way to go and in 1912 adopted a constitutional amendment affirming Texas' commitment to local decision making. Cities, the government closest to the people, embody the idea that "We the People" should be in control.
- The Texas Constitution (in Article XI, Section 5) authorizes cities over 5,000 population to adopt – by election – a home rule charter. The charter grants the citizens of that city the power of self-government. Over 350 Texas cities have done so.
- S.B. 343 would make Texas revert to the rule created in Dillon's 1868 federal court decision and provide that a city may not enact an ordinance relating to anything governed by state law, unless expressly authorized to do so.
- The bill, effectively a "super-preemption bill" that adopts Dillon's Rule for Texas, would be another step in the centralization and consolidation of government power.

City councils often step up to the plate to protect the property values, the quality of life, and even save the lives, of Texans. In many cases, cities have to make decisions at the neighborhood level and not every neighborhood in a state of 26

million people is the same. That is why Texans recognize there is a proper role for state government and a role for local government.

**S.B. 343 would abolish Home Rule cities and end local control**

**If you like the way New York operates, this is the bill for you**



## **Managing city debt the Texas way: Conservatively while supporting economic growth**

If you listen to some politicians and political groups, you might think Texas cities are borrowing money as fast as the mint can print it. Nothing could be further from the truth. The city officials elected by Texas voters are using various types of borrowing in a fiscally responsible way to finance the roads, water and sewer systems, and fire and police stations required for our fast growing population. And what government debt is growing at the fastest rate? That would be borrowing at the state level, not the local level. Here are the facts:

- According to the Texas Bond Review Board, there are 451 cities that have zero outstanding tax-supported debt. And, 75 percent of Texas cities, 950 of them, have no revenue bond debt – that is debt that’s paid off from user fees like water and sewer bills.
- Nearly 60 percent of all outstanding city debt is revenue-supported. In other words, the taxpayers aren’t on the hook for most city debt, instead it’s the users of city services and facilities who pay.
- Of the 15 fastest growing cities in the nation, seven are in Texas. But city debt has actually grown slightly less than the state’s economy. City debt was 4.58 percent of gross state product in 2004 and declined to 4.30 percent of GSP in 2013.
- A five-year comparison of state debt and city debt shows that, from 2010 to 2014, outstanding state government debt increased 17.2 percent. Outstanding city debt grew by only 12 percent.
- In a 10-year comparison, from 2005 to 2014, total outstanding state debt more than doubled – increasing 107 percent. During that time, total outstanding debt of Texas cities grew by half that rate – 52 percent.
- Certificates of obligation, issued to take advantage of favorable interest rates without a bond election, represented only 17 percent of city debt issued in 2014. That proportion has been about the same in recent years. (Citizens can always petition for an election to approve or reject issuing COs.)
- Restricting the ability of cities to issue certificates of obligation would cost taxpayers more money. For example, the City of Denton saved taxpayers \$18 million in interest costs by using certificates of obligation instead of revenue bonds because COs got a higher bond rating and lower interest rates.

Last session, the legislature increased transparency by requiring that more information be available about local bond elections at polling places and on the Internet. Texas voters today have access to more information about city finances and city debt than at any time in the state’s history.

**Texans can make the right decisions about local debt at the local level.**

To learn more, visit [www.tml.org](http://www.tml.org) or call 512-231-7400  
Legislative direct contact: Shanna Igo 512-750-8718



## **Texas Cities Do the State's Local Work: Safe Communities, Essential Infrastructure, Vital Services**

Cities, the government closest to the people, embody the idea that "We the People" should be in control. Cities provide the services that we cannot do without. Those services reflect the will of the local taxpayers. They are not the kind of services people think of when they say they want less government. **Put simply: City services are the nuts and bolts of our society.**

Starting with Texas' statehood in 1845, the legislature began creating cities to do its local work. **The Texas Municipal League now represents more than 1,100 cities of every size, shape, and service level.** The locally-elected city councils in those cities decide – based on the wants of their citizens – how to provide appropriate services.

They provide police and fire protection, the roads we drive on, local business development, the utilities we need to survive and prosper, the protection of property values through thoughtful rules that benefit everyone, and more. It costs money to provide these services, but **keeping taxes low while meeting citizens' demand for services** is a core value of city officials.

Cities don't typically seek funding from the state, and they receive virtually nothing from the state. What cities need in lieu of state funding is **to be treated as partners in keeping Texas great.** They want to continue providing local services in the way they were elected to do. That leads to the following legislative priorities:

1. Ensure that local decisions are made locally by supporting reasonable enhancements to regulatory authority and by opposing attempts to harm the ability of cities to:
  - Protect property values by imposing reasonable development standards;
  - Enact zoning ordinances; and
  - Respond to citizen demands for orderly development.
2. Protect and enhance essential infrastructure by opposing efforts to diminish municipal revenue and by supporting initiatives that will meet the needs of our cities for:
  - Streets, roads, and bridges;
  - Clean water;
  - Safe and effective wastewater treatment;
  - Stormwater management; and
  - Sustainable solid waste collection and disposal.
3. Ensure funding for vital community services by vigorously opposing efforts to erode revenue needed to:
  - Keep cities safe from crime;
  - Respond to emergencies;
  - Enhance economic growth and job creation;
  - Provide recreational facilities, parks, and libraries; and
  - Protect the natural environment.

**The City Message to Legislators is Clear:  
Continue Partnering with Cities to do the State's Local Work**

To learn more, visit [www.tml.org](http://www.tml.org) or call 512-231-7400  
Legislative direct contact: Shanna Igo 512-750-8718



## Revenue Caps on Cities: The \$2.75 Property Tax Cut

Bills have been introduced to cap the amount of property tax revenue cities can collect each year in a misguided effort to reduce the property tax burden on homeowners and businesses. Currently, if a Texas city increases property tax collections by more than eight percent over the previous year, voters can petition for an election to rollback the increase. Bills have been introduced to replace that eight percent "rollback rate" with a hard cap of four percent and require mandatory elections on an increase over four percent – all with the false claim that this would provide property tax relief.

### You Call This Tax Relief?

If the four percent cap on city property tax increases had been in effect in 2013, the owner of a homestead in the City of Dallas with an assessed value of \$250,000 would have seen a "cut" in city property taxes of \$33.10 annually or about \$2.75 per month. The tax savings would have been even less if the homeowner was disabled or elderly and qualified for additional exemptions.

### How about Zero Tax Relief?

According to the state comptroller's latest survey of property tax rates in 1,002 cities in Texas, 67 percent of cities raised their property taxes by less than four percent from 2012 to 2013 and 37 percent of cities actually reduced their property taxes. That means property owners in at least 669 Texas cities would have seen no reduction in their city property taxes if the four percent cap had been in effect.

### The Impact on City Services Can Be Large

While the savings to individual taxpayers are very small or even non-existent, a four percent cap could hit city services hard. The following chart shows how much a four percent revenue cap would save homeowners in several cities, and what it represents in terms of city services.

City	4% Revenue Cap Savings for \$250,000 Homeowner Yearly	Potential Revenue Loss	Represents What In City Budget?
McKinney	\$29.65	\$1,411,863	7 police officers and 4 firefighter salaries and benefits
Tyler	\$14.73	\$458,468	Traffic management enhancements, fire station and park improvements
San Juan	\$45.32	\$148,496	Police and fire personnel, equipment and gear, salary funding for 12 lifeguards, and pool repairs
Orange	\$33.83	\$150,672	6 police vehicles
Midland	\$8.51	\$301,896	2 police officer salaries and benefits and maintenance of the city traffic signal system

### Cities Are Not the Cause of High Property Taxes

Cities collect just 16 percent of the property taxes levied in Texas. Most of the property taxes paid by Texans (55 percent) go to school districts. According to the comptroller's report, the total amount of property taxes collected by cities rose by 3.61 percent between 2012 and 2013, while school district tax collections rose by more than twice that rate or 7.72 percent. School property taxes have been rising because the legislature continues to reduce the state's share of funding for schools which forces districts to get more revenue from property taxes.

**Reducing the rollback rate for city property taxes:  
Does not provide meaningful tax relief  
Robs cities of the ability to meet local needs  
Diverts attention from the real cause of higher property taxes**

To learn more, visit [www.tml.org](http://www.tml.org) or call 512-231-7400  
Legislative direct contact: Shanna Igo 512-750-8718

**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, April 20, 2015, at 6:00 o'clock p.m., central daylight savings time, at the Police Department Municipal Courtroom of the City of Freeport, Texas, located at 430 North Brazosport Boulevard, within the corporate limits of said city, in Brazoria County, Texas, at which time and place the City Council and the Planning Commission of said city will conduct a joint public hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance and Map of said city, codified as Chapter 155 of the Code of Ordinances of said City, granting to KIMLEY-HORN for VERIZON WIRELESS a specific use permit for the erection and operation of a new 151 foot high monopole telecommunication tower on portion of the property described as Tracts 101B, 526 & 527B of the Brazos Coast Investment Company Subdivision, Division 14, A. Calvit Survey, Abstract 49, Brazoria County, Texas, containing 7.2 acres of land and locally known as 2121 Zapata Road, within the corporate limits of said city.**

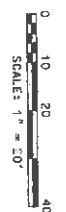
**BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,  
made on the 16<sup>th</sup> day of March, 2015.**

---

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



ALLEY (70' R.O.W.)



OWNERS  
**ROBERT AND LINDA FOX**  
 815 W. 5TH STREET  
 FREEPORT, TEXAS

OWNER OF THE CITY OF FREEPORT, TEXAS  
 CITY CLERK  
 2015

APPROVED BY THE PLANNING BOARD OF THE CITY OF FREEPORT, TEXAS COUNTY, TEXAS, ON THIS DAY OF 2015.

CITY SECRETARY: DELIA WARE

- NOTE:
1. BEARING AND DISTANCE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (12N 1083).
  2. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES (ELEVATION 100 FT.).
  3. THIS PROPERTY LIES WITHIN THE LIMITS OF 80% OF THE PER FLOOD INSURANCE RATE MAP #0803001051, DATED NOVEMBER 17, 1993.
  4. ● DENOTES FOUND IRON PIPE/POD.
  5. ○ DENOTES SET 4\"/>

1. CHARLES D. WACHSTEIN, A REGISTERED PROFESSIONAL LAND SURVEYOR, BEING OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS, HAS SURVEYED THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS, AND HAS CORRECTED THE SURVEY TO BE IN ACCORDANCE WITH HIS PLAT.



REPLAT  
 OF  
 LOTS 4 AND 5  
 BLOCK 102  
 TOWN OF FREEPORT  
 RECORDED IN  
 VOLUME 2, PAGE 96  
 OF THE  
 BRAZORIA COUNTY PLAT RECORDS  
 IN THE  
 S.F. AUSTIN SURVEY  
 ABSTRACT 32  
 CITY OF FREEPORT  
 BRAZORIA COUNTY, TEXAS  
 JANUARY 2015

**Doyle & Wachsteiner, Inc.**  
 Surveying and Mapping, GPS/GIS



City of Freeport  
 200 West 2nd  
 Freeport, TX 77541  
 DEPARTMENT:

**PURCHASE ORDER  
 REQUISITION**

DEPARTMENT:

**Purchasing Procedures:** Purchases over \$500 must be prior approved by the City Manager and issued an approved purchase order number for the requested expenditure. Purchases over \$50,000 are subject to the requirements of the competitive bid process unless specifically exempted by State Law and must also be approved by City Council.

DATE  
 1/20

VENDOR NAME: L3 Mobile Vision  
 ADDRESS: 90 FANNY BOYD  
 CITY: Branton STATE: NJ ZIP CODE: 07005  
 PHONE # 800-336-8475  
 PO# FA #

ACCOUNT NO	ACCOUNT NAME	DESCRIPTION	REQUESTED EXPENDITURE	BUDGETED ALLOCATION FOR PURCHASE	LINE ITEM BALANCE IF APPROVED
		NEW SERVER TO SUPPORT BODY CAMERAS	\$1249265		
		RECEIVED			
*****QUOTES*****					
Vendor	NONBUDGET EXPENDITURE EXPLANATION				
Amount	Current server capacity to store video for 30 body				
Vendor	cameras is not even close to what is <del>needed</del> <sup>now needed</sup>				
Amount					
Requisitioned By:	Department Director: <i>[Signature]</i> Total: \$1249265				

FINANCIAL USE ONLY

Account #	DATE:	BY:	CITY MANAGER	APPROVED
Total Budget	DATE:			
Current Balance			MAYOR	
BALANCE IF APPROVED				
% OF BUDGETED EXPENDITURE EXPENDED				
% OF Budget YR Passed				
			PURCHASING/ACCOUNTS PAYABLE	

City of Freeport  
 200 West 2nd  
 Freeport, TX 77541  
 DEPARTMENT:

**PURCHASE ORDER  
 REQUISITION**

**Purchasing Procedures:** Purchases over \$500 must be prior approved by the City Manager and issued an approved purchase order number for the requested expenditure. Purchases over \$50,000 are subject to the requirements of the competitive bid process unless specifically exempted by State Law and must also be approved by City Council.

DATE  
 1/16

VENDOR NAME: L3 MOBILE VISION  
 ADDRESS: 90 FANNY HOOP  
 CITY: BOONTON STATE: MO ZIP CODE: 07005  
 PHONE #: 800-336-8478  
 PO#  
 FA #

ACCOUNT NO	ACCOUNT NAME	DESCRIPTION	REQUESTED EXPENDITURE	BUDGETED ALLOCATION FOR PURCHASE	LINE ITEM BALANCE IF APPROVED
		BODY CAMERAS	42245		

\*\*\*\*\*QUOTES\*\*\*\*\*

Vendor	Amount	Vendor	Amount

Requisitioned By: *[Signature]*  
 Department Director: *[Signature]*  
 Total: \$12,245

FINANCIAL USE ONLY

Account #	Total Budget	Current Balance	BALANCE IF APPROVED	% OF BUDGETED EXPENDITURE EXPENDED	% OF Budget YR Passed

CITY MANAGER

DATE: BY: #

DATE:

MAYOR

PURCHASING/ACCOUNTS PAYABLE

Single Source

Emergency

**THE BROWNS CONSULTING**  
ATTORNEYS AND CONSULTANTS

**J. E. "BUSTER" BROWN**  
512.694.8065 (CELL)  
BUSTER@THEBROWNSCONSULTING.COM

**JENNIFER BROWN EMERSON**  
512.825.9763 (CELL)  
JENNIFER@THEBROWNSCONSULTING.COM

December 30, 2014

Mr. Jeff Pynes  
City Manager  
200 West Second Street  
Freeport, Texas 77541

Dear Mr. Pynes

We represent Live in America Financial Services, LLC, an EB-5 financing firm headquartered in White Plains, New York. Live in America is seeking to raise EB-5 funds on behalf of Lexington Realty Trust, a publically traded real estate investment trust (NYSE: LXP), that has partnered with CORE (Developer) to build a 664,000 square foot research and development campus for The Dow Chemical Company. Even though this project is located in Lake Jackson, this new facility and the jobs it brings will undoubtedly have a positive impact on all of Brazoria County.

Lexington Realty Trust would like to avail itself of a financing tool though the EB-5 program to finance the construction of this project. Congress created the EB-5 program in 1990 to benefit the US economy by attracting investments from qualified foreign investors of \$1 Million on a project that will create ten new jobs or \$500,000 if the funds are invested in a Targeted Employment Area (TEA). Investors receive a two year conditional green card, and if the project is successful in creating the requisite jobs, they can apply for a permanent visa. TEA is defined as areas that have experienced 150% of the average national unemployment rate. The EB-5 program is administered though the US Citizenship and Immigration Service. Governor Perry has designated Mayors and County Judges as the responsible party for designating an area as a Targeted Employment Area.

The proposed TEA for the project includes a census tract within your jurisdiction. In order to qualify for the TEA, the census tract which reflects the high unemployment rate must be certified by the Mayor of that City. We respectfully request that you certify Census Tract #6643, located in Freeport, as being accurate as to the unemployment numbers in 2013. We have prepared a draft letter for your execution.

Granting this designation does not alter the construction of the Dow Research and Development Campus in any way. It simply enables the owner to utilize a government sponsored financing

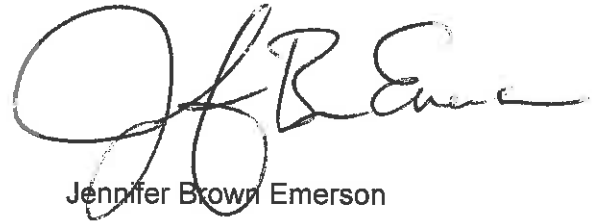
program. Getting a TEA designation for this project does more than benefit this particular construction project. Once an area has been designated a TEA, this alternate funding source is available for any new development, business, etc. to apply to use it for their project if it meets the qualifications.

Thank you for your consideration of this request. We would like to follow up with a phone call to discuss this matter in greater detail and to answer any questions you may have.

Sincerely,



James E. "Buster" Brown



Jennifer Brown Emerson

## **TARGETED EMPLOYMENT AREA (TEA) DESIGNATION – FREEPORT, TEXAS**

### **Project:**

- Construction of a four building, 664,100 square foot research and development campus at 220,230,240 and 270 Abner Jackson Parkway in Lake Jackson, Texas

### **Parties:**

- Dow Chemical Company (Tenant) – Dow will occupy 100% of the new facilities under a lease agreement with an affiliate of Lexington Realty Trust.
- Lexington Realty Trust (Landlord) – real estate investment trust (NYSE-LXP) that through affiliates has acquired 34.14 acres to construct the new facility for Dow Chemical.
- CORE (Developer) – an affiliate of Lexington Realty Trust that contracted with CORE to lead development efforts of the project.
- Live in America Financial Services LLC (EB-5 Financing Firm) – leading the EB-5 financing efforts for Lexington.

### **EB-5 Program (Section 204.6(i), Title 8, Code of Federal Regulation):**

- Congress created the EB-5 program in 1990 to benefit the US economy by attracting investments from qualified foreign investors of \$1 Million on a project that will create ten new jobs or \$500,000 if funds are invested in a Targeted Employment Area (TEA).
- Investors receive a two year conditional green card, and if the project is successful in creating the requisite jobs, they can apply for a permanent visa. TEA is defined as areas that have experienced 150% of average national unemployment rate.
- The EB-5 program is administered by the US Citizenship and Immigration Service (USCIS).

### **Governor's Role:**

- Governor Perry has designated County Judges and City Mayors as the responsible parties for designating areas as TEA.

### **Request of the City of Freeport:**

- Live in America Financial Services is asking the City of Freeport (through the Freeport Mayor's Office) to certify Census Tract #6643 as to its unemployment status according to the 2013 census figures.
- The four contiguous census tracts meet the eligibility requirements to be designated as a TEA.
- To join with three other local cities in designating the area as a TEA.
- Many other cities in Texas (including Houston and Austin) have used the same methodology of grouping contiguous census tracts to create a TEA. This methodology is also widely accepted by USCIS.

### **Effects of EB-5 Designation:**

- Does not in any way alter the construction contract or lease agreement with Dow Chemical Company.
- Does not affect property valuations or property taxes in any way.
- Promotes job creation in the area.
- Does enable Live in America to negotiate interest rates and time table for repayment of investments earning that help them bridge gap between start of construction and beginning of lease payments.
- Does make available a new, alternate funding source for projects in the area.
- Funding through EB-5 at \$1 Million can be done without the TEA designation but the current marketplace demand for \$1 Million investments is scarce. TEA broadens the investment pool by reducing it to \$500,000



---

**The Dow Chemical Company**  
2301 N. Brazosport Blvd.  
Freeport, Texas 77541-3257

December 8, 2014

Mr. Bill Yenne:

The Dow Chemical Company has entered into a lease agreement with an affiliate of Lexington Realty Trust, as owner and landlord, and CORE, as developer, for the construction of a research and development campus on Abner Jackson Parkway in Lake Jackson, Texas to be 100% occupied by Dow Chemical. Landlord/Owner purchased the property in March 2014 and commenced the development process shortly thereafter and such process is currently underway.

As part of the transaction, Lexington has agreed to finance the development of the project and a part of the financing strategy includes funding from capital procured through the EB-5 immigrant investor program and Lexington has engaged Live in America Financial Services to arrange the EB-5 financing including a request for a Targeted Employment Area (TEA) designation for the project site from local government entities designated by the State of Texas to certify high unemployment areas in the project area.

The Dow Chemical Company has no objection to the Targeted Employment Area (TEA) designation for the project site by the local government entities.

Thank you,

David Winder  
Public Affairs Leader  
Dow Texas Operations



October 20, 2014

Local Governmental Authorities Designated by the State of Texas to Certify High  
Unemployment Areas  
Brazoria County, Texas

**RE: Letter of Support – Targeted Employment Area Designation (“TEA”) within  
Brazoria County, Texas**

To Whom It May Concern:

Lexington Realty Trust hereby strongly supports Live in America’s request for a targeted employment area designation in Brazoria County, Texas in relation to a business venture located at the addresses of 220, 230, 240, 270 Abner Jackson Parkway in Lake Jackson, Texas.

Lexington Realty Trust is a real estate investment trust that owns a diversified portfolio of equity and debt interests in single-tenant commercial properties and land. Lexington's common shares are traded on the New York Stock Exchange under the symbol "LXP".

Lex Lake Jackson L.P., an affiliated subsidiary of Lexington Realty Trust, has acquired a 34.14-acre site on Abner Jackson Parkway in Lake Jackson, Texas and has commenced construction of a 4-building, 664,100 square foot research and development campus which will be occupied by The Dow Chemical Company as tenant. The construction of the project is underway and the facility is expected to open in late 2016.

Lexington plans to use the EB-5 immigrant investor program administered by the U.S. Citizenship and Immigration Service to finance a portion of the project. Live in America Financial Services, LLC is leading the EB-5 financing efforts for Lexington. Live in America’s request for the TEA designation is a critical item required for Lexington to move forward with the EB-5 financing for the project.

We appreciate your support for the targeted employment area designation for the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph S. Bonventre", with a stylized flourish at the end.

Joseph S. Bonventre  
Executive Vice President, General Counsel & Secretary

---

One Penn Plaza, Suite 4015, New York, N.Y. 10119-4015  
Tel: (212) 692-7200 • Fax: (212) 594-6600 • Website: [www.lxp.com](http://www.lxp.com)





**OFFICE OF THE GOVERNOR**

**RIK PERRY  
GOVERNOR**

**October 24, 2011**

**Mr. Alejandro Mayorkas  
Director  
U.S. Citizenship and Immigration Services  
20 Massachusetts Avenue, NW  
Washington, D.C. 20529**

**RE: State Designation of Local Governmental Authorities to Certify High Unemployment Areas  
In Accordance with 8 CFR §204.6(i)**

**Dear Mr. Mayorkas:**

**Pursuant to 8 CFR §204.6(i), an official of the state must notify the U.S. Citizenship and Immigration Services of the agency, board or other appropriate governmental body of the state that shall be delegated the authority to certify that a geographic or political subdivision meets the necessary unemployment rate to qualify as a high unemployment area (Targeted Employment Area) under EB-5 program regulations. This letter shall serve as a supplement to my prior letter, dated August 12, 2009, to ensure that all qualified areas of the State of Texas are able to participate in the EB-5 program.**

**In compliance with 8 CFR §204.6(i), I, Rick Perry, Governor of the State of Texas, hereby designate the following authorities in the State of Texas as the appropriate governmental bodies of the state to certify that a particular geographic or political subdivision meets the necessary criteria as an "area of high unemployment" as defined by the EB-5 program:**

- 1) local mayors of cities or towns located within a metropolitan statistical area, or cities or towns with a population of 20,000 or more, for areas of high unemployment within the boundaries of incorporated cities or towns;**
- 2) county judges for areas of high unemployment within the boundaries of counties;**
- 3) the county judges of each affected county may jointly designate areas of high unemployment in the event that a particular area of high unemployment is located within the boundaries of two or more contiguous counties; and**

**Exhibit**

**A**

**POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 (512)463-2000 (VOICE)/DIAL 7-1-1 FOR RELAY SERVICES  
VISIT [www.TexasOnline.com](http://www.TexasOnline.com) THE OFFICIAL WEB SITE OF THE STATE OF TEXAS**

Mr. Alejandro Mayorkas  
October 24, 2011  
Page 2

- 4) the local mayors of each affected city or town may jointly designate areas of high unemployment in the event that a particular area of high unemployment is located within the boundaries of two or more contiguous cities or towns.

In making this delegation of authority, I hereby advise all such Texas mayors and county judges to review and comply with all applicable regulations and instructions from the U.S. Citizenship and Immigration Services regarding the designation of areas of high unemployment to establish targeted employment areas. In particular, I advise such mayors and county judges that the U.S. Citizenship and Immigration Services has directed that the cobbling together of various portions of political subdivisions, so that an investment in a commercial enterprise in a location that is not a high unemployment area would ultimately qualify as one, blatantly frustrates the congressional intent behind INA §203(b)(5)(B), and is not an acceptable business practice in the making of TEA designations.

Sincerely,



Rick Perry  
Governor

RP:mbp

cc: The Honorable Vernon Cook, County Judge, Roberts County and President, Texas  
Association of Counties  
The Honorable Leonard Reed, Mayor, City of Willis and President, Texas Municipal  
League  
Ms. Barbara Q. Velarde, Chief, Office of Service Center Operations, U.S. Citizenship  
and Immigration Services



**Legend:**

**Boundaries**

- State
- '10 County
- '10 Census Tract

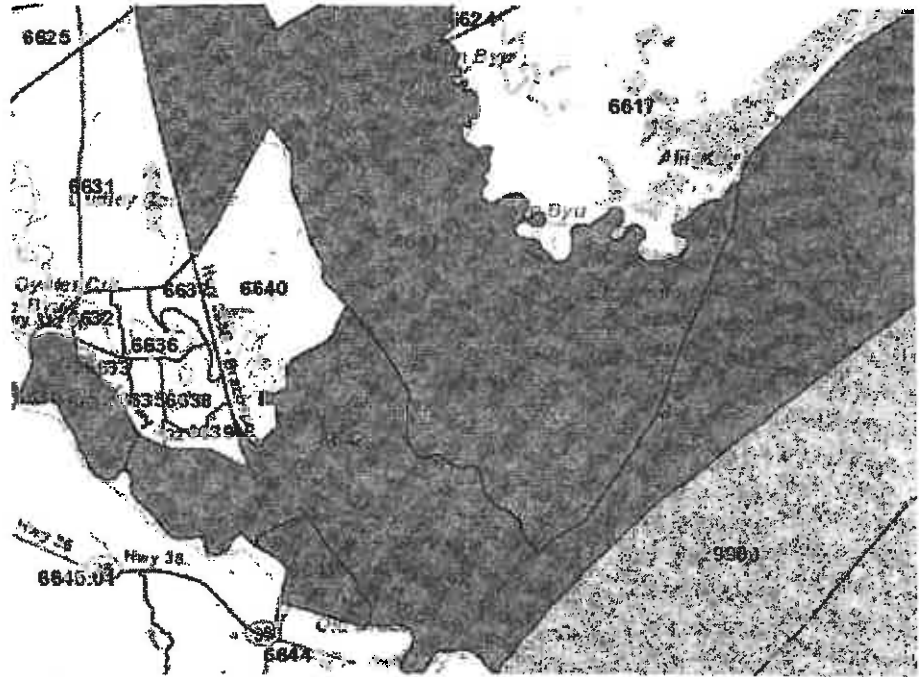
**Features**

- Major Road
- Street
- Stream/Waterbody

**Selection Results**

- Selection Results

Items in grey text are not visible at this zoom level





# CITY OF LAKE JACKSON

25 OAK DRIVE • LAKE JACKSON, TEXAS 77566-5289 • 979-415-2400 • FAX 979-297-9804

February 2, 2015

Department of Homeland Security  
 U.S. Citizenship and Immigration Services  
 20 Massachusetts Avenue  
 Washington, D.C. 20520

**Re: EB-5 Designation of Targeted Employment Area in Lake Jackson, County of Brazoria, Texas**

To Whom It May Concern:

The cities of Lake Jackson, Freeport, Richwood and Oyster Creek have received a request to designate a Targeted Employment Area (TEA) certification with respect to a project at addresses 220, 230, 240, and 270 Abner Jackson Parkway, Lake Jackson, Brazoria County, Texas. This address is in Lake Jackson and is in census tract 6634.


The Governor of the State of Texas has delegated the designation of Targeted Employment Areas in accordance with 8 CFR 204.6 to the local mayors and county judges. We, the Mayors of Lake Jackson, Freeport, Richwood and Oyster Creek have certified the unemployment numbers for the contiguous census tracts that are in our respective jurisdictions according to the chart below:

County Name	City Jurisdiction	2010 Census Tract	2013 Annual Average Total Labor Force	2013 Annual Average Labor Force Employed	2013 Annual Average Labor Force Unemployed	2013 Annual Average Unemployment Rate
Brazoria	Lake Jackson	6634	3,421	3,164	257	7.5%
Brazoria	Richwood	6641	2,869	2,465	404	14.1%
Brazoria	Oyster Creek	6642	983	885	98	10.0%
Brazoria	Freeport	6643	2,593	2,228	365	14.1%
<b>Sum Total</b>			<b>9,866</b>	<b>8,742</b>	<b>1,124</b>	<b>11.4%</b>

According to the Bureau of Labor Statistics, the national unemployment rate for 2013 was 7.4%. The unemployment rate for Texas in 2013 was 6.3% and 6.6% for Brazoria County.

To qualify as a targeted employment area, an area must have an unemployment rate that is at least 150% of the national average, which calculates to 11.1% for 2013.


When averaged together, the unemployment rate for contiguous census tracts 6634 (Lake Jackson), 6641 (Richwood), 6642 (Oyster Creek), and 6643 (Freeport) was 11.4%, meeting the criteria for a Targeted Employment Area. We therefore designate the aforementioned contiguous census tracts as a Targeted Employment Area as contemplated by Section 204.6 of Title 8, Code of Federal Regulations.

  
\_\_\_\_\_  
Joe Rinehart  
Mayor, Lake Jackson

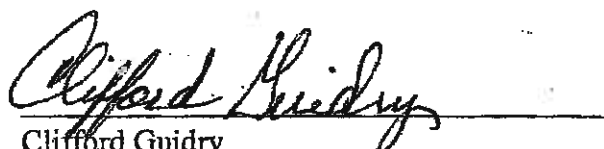
2-3-15  
Date Signed

\_\_\_\_\_  
Norma Moreno Garcia  
Mayor, Freeport

\_\_\_\_\_  
Date Signed

  
\_\_\_\_\_  
Clint Kocurek  
Mayor, Richwood

2-9-2015  
Date Signed

  
\_\_\_\_\_  
Clifford Guidry  
Mayor, Oyster Creek

2-11-2015  
Date Signed

[CITY LETTERHEAD]

Live in America Financial Services, LLC  
711 Westchester Ave., Suite 203  
White Plains, NY 10604  
Attention: Richard Marquard  
[rmarquard@liveinamerica.us](mailto:rmarquard@liveinamerica.us)

Dear Live in America:

We have reviewed the labor force data for Brazoria County census tract 6643 which is one of the census tracts where the city of Freeport is situated.

The method used to estimate the unemployment rate in this area is called Census-share disaggregation, a standard U.S. Bureau of Labor Statistics procedure used to calculate unemployment rates for small sub-county areas. The source data used was the 2008-2012 American Community Survey (ACS) 5-year estimates and the Bureau of Labor Statistics 2013 County level estimates. According to this methodology, the 2013 annual average unemployment rate for Brazoria census tract 6643 was 14.1%

	ACS 2008-2012			2013 Ann Avg				
	Labor Force	Employed	Unemployed	Unemployment Rate	Labor Force	Employed	Unemployed	Unemployment Rate
Brazoria County	154502	144620	9882	6.40%	158,876	148,427	10,449	6.60%
Tract 6643	2516	2171	345	13.70%	2,593	2,228	365	14.10%
Tract/County Ratio		0.015	0.0349					

Sincerely,

[Name]  
[Title]



11821 East Freeway  
Suite 400  
Houston, Texas 77029

Phone 713.450.1300  
Fax 713.450.1385  
www.ljaengineering.com

March 12, 2015

Brazosport Facts Newspaper  
The Facts Classifieds  
Legal Advisor  
720 S. Main St.  
Clute, Texas 77531

RE: Invitation to Bidders  
City of Freeport  
Emergency Power and Monitoring Systems  
LJA Project No. E217-0010

Please publish the referenced Advertisement to Bidders attached herewith on the following dates:

Wednesday, March 18<sup>th</sup> and Wednesday, March 25, 2015

Send two copies of the affidavit of publication and two copies of the ad to my attention at LJA Engineering, Inc., East Houston Office, Suite 400, Houston, Texas 77029. Please send the invoice to the City of Freeport 200 W 2<sup>nd</sup> Street, Freeport, Texas 77541, Phone 979-233-3526.

If you have any questions, please call me direct at (713) 450-1378 or e-mail [phodges@ljaengineering.com](mailto:phodges@ljaengineering.com).

Sincerely,

Patty J. Hodges  
Construction Administrative Assistant

Attachment

cc: Bob Welch, Finance Director  
Jeff Pynes, City Manager  
Delia Munoz, City Secretary  
Laura Tola, City of Freeport  
Gilbert Arispe, Asst. City Manager  
Laura Betancourt, Grant Administrator  
Mark Havran, P.E., LJA  
Wallace Trochesset, P.E., LJA  
Construction File 16.5

H:\Construction\Clients\217 City of Freeport\0010 Emergency Power and Monitoring Systems\WORD CONSTRUCTION FILE DOCS\Construction File Folder Docs\Bidding Phase\Paperadv.DOC

**INVITATION TO BIDDERS**

Sealed Bids, in duplicate, addressed to the Mayor and City Council, City of Freeport, Freeport, Texas, Brazoria County, will be received at City Hall, 200 W. 2<sup>nd</sup> Street, Freeport, Texas, 77541 until 2:00 P.M., Thursday, April 9, 2015, and then publicly opened and read for furnishing all labor, material, and equipment and performing all work required for the construction of "Emergency Power and Monitoring Systems."

BIDS will be submitted in sealed envelopes upon the blank forms provided and marked in the upper left hand corner "Bid for Emergency Power and Monitoring Systems" to be opened at 2:00 P.M., Thursday, April 9, 2015. BIDS received after closing time will be returned unopened.

All Bids shall be accompanied by a cashier's or certified check upon a national or state bank in the amount of five percent (5%) of the total maximum bid price payable without recourse to the City of Freeport, Freeport, Texas, or a bid bond in the same amount from a reliable surety company, as a guarantee that bidder will enter into a Contract. The notice of award of Contract shall be given by the Owner within sixty (60) days following the opening of bids. Bid security of cashier's check or certified check will be returned to the respective bidders within ten (10) days after bids are opened, except those which the Owner elects to hold until the successful bidder has executed the Contract. Thereafter, the remaining checks, including security of successful bidder, will be returned within five (5) days. Bid bonds will not be returned unless requested by Bidder.

The successful bidder must furnish Performance Bond and Payment Bond upon the forms which are attached hereto in the amount of one hundred (100%) percent of the contract price within 15 days after receipt of the contract documents. Payment and performance bonds shall be issued from sureties with a minimum "A" or "A-" rating from Best's Key Rating Guide and who are licensed by the Texas Department of Insurance to do business in Texas and to issue said bonds. The bonds must be signed by an authorized representative of the surety, and licensed by the State Board of Insurance.

Specifications, and bidding documents may be secured from the office of LJA Engineering, Inc., East Houston Office, 11821 East Freeway, Suite 400, Houston, Texas, 77029, for One Hundred Dollars (\$100.00) per set, which sum will not be refunded.

Plans and/or Exhibits and Specifications may be examined at the following locations:

City of Freeport  
City Hall  
200 W. 2<sup>nd</sup> Street  
Freeport, Texas 77541

(979) 233-3526



LJA Engineering, Inc. East Houston Office 11821 East Freeway, Suite 400 Houston, Texas 77029	(713) 450-1300
Dodge Data & Analytics Dodge Plans 3315 Central Avenue Hot Springs, AR 91913	(713) 316-9411
Houston AGC & iSqFt Plan Room 8450 Westpark, Suite 100 Houston, Texas 77063	(800) 364-2059
Associated General Contractors of Texas 2400 Augusta, Suite 305 Houston, Texas 77057	(713) 334-7100
Amtek - Plan Room 4001 Sherwood Lane Houston, Texas 77092	(713) 956-0100

In conformance with applicable statutes, the general prevailing wage rates in the locality in which the work is to be performed have been ascertained, and such rates shall be the minimum paid for labor employed upon this project.

The Owner reserves the right to reject any or all bids and to waive informalities in bidding. In case of ambiguity or lack of clearness in stating the prices in any bid, the Owner reserves the right to consider the most advantageous construction thereof, or to reject the bid. The award will be made to the responsible bidder submitting the lowest acceptable bid.

A **Mandatory Pre-Bid Conference** for prospective bidders, suppliers, etc., will be held on Thursday, April 2, 2015 at 2:00 P.M., at City Hall, 200 W. 2<sup>nd</sup> Street, Freeport, Texas, in accordance with the Instructions to Bidders, Paragraph 20.

Bids from Firms other than the **Mandatory Pre-Bid Conference** attendees **WILL NOT BE ACCEPTED**. Only bids by signed-in attendees will be accepted.

City of Freeport  
Delia Munoz  
City Secretary

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INVITATION TO BID

NOTICE IS HEREBY GIVEN that the City of Freeport, Texas, (the City) is interested in entering into a contract for street striping at a per lienal foot price according to the below mentioned plans and specifications.

SEALED BIDS addressed to the City Manager by any person, firm or corporation desiring to replace such portions of the above named streets will be received at the office of the City Manager located at 200 W. 2nd Street, Freeport, Brazoria County, Texas 77541, during normal business hours until 2:00 o'clock, p.m., on the 16<sup>th</sup> day of March, 2015, on which day, beginning at 2:00 o'clock, p.m., all such bids will be opened and publicly read aloud. Any bid received after 2:00 p.m. on such date will be returned unopened.

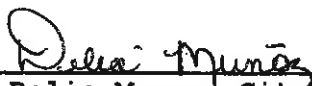
COPIES OF THE PLANS AND SPECIFICATIONS for replacing such streets are available for public inspection at the City's Service, 510 South Avenue A, Freeport, TX 77541, during normal business hours. A set of such documents may be obtained from such office upon payment of the customary copy charge.

A CASHIER'S OR CERTIFIED CHECK drawn on a bank acceptable to the City Manager and payable to the order of the City, OR an ACCEPTABLE BID BOND with a corporate surety included on the latest list of surety companies holding certificates of authority from the State Board of Insurance, in the amount of not less than ten (10%) of the total bid or \$1,000.00, whichever is less, must accompany the bid as guarantee that if awarded the bid the bidder will enter into a contract with the City covering the replacement of such streets within ten (10) days from the above date.

The contract will be awarded to the LOWEST RESPONSIBLE BIDDER OR to the BIDDER WHO PROVIDES goods or services at the BEST VALUE for the municipality.

The City RESERVES the right to REJECT ANY AND ALL BIDS, to WAIVE any INFORMALITIES in bidding and, in the case of any AMBIGUITY OR LACK OF CLEARNESS, the City reserves the right to construe the same in a manner most advantageous to the City, or to reject the bid.

BY ORDER OF THE BOARD OF THE CITY COUNCIL this 17<sup>th</sup> day of Feb., 2015.

  
\_\_\_\_\_  
Delia Munoz, City Secretary  
City of Freeport, Texas

INVITATION TO BID

NOTICE IS HEREBY GIVEN that the City of Freeport, Texas, (the City) is interested in entering into a contract for street replacement of asphalt streets, including catch basins, for portions of Seventh Street and Ash Street, within the City according to the below mentioned plans and specifications.

SEALED BIDS addressed to the City Manager by any person, firm or corporation desiring to replace such portions of the above named streets will be received at the office of the City Manager located at 200 W. 2nd Street, Freeport, Brazoria County, Texas 77541, during normal business hours until 2:00 o'clock, p.m., on the 16<sup>th</sup> day of March, 2015, on which day, beginning at 2:00 o'clock, p.m., all such bids will be opened and publicly read aloud. Any bid received after 2:00 p.m. on such date will be returned unopened.

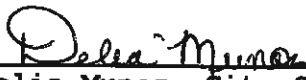
COPIES OF THE PLANS AND SPECIFICATIONS for replacing such streets are available for public inspection at the City's Service, 510 South Avenue A, Freeport, TX 77541, during normal business hours. A set of such documents may be obtained from such office upon payment of the customary copy charge.

A CASHIER'S OR CERTIFIED CHECK drawn on a bank acceptable to the City Manager and payable to the order of the City, OR an ACCEPTABLE BID BOND with a corporate surety included on the latest list of surety companies holding certificates of authority from the State Board of Insurance, in the amount of not less than ten (10%) of the total bid or \$1,000.00, whichever is less, must accompany the bid as guarantee that if awarded the bid the bidder will enter into a contract with the City covering the replacement of such streets within ten (10) days from the above date.

The contract will be awarded to the LOWEST RESPONSIBLE BIDDER OR to the BIDDER WHO PROVIDES goods or services at the BEST VALUE for the municipality.

The City RESERVES the right to REJECT ANY AND ALL BIDS, to WAIVE any INFORMALITIES in bidding and, in the case of any AMBIGUITY OR LACK OF CLEARNESS, the City reserves the right to construe the same in a manner most advantageous to the City, or to reject the bid.

BY ORDER OF THE BOARD OF THE CITY COUNCIL this 17<sup>th</sup> day of Febr., 2015.

  
\_\_\_\_\_  
Delia Munoz, City Secretary  
City of Freeport, Texas

INVITATION TO BID

NOTICE IS HEREBY GIVEN that the City of Freeport, Texas, (the City) is interested in entering into a contract for street replacement of concrete streets, including curbs, gutters catch basins and sidewalks, for portions of Cedar Street and North Avenue J, within the City according to the below mentioned plans and specifications.

SEALED BIDS addressed to the City Manager by any person, firm or corporation desiring to replace such portions of the above named streets will be received at the office of the City Manager located at 200 W. 2nd Street, Freeport, Brazoria County, Texas 77541, during normal business hours until 2:00 o'clock, p.m., on the 16<sup>th</sup> day of March 2015, on which day, beginning at 2:00 o'clock, p.m., all such bids will be opened and publicly read aloud. Any bid received after 2:00 p.m. on such date will be returned unopened.

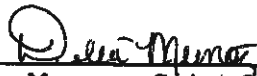
COPIES OF THE PLANS AND SPECIFICATIONS for replacing such streets are available for public inspection at the City's Service, 510 South Avenue A, Freeport, TX 77541, during normal business hours. A set of such documents may be obtained from such office upon payment of the customary copy charge.

A CASHIER'S OR CERTIFIED CHECK drawn on a bank acceptable to the City Manager and payable to the order of the City, OR an ACCEPTABLE BID BOND with a corporate surety included on the latest list of surety companies holding certificates of authority from the State Board of Insurance, in the amount of not less than ten (10%) of the total bid or \$1,000.00, whichever is less, must accompany the bid as guarantee that if awarded the bid the bidder will enter into a contract with the City covering the replacement of such streets within ten (10) days from the above date.

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BY ORDER OF THE BOARD OF THE CITY COUNCIL this 17<sup>th</sup> day of Febr, 2015.

  
\_\_\_\_\_  
Delia Munoz, City Secretary  
City of Freeport, Texas

**PROPERTY MANAGEMENT**  
**MEMO**

March 10, 2015

—  
Jeff Pynes  
City Manager

Lot 4, Block 4, Velasco Townsite  
8 South Avenue C  
Tax ID 8110-0040-000

The Brazoria County Resale Committee has received an offer for the above referenced property held in trust and has requested whether or not the City would release their interest in the property.

Find attached the following documents for Council consideration:

- a. Trust Property Sale information sheet
- b. Pictometry aerial view of property
- c. CAD plat of property (high-lighted)

N C Hickey  
Property

Approved for Council Agenda:

\_\_\_\_\_  
Jeff Pynes

/s

PROPERTY MANAGEMENT

MEMO

TRUST PROPERTY SALE - COUNCIL ACTION

Council Agenda Date: March 16, 2015

Agenda Item: No. \_\_\_\_\_

Legal Description: Lot 4, Block 4, Velasco Townsite

Street Address: 8 South Avenue F

Tax ID: 8110-0040-000

Type of property: Trust

Sheriff Sale Deed Date: 10-22-1999

Sheriff Deed Number: 1999048718

Years Taxes Delinquent: 5 (1995-1999)

Judgment information: \$467.81

Court cost: \$510.70

Previous owner: May Perry Hlamill

Appraisal District Value: \$2,340.00

**Offer by: Apolinario Paul Dalde \$1,450.00**

Court Cost & Judgment: \$ 978.51

Amount left to distribute: \$ 471.49

**Distribution amount to Freeport: \$ 133.58**

Improvements: [ ] Yes [ x ] No

Zoning: R-2 - Residential

Action: [ ] Accept  
[ ] Reject  
[ ] Re-agenda

COMMENTS:

In trust to Brazoria County

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ Vote \_\_\_\_\_

Trust sale - Council action - 2015

Pictometry Online 1.11.0

Nelson, M. H. | Cove

Workspace

Annotations  
Bookmarks  
Layers

- ABSTRACTS
- BLOCKS
- ETJ
- CELL\_TOWERS
- IMPROVEMENTS
- LENGTH OF SIDES
- PARCELS
- PERSONAL PROPI
- PERSONAL PROPI
- PARCELS\_PID
- ROADS
- SCHOOL DISTRICT
- SUBDIVISIONS

Properties

Name	Value
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Selections

Ready

## Brazoria CAD - Map of Property ID 259641 for Year 2015



### Property Details

#### Account

Property ID: 259641  
 Geo ID: 8110-0040-000  
 Type: Real

Legal Description: VELASCO (FREEPORT), BLOCK 4, LOT 4 95T5641

#### Location

Situs Address: S AVE C FREEPORT, *S S Ave C*  
 Neighborhood: VELASCO

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

#### Owner

Owner Name: BRAZORIA COUNTY IN TRUST  
 Mailing Address: , , , , 00000

#### Property

Appraised Value: N/A

<https://propaccess.trueautomation.com/Map/View/Map/51/259641/2015>

Presented by  
**PropertyACCESS**  
www.trueautomation.com

Map Disclaimer: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Brazoria County Appraisal District expressly disclaims any and all liability in connection herewith.



**PROPERTY MANAGEMENT  
MEMO**

March 6, 2015

Jeff Pynes  
City Mgr

Lot 8, Block 27, Velasco Townsite  
516 South Avenue C  
Tax ID 8110-0327-000

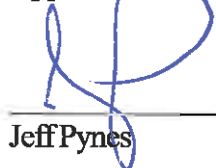
The Brazoria County Resale Committee has received an offer for the above referenced property held in trust and has requested whether or not the City would release their interest in the property.

Find attached the following documents for Council consideration:

- a. Trust Property Sale Information sheet
- b. Pictometry aerial view of the property
- c. CAD plat of property (high-lighted)

N C Hickey  
Property

Approved for Council agenda:



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Jeff Pynes

attach

/s

Trust property-agenda item

PROPERTY MANAGEMENT

MEMO

TRUST PROPERTY SALE - COUNCIL ACTION

Council Agenda Date: March 16, 2015

Agenda Item: No. \_\_\_\_\_

Legal Description: Lot 8, Block 27, Velasco Townsite

Street Address: 516 South Avenue C  
Tax ID: 8110-0327-000  
Type of property: Trust

Sheriff Sale Deed Date: 8-26-2013

Sheriff Deed Number: 2013043273

Years Taxes Delinquent: 19 (1995-2013)

Judgment information: \$1,132.45  
Court cost: \$1615.95

Previous owner: Lenora Woolfrey  
Appraisal District Value: \$1,410.00

**Offer by: Apolinario Paul Dalde \$1,420.00**

Court Cost & Post Judgment: \$ 105.00  
Amount left to distribute: (\$1,328.40)  
Distribution amount to Freeport: \$ 00.00

Improvements: [ ] Yes [ x ] No

Zoning: C-2 - General Commercial

Action: [ ] Accept  
[ ] Reject  
[ ] Re-agenda

COMMENTS:

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ Vote \_\_\_\_\_

Trust sale - Council action - 2015

Pictometry Online 1.11.0

William Bell Bailey | Close

PARCFIS

Workspace (Author)  
Annotations  
Bookmarks  
Layers  
ABSTRACTS  
BLOCKS  
ETJ  
CELL\_TOWERS  
IMPROVEMENTS  
LENGTH OF SIDES  
 PARCELS  
PERSONAL PROPI  
PERSONAL PROPI  
PARCELS\_PID  
 ROADS  
 SCHOOL DISTRICT  
SUBDIVISIONS

Properties  
Name Value

Selections

Ready

## Brazoria CAD - Map of Property ID 259841 for Year 2015



### Property Details

#### Account

Property ID: 259841  
 Geo ID: 8110-0327-000  
 Type: Real

Legal Description: VELASCO (FREEPORT), BLOCK 27, LOT 8

#### Location

Situs Address: S AVE C FREEPORT, TX  
 Neighborhood: VELASCO  
 Mapsco:  
 Jurisdictions: RDB, CFP, CAD, GBC, JBR, DR2, SBR, NAV

#### Owner

Owner Name: CITY OF FREEPORT IN TRUST  
 Mailing Address: , 200 W 2ND ST, FREEPORT, TX 77541-5773

#### Property

Appraised Value: N/A

<https://propaccess.trueautomation.com/Map/View/Map/51/259841/2015>

powered by:  
**PropertyACCESS**  
[www.trueautomation.com](http://www.trueautomation.com)

Map Disclaimer: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Brazoria County Appraisal District expressly disclaims any and all liability in connection herewith.

**PROPERTY MANAGEMENT  
MEMO**

March 6, 2015

Jeff Pynes  
City Mgr

Lot 7, Block 36, Velasco Townsite  
614 South Avenue F  
Tax ID 8110-0393-000


The Brazoria County Resale Committee has received an officer for the above referenced property held in trust and has requested whether or not the City would release their interest in the property.

Find attached the following documents for Council consideration:

- a. Trust Property Sale Information sheet
- b. Pictometry aerial view of the property
- c. CAD plat of property (high-lighted)

N C Hickey  
Property

Approved for Council agenda:

  
\_\_\_\_\_  
Jeff Pynes

attach

/s

Trust property-agennda item

PROPERTY MANAGEMENT

MEMO

TRUST PROPERTY SALE - COUNCIL ACTION

Council Agenda Date: March 16, 2015

Agenda Item: No. \_\_\_\_\_

Legal Description: Lot 7, Block 36, Velasco Townsite

Street Address: 614 South Avenue F

Tax ID: 8110-0393-000

Type of property: Trust

Sheriff Sale Deed Date: 8-26-2013

Sheriff Deed Number: 2013043273

Years Taxes Delinquent: 19 (1995-2013)

Judgment information: \$741.06

Court cost: \$25.84

Previous owner: C. P. Sweeny

Appraisal District Value: \$1,410.00

**Offer by: Apolinario Paul Dalde \$1,450.00**

Court Cost & Judgment: \$ 766.90

Amount left to distribute: \$ 683.10

**Distribution amount to Freeport: \$ 181.80**

Improvements:  Yes  No

Zoning: R-2 - Residential

Action:  Accept

Reject

Re-agenda

COMMENTS:

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ Vote \_\_\_\_\_

Trust sale - Council action - 2015

Pictometry Online 1.11.0

Workspace: NetTopology | Color

Workspace (Author)

- Annotations
- Bookmarks
- Layers
  - ABSTRACTS
  - BLOCKS
  - ETJ
  - CELL\_TOWERS
  - IMPROVEMENTS
  - LENGTH OF SIDES
  - PARCELS
  - PERSONAL PROPI
  - PERSONS\_PID
  - ROADS
  - SCHOOL DISTRICT
  - SUBDIVISIONS

Properties

Name	Value
------	-------

Selections

Ready



## Brazoria CAD - Map of Property ID 259895 for Year 2015



### Property Details

#### Account

Property ID: 259895  
 Geo ID: 8110-0393-000  
 Type: Real

Legal Description: VELASCO (FREEPORT), BLOCK 36, LOT 7

#### Location

Situs Address: S <sup>AVE F</sup> GULF BLVD FREEPORT, TX  
 Neighborhood: VELASCO

Mapsco:

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

#### Owner

Owner Name: CITY OF FREEPORT IN TRUST  
 Mailing Address: , 200 W 2ND ST, FREEPORT, TX 77541-5773

#### Property

Appraised Value: N/A

<https://propaccess.trueautomation.com/Map/View/Map/51/259895/2015>

powered by  
**PropertyACCESS**  
www.trueautomation.com

Map Disclaimer: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Brazoria County Appraisal District expressly disclaims any and all liability in connection herewith.



**PROPERTY MANAGEMENT  
MEMO**

February 4, 2015

Jeff Pynes  
City Mgr

Lot 15, Block 749, Velasco Townsite  
1405 North Avenue T  
Tax ID 8110-3492-000

The Brazoria County Resale Committee has received an offer for the above referenced property held in trust and has requested whether or not the City would release their interest in the property.

Find attached the following documents for Council consideration:

- a. Trust Property Sale Information sheet
- b. Pictometry aerial view of property
- c. CAD plat of property (high-lighted)



N C Hickey  
Property

Approved for Council Agenda:



Jeff Pynes

PROPERTY MANAGEMENT

MEMO

TRUST PROPERTY SALE - COUNCIL ACTION

Council Agenda Date: February 4, 2015

Agenda Item: No. \_\_\_\_\_

Legal Description: Lot 15, Block 749, Velasco Townsite

Street Address: 1405 North Avenue T  
Tax ID: 8110-3492-000  
Type of property: Trust

Sheriff Sale Deed Date: August 2013  
Sheriff Deed Number: 2013043273

Years Taxes Delinquent: 20 (1994-2013)

Judgment information: \$167.12  
Court cost: \$ 8.31

Previous owner: Ms W E Austin Est  
Appraisal District Value: \$230.00

**Offer by: Arona Niang \$238.00**

Court Cost & Post Judgment: \$175.43  
Amount left to distribute: \$ 62.57

**Distribution amount to Freeport: \$ -0-**

Improvements:  Yes  No

Zoning: R-2 - Residential

Action:  Accept  
 Reject  
 Re-agenda

COMMENTS:

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ Vote \_\_\_\_\_  
Trust sale - Council action - 2015

Pictometry Online 1.11.0

Welcome Back, Henry | City

Workspace

Workspace (Author)

Annotations

Bookmarks

Layers

- ABSTRACTS
- BLOCKS
- ETJ
- CELL\_TOWERS
- IMPROVEMENTS
- LENGTH OF SIDES
- PARCELS
- PARCELS\_PID
- PERSONAL PROPERTY
- PERSONAL PROPERTY 2
- ROADS
- SCHOOL DISTRICTS
- SUBDIVISIONS
- US Parcels

Properties

Name	Value
Selections	

Ready

OFFER - AIRINA NIANG 1-27-14  
 BLOCK 749 LOT 15  
 2110-3492-000  
 \$238,000

# Brazoria CAD - Map of Property ID 261646 for Year 2015



## Property Details

### Account

Property ID: 261646  
Geo ID: 8110-3492-000  
Type: Real  
Legal Description: VELASCO (FREEPORT), BLOCK 749, LOT 15

### Location

Situs Address: N AVE T FREEPORT, TX  
Neighborhood: VELASCO  
Mapsco:

### Owner

Jurisdictions: CFP, SBR, DR2, RDB, NAV, JBR, CAD, GBC  
Owner Name: CITY OF FREEPORT IN TRUST  
Mailing Address: , 200 W 2ND ST, FREEPORT, TX 77541-5773

### Property

Appraised Value: N/A

<https://propaccess.trueautomation.com/Map/View/Map/51/261646/2015>

powered by  
**PropertyACCESS**  
www.trueautomation.com

Map Disclaimer: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Brazoria County Appraisal District expressly disclaims any and all liability in connection herewith.

**PROPERTY MANAGEMENT  
MEMO**

February 4, 2015

Jeff Pynes  
City Mgr

Lot 22, Block 749, Velasco Townsite  
1419 North Avenue T  
Tax ID 8110-3496-000

The Brazoria County Resale Committee has received an offer for the above referenced property held in trust and has requested whether or not the City would release their interest in the property.

Find attached the following documents for Council consideration:

- a. Trust Property Sale Information sheet
- b. Pictometry aerial view of property
- c. CAD plat of property (high-lighted)



N C Hickey  
Property

Approved for Council Agenda:



Jeff Pynes

PROPERTY MANAGEMENT

MEMO

TRUST PROPERTY SALE - COUNCIL ACTION

Council Agenda Date: February 4, 2015

Agenda Item: No. \_\_\_\_\_

Legal Description: Lot 22, block 749, Velasco Townsite

Street Address: 1419 North Ave T  
Tax ID: 8110-3496-000  
Type of property: Trust

Sheriff Sale Date: August 2013  
Sheriff Deed Number: 2013043273

Years Taxes Delinquent: 18 (1996-2013)

Judgment information: \$143.43  
Court cost: \$ 6.63

Previous owner: George Spinning  
Appraisal District Value: \$230.00

**Offer by: Arona Niaug \$235.00**

Less Court Cost & Post Judgment: \$150.06  
Amount left to distribute: \$ 84.94

**Distribution amount to Freeport: \$ 22.71**

Improvements: [ ] Yes [ X ] No

Zoning: R-2

Action: [ ] Accept  
[ ] Reject  
[ ] Re-agenda

COMMENTS:

Motion by \_\_\_\_\_ Second by \_\_\_\_\_ Vote \_\_\_\_\_  
Trust sale - Council action - 2015

Pictometry Online 3.11.0

Workspace: Parcels | Color

Workspace

Workspace (Author)

Annotations

Bookmarks

Layers

- ABSTRACTS
- BLOCKS
- ETJ
- CELL\_TOWERS
- IMPROVEMENTS
- LENGTH OF SIDES
- PARCELS
- PARCELS\_PID
- PERSONAL PROPERTY
- PERSONAL PROPERTY 2
- ROADS
- SCHOOL DISTRICTS
- SUBDIVISIONS
- US Parcels

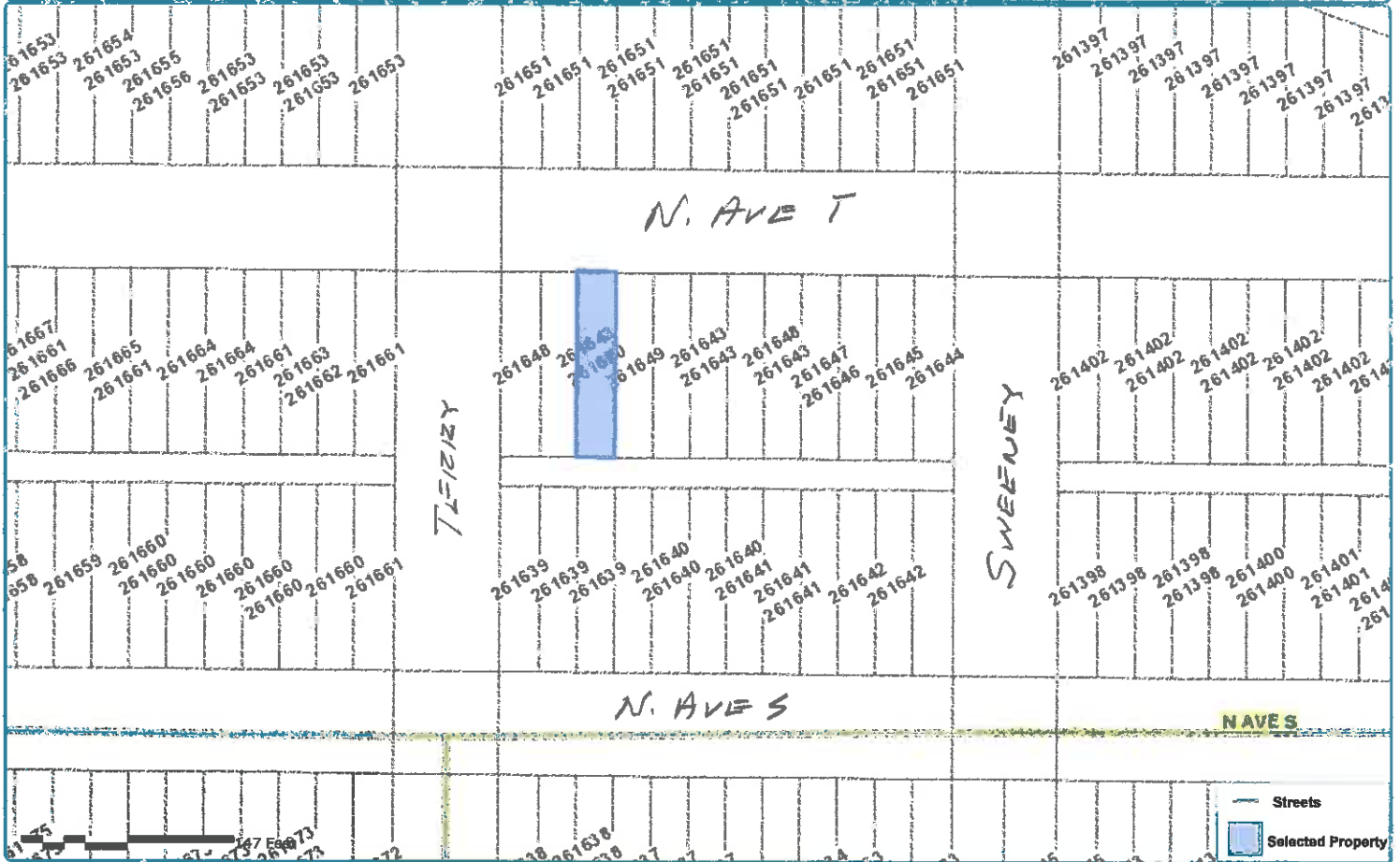
Properties

Name	Value
Selections	

Ready

OFFER: ARONA NIANG 1-27-15  
 BLOCK 749 LOT 22  
 8110-3496.000  
 \$238.00

## Brazoria CAD - Map of Property ID 261650 for Year 2015



### Property Details

**Account**

Property ID: 261650  
 Geo ID: 8110-3496-000  
 Type: Real  
 Legal Description: VELASCO (FREEPORT), BLOCK 749, LOT 22

**Location**

Situs Address: N AVE T FREEPORT,  
 Neighborhood: VELASCO  
 Mapsco:  
 Jurisdictions: CFP, GBC, SBR, CAD, JBR, RDB, DR2, NAV

**Owner**

Owner Name: CITY OF FREEPORT IN TRUST  
 Mailing Address: , 200 W 2ND ST, FREEPORT, TX 77541-5773

**Property**

Appraised Value: N/A

<https://propaccess.trueautomation.com/Map/View/Map/51/261650/2015>



Map Disclaimer: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Brazoria County Appraisal District expressly disclaims any and all liability in connection herewith.





***FREEPORT FIRE & EMS***

*131 East Fourth Street*

*P.O. Box 3356*

*Freeport, Texas 77541*

*(979) 233-2111*

Brian Davis  
Chief

Christopher Motley  
Deputy Chief

Billywayne Shoemaker  
Deputy Chief

March 10, 2015

RE: Pre-storm contract for disaster recovery service

Dear Honorable Mayor Norma Garcia,

The City of Freeport had issued a request for proposal Pre-storm Contract for Disaster recovery Services in 2012. The contract was awarded to a primary and secondary contractor. In reviewing the contracts prior to hurricane season, this contract has completed three years and is due for approval for an additional two year contract term. This renewal is optional to the contractor and the City. Both parties of this contract agree to renew this contract for the additional two years per contract terms.

Prior to renewing the pre-disaster contract, I need to present this recommendation to Mayor and City Council.

In closing, I recommend that the City of Freeport accept the offer to renew the contract for the additional two years for Pre-storm Contract for Disaster Recovery Services with the primary contractor: AshBritt Environmental and secondary contractor: Crowder Gulf for the additional two years.

AshBritt and Crowder Gulf contract is attached for review.

If you have any question please call me

Sincerely,

Christopher D. Motley  
Deputy Fire & EMS Chief / EMC

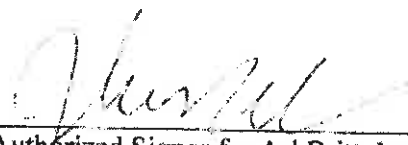
# Ash Environmental

**RE: EXTENSION OF CURRENT CONTRACT**

THIS EXTENSION OF CONTRACT ("Extension") is made this \_\_\_\_\_ day of \_\_\_\_\_, 20 15, for the purpose of extending the contract known as Pre-Storm Contract for Disaster Recovery Services dated March 13th, 2012, (Original Contract") between AshBritt, Inc. and the City of Freeport, TX ("the Parties").

1. The Original Contract is described below and will end on March 13th, 20 15.
  - a. This contract is in the public interest to provide for the expedient removal of storm debris within the corporate limits of the City of Freeport, TX and to provide recovery Technical Assistance to the appointed and elected officials resulting from a future natural or man-made disaster
2. The Parties agree to extend the Original Contract for an additional 2 year(s) which will begin immediately upon the expiration of the original time period and will end on March 12th, 20 17.
3. This Extension binds and benefits both Parties and any successors or assigns. This document, in addition to the Original Contract, is the entire agreement between the Parties.

All other terms and conditions of the Original Contract remain unchanged.

  
\_\_\_\_\_  
Authorized Signor for AshBritt, Inc.

John Noble, AshBritt C.O.O.  
Printed Name

January 9th, 2015  
Date

\_\_\_\_\_  
Authorized Signor for City/County

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

565 East Hillsboro Blvd, Deerfield Beach, Florida 33441  
954.545.3535 office 954.545.3585 fax

# CrowderGulf

## Disaster Recovery and Debris Management

5435 Business Parkway  
Theodore, Alabama 36582

Office: (800) 992-6207  
Fax: (251) 459-7433

January 8, 2015

Christopher Motley  
EMC/ Deputy Fire & EMS Chief  
City of Freeport  
131 East Fourth Street  
Freeport, TX 77541

via-email: freeportemc@gmail.com

**Re: Contract Renewal for Disaster and/or Storm Recovery Services**

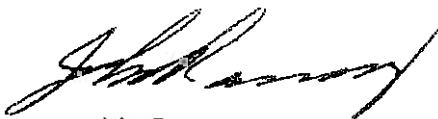
Dear Mr. Motley:

CrowderGulf has been providing the City of Freeport Disaster Debris and/or Storm Recovery Services per the contract that was executed on March 13, 2012. The contract term shall begin upon award at City of Freeport Council approval and shall continue for three (3) years. Further, the City of Freeport reserved the right to renew the contract for one (1) additional two (2) year period.

If the City of Freeport is in agreement to renew the existing contract, please sign the renewal acceptance below and return to CrowderGulf. Upon execution of this acknowledgement, the contract will continue under the same terms and conditions and will be extended until its new expiration of March 13, 2017.

We appreciate the opportunity to extend this contract and stand ready to respond immediately in the event the community of the City of Freeport needs our services. If you have any questions or if we can be of any further assistance please do not hesitate to contact me or Ashley Ramsay at 800-992-6207 or by e-mail [jramsay@crowdergulf.com](mailto:jramsay@crowdergulf.com).

Best regards,



John Ramsay  
President

**RENEWAL ACCEPTANCE – City of Freeport, TX**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Date



***FREEPORT FIRE & EMS***

*131 East Fourth Street*

*P.O. Box 3356*

*Freeport, Texas 77541*

*(979) 233-2111*

Brian Davis  
Chief

Christopher Motley  
Deputy Chief

Billywayne Shoemaker  
Deputy Chief

March 10, 2015

RE: Pre-storm contract for disaster recovery monitoring service

Dear Honorable Mayor Norma Garcia,

The City of Freeport had issued a request for proposal Disaster and/or Storm Recovery Monitoring in 2012. The contract was awarded to a primary and secondary contractor. In reviewing the contracts prior to hurricane season, this contract needs to be rebid with a new request for proposal. The monitoring contractor wishes not to renew the contract.

At this time, I have attached a copy of the request for proposal for disaster and/or storm recovery monitoring services.

In closing, I recommend that the City of Freeport accept the request for proposal and setting a bid opening date 10:00 AM, Thursday, May 20, 2015 for disaster and/or storm recovery monitoring services.

Respectfully,

Christopher D. Motley  
Deputy Fire & EMS Chief / EMC

## **REQUEST FOR PROPOSAL**

The enclosed **REQUEST FOR PROPOSAL (RFP)** and accompanying **SPECIFICATIONS** are for your convenience in submitting an offer for the enclosed referenced products and/or services for:

**Disaster and/or Storm Recovery Monitoring**

**CLOSING DAY AND TIME: Sealed proposals will be received no later than:**

**10:00 A.M., Thursday, May 20, 2015**

**MARK ENVELOPE:**

**"Disaster and/or Storm Recovery Monitoring"**

**RETURN PROPOSAL TO:**

**CITY OF FREEPORT  
200 WEST 2<sup>ND</sup> STREET  
FREEPORT, TEXAS 77541  
ATTN: LAURA TOLAR**

**THE CITY OF FREEPORT** appreciates your time and effort in preparing a proposal. Please note that all proposals must be received at the designated location by the deadline shown. Proposals received after the deadline will not be considered for award, and shall be returned unopened. Opening is scheduled at City Hall, 2<sup>nd</sup> Floor 200 West 2<sup>nd</sup> Street, Freeport, Texas as listed above. You are invited to attend. Proposals will be declared responsive or non-responsive at that time, but will not be open to public review until evaluations are completed.

**THE CITY OF FREEPORT** is aware of the time and effort you expend in preparing and submitting bids and proposals to the city. Please let us know of any requirements causing you difficulty in responding. We want to make the process as easy and convenient as possible so that all responsible vendors can compete for the city's business.

## SECTION I - INFORMATION & INSTRUCTIONS

### 1.0 SUBMISSION REQUIREMENTS:

**1.1** The complete original proposal must be submitted in a sealed package and received in accordance with the instructions detailed in the cover. All proposals shall be marked **Disaster and/or Storm Recovery Monitoring**. Proposers shall file all documents necessary to support their proposal and include them with their proposal. Proposers shall be responsible for the actual delivery of proposals during business hours to the address indicated in the cover letter. It shall not be sufficient to show that the proposal was mailed in time to be received before scheduled closing time.

**1.2 Proposal Format:** Proposals shall include the following information at a minimum:

- a) **Proposal Document** - This request for Proposal Document signed by a responsible party (Form A).
- b) **Description of Capabilities** - Detailed description of capabilities as requested.
- c) **Fee Schedule** - Fees per instructions in Section IV.
- d) **Debris Management Experience** - Relative information on Provider's response to a specific local disaster.
- e) **Firm Qualifications**- Description of vendor's staff, locations of staff, staff capabilities, and roles.
- f) **References** - References including municipal agencies and/or local businesses with contact names and description of the work.
- g) **Affidavit and Questionnaire** – Attached: Member Contact Information, BID Affidavit, Conflict of Interest Questionnaire, Blocked Persons Affirmation
- h) **Insurance** – Minimum Insurance qualifications listed below.
- i) **Financial Capability** – Financial Assurance, Bonding and Credit credentials as listed below.
- j) **NIMS Compliance** - Employee training and operations.

The Proposals must be typewritten and the original clearly marked and signed in blue ink. Legibility, clarity and completeness are important and essential. Proposals must include label tabs which identify the sections of the Proposal.

**1.3 Copies:** An original and three (3) copies of the proposal and supporting documents must be submitted in response to the RFP.

**1.4 Addenda:** Proposers will be notified in writing of any change in the specifications contained in this RFP. It is the sole responsibility of the **PROPOSER** to assure that they have received the entire Request for Proposal and any addenda.

**1.5 Clarifications:** No verbal or written information which is obtained other than through this RFP or its addenda shall be binding on the City of Freeport. No employee of the City of Freeport, other than the person designated herein, is authorized to interpret any portion of this

RFP or give information as to the requirements of the RFP in addition to that contained in or amended to this written RFP document.

**1.6 Accepting and Rejecting Proposals.** The City of Freeport reserves the right to reject any and all proposals, to waive any and all formalities and to accept any proposal considered to be advantageous to the City. In the case of ambiguity or lack of clearness, the City reserves the right to construe a proposal in a manner most advantageous to the City, or to reject such proposal. The contract may be awarded either to the lowest responsible Proposer or to the Proposer that provides goods or services at the best value for the City.

**1.7 Request for Additional Information:** Prior to the final selection, proposers may be required to submit additional information or make oral presentations which the City may deem necessary to further evaluate the proposer's qualifications.

**1.8 Denial of Reimbursement:** The City of Freeport will not reimburse proposers for any costs associated with the preparation and submittal of any proposal, or for any travel and/or per diem costs that are incurred.

**1.9 Gratuity Prohibition:** Proposers shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of the City of Freeport for the purpose of influencing consideration of this proposal.

**1.10 Right of Withdrawal:** A proposal may not be withdrawn before the expiration of ninety (90) days from the proposal due date.

**1.11 Right of Negotiation:** The City of Freeport reserves the right to negotiate with the selected proposer the exact terms and conditions of the contract.

**1.12 Exceptions to the RFP:** Proposers may find instances where they must take exception with certain requirements or specifications of the RFP. All exceptions shall be clearly identified, and written explanations shall include the scope of the exceptions, the ramifications of the exceptions for the City of Freeport and a description of the advantage to be gained or disadvantages to be incurred by the City as a result of these exceptions.

**1.13 Indemnification:** Proposer, at its own expense and without exception, shall indemnify, defend and pay all damages, costs, expenses, including attorney fees, and otherwise hold harmless the City of Freeport, its employees, and agents, from any liability of any nature or kind in regard to the delivery of these services.

**1.14 Rights to Submitted Material:** All proposals, responses, inquiries, or correspondence relating to or in reference to this RFP, and all reports, charts, and other documentation submitted by proposers shall become the property of the City of Freeport when received. Any material that is to be considered as confidential in nature must be clearly marked as such and will be treated as confidential by the City to the extent allowable in the Open Records Act.

**1.15 Basis of Award:** Proposals will be evaluated according to the following criteria:

1. Company Experience on Similar Sized Projects – 10%
2. Staff Qualifications and Emergency Planning/Response Experience - 20 %
3. NIMS adoption and compliance in employee training and operations – 10 %
4. Project Understanding and Approach - 10 %
5. Management Systems/Reporting Systems/Training Manual – 20 %
6. Cost of Services Proposed - 30 %

**1.16 Contacts:** Proposers must submit proposals in accordance with the instructions contained in this RFP. Questions regarding this request for proposal should be directed to:

City of Freeport, Chris Motley; 979-233-3526 Ext. 130

**1.17 Contract:** The contract between the City of Freeport and the contractor shall consist of (1) the Request for Proposal (RFP) and any amendments thereto, and (2) the proposal submitted by the contractor in response to the RFP, including any resultant negotiation. In the event of a conflict in language between the two documents referenced above, the provisions and requirements set forth and/or referenced in the RFP shall govern. However, the City of Freeport reserves the right to clarify any contractual relationship in writing with the concurrence of the proposer, and such written clarification shall govern in case of conflict with the applicable requirements stated in the RFP or the service provider's proposal. In all other matters not affected by the written clarifications, if any, the RFP shall govern.

**1.18 Contract Term:** The contract term shall begin upon award at City of Freeport Council approval and shall continue for two (2) years. City of Freeport retains the right to reject any and all solicitations or to request new solicitations at any time if in the best interest of City of Freeport.

**1.19 Termination of Contract:** The City of Freeport may cancel the contract at any time for breach of contractual obligations by providing the provider with a written notice of such cancellation. Should the City of Freeport exercise its right to cancel the contract for such reasons, the cancellation shall become effective on the date as specified in the notice of cancellation sent to the provider.

**1.20 Compliance with Laws:** In connection with the furnishing of supplies or performance of work under the contract, the provider agrees to comply with the Fair Labor Standard Act, Equal Opportunity Employment Act, and all other applicable Federal and State laws, regulations, and executive orders to the extent that the same may be applicable and further agrees to insert the foregoing provision in all subcontracts awarded hereunder.

**1.21 Use of Local Resources** As per the Robert T. Stafford Act and FEMA regulations, Proposer will be able to use his/her own subcontractor resources to meet the obligations of the



contract. It is expected that the Awarded Contractor will utilize at least **30%** of local subcontractors from resources located within the disaster area, including but not limited to, procuring supplies and equipment, awarding subcontracts, and employing workmen.

**1.22 Response to Emergency** Contractor must have representative within the city limits of Freeport within 24 hours after the eye of the storm has passed or other within 24 hours of any natural disaster where cleanup efforts are needed. Contractor must make contact with City of Freeport representative within 48 hours of expected impact of storm.

**1.23 Independent Contractor.** The parties intend that Proposer, in performing services under this contract, shall act as an independent contractor and shall have control of the work and the manner in which it is performed. The Proposer shall be free to contract for similar services to be performed for other persons, firms or corporations and Proposer is not to be considered an agent or employee of the City of Freeport and is not entitled to participate in any employee benefits of the City of Freeport. Further, the City of Freeport shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance except with respect to the employees of the City.

**1.24 Place of Performance, Applicable Law and Venue.** This contract is performable in Brazoria County, Texas, and shall be governed by the laws of the State of Texas (excluding conflict of laws rules if the application of such rules would require the application of the laws of a different state or nation). Venue for any action hereunder, at law or in equity, shall be in a court of competent jurisdiction located in Brazoria County, Texas.

**1.25 Waiver of Interest.** The Proposer selected by the City of Freeport shall waive all rights to interest on retainage as called for in Section 2252(2), Government Code, and shall execute a waiver of these rights simultaneously with the execution of the contract.

**1.26 Accepting and Rejecting Proposals.** The City of Freeport reserves the right to reject any and all proposals, to waive any and all formalities and to accept any proposal considered to be advantageous to the City. In the case of ambiguity or lack of clearness, the City reserves the right to construe a proposal in a manner most advantageous to the City, or to reject such proposal. The contract may be awarded either to the lowest responsible Proposer or to the Proposer that provides goods or services at the best value for the City.

**1.27 Warranty of Authority** If any of the undersigned is acting on behalf of a partnership, corporation or other entity recognized by the law of the State of Texas, such person hereby REPRESENTS, WARRANTS, and COVENANTS that such person has the authority to do so, and that this instrument is binding upon such partnership, corporation or other entity according to its terms.

## **Section 2: Financial Responsibilities & Capabilities**

### **2.1 INSURANCE**

The proposer receiving the award and all subcontractors will obtain or possess the following insurance coverage's, and will provide Certificates of Insurance to the City to verify such coverage.

1. Workers' Compensation - The vendor shall provide coverage for its employees with statutory workers' compensation limits, and no less than \$1,000,000.00 for Employers' Liability. Said coverage shall include a waiver of subrogation in favor of the City of Freeport and its agents, employees and officials.
2. Commercial General Liability - The vendor shall provide coverage for all operations including, but not limited to Contractual, Products and Completed Operations, and Personal Injury. The limits shall be not less than \$1,000,000.00, per occurrence, with a \$2,000,000.00 aggregate.
3. Business Automobile Liability - The vendor shall provide coverage for all owned, non-owned and hired vehicles with limits of not less than \$1,000,000.00, per occurrence, Combined Single Limits (CSL) or its equivalent.
4. Professional Liability (Errors & Omissions) - The vendor shall provide coverage for all claims arising out of the services performed with limits not less than \$1,000,000.00 per claim. The aggregate limit shall either apply separately to this contract or shall be at least twice the required per claim limit.

### **2.2 BONDING AND OBLIGATIONS**

The Contractor shall provide a payment and performance bond seven to ten days following activation of contract. Payment and performance bonds, individually, must be submitted for contracts over \$100,000.

## **Section III – Scope of Work**

### **3.0 PURPOSE:**

The City of Freeport is soliciting sealed proposals to provide Disaster and/or Storm Recovery Monitoring services during a declared emergency activation. It is the objective of this process to select a provider prior to the actual event(s) to include Hurricane damages, tornado damages, ice storm damages, and other severe weather disasters.

**3.1 SCOPE OF SERVICES:** The City of Freeport requires disaster management, recovery, and consulting services to support the oversight and management of debris recovery contractors. Other services may include, but not limited to, facilitating communication with FEMA, the State of Texas and other State and Federal agencies.

**3.2 DISASTER DEBRIS MONITORING SERVICES:** The selected firm will be expected to provide disaster debris monitoring services to include debris generated from the public rights-of-way, drainage areas/canals, waterways, and other public, eligible, or designated areas. Specific services may include:

1. Coordinating daily briefings, work progress, staffing, and other key items with the City.
2. Selection and permitting of TDSRS (Temporary Debris Staging and Reduction Sites) locations and any other permitting/regulatory issues as necessary.
3. Scheduling work for all team members and contractors on a daily basis.
4. Hiring, scheduling, and managing field staff.
5. Monitoring recovery contractor operations and making/implementing recommendations to improve efficiency and speed up recovery work.
6. Assisting the City with responding to public concerns and comments.
7. Certifying contractor vehicles for debris removal using methodology and documentation practices appropriate for contract monitoring.
8. Entering load tickets into a database application.
9. Digitization of source documentation (such as load tickets).
10. Developing daily operational reports to keep the City informed of work progress.
11. Development of maps, GIS applications, etc. as necessary.
12. Comprehensive review, reconciliation, and validation of debris removal contractor(s) invoices prior to submission to the City for processing.
13. Completing project worksheets and other pertinent report preparation required for reimbursement by FEMA and any other applicable agency for disaster recovery efforts by City staff and designated debris removal contractors.

14. Assessment of disaster related damages and reconstruction services.
15. Creating a final report, appeal preparations and assistance related reporting.
16. Cost recovery of eligible funds currently not obligated or potentially de-obligated by appropriate funding agencies. Separate pricing structures for this service may be included in the Consultant's proposal.
17. Other disaster recovery services as requested by the City.

**3.3 EMERGENCY MANAGEMENT PLANNING AND TRAINING** If requested by the City, the Consultant shall provide:

1. Comprehensive emergency management plans (e.g. COOP, EOP) to include plan development; review, and revisions.
2. Comprehensive mitigation programs to include development of mitigation plan(s), staff training, cost benefit analysis, project management, environmental review and staff augmentation.
3. Development of a debris management plan – including identification of an adequate number of TDSRS locations. Staff training as necessary.
4. Procurement assistance for debris removal contractors and other services as requested.
5. Project management to include the formulation and management of permanent work projects and task force management.
6. Technical support and assistance in developing public information.
7. Other training and assistance as requested by the City.
8. Other reports and data as required by the City.
9. Other emergency management and consulting services identified and required by the City.

**3.4 POST-DISASTER DAMAGE ASSESSMENT AND RECONSTRUCTION SERVICES:** If requested, the Consultant shall provide post-disaster damage assessment and reconstruction services to include assessment, planning, engineering, and construction management services. Specific areas where services may be requested include City facilities, utility systems, transportation systems, and other sectors as required. The consultant will assist, if directed by the City, with document preparation of permanent work projects.

**3.5 QUALIFICATIONS OF THE FIRM:** The contractor selected for this project must be qualified to provide emergency management services.

A. Contractor shall provide a description and history of the firm focusing on previous governmental experience using following guidelines:

1. Recent experience demonstrating current capacity and current expertise in debris removal, solid waste and hazardous waste management and disposal.
2. Documented knowledge and experience of Federal, State and Local emergency agencies, state and federal programs, funding sources and reimbursement processes.
3. Recent experience managing disaster debris collection operations including, but not limited to: damage assessment, Right-of-Way debris removal programs, leaner / hanger removal programs, processing site monitoring, and FEMA reimbursement.
4. Provide at least five references for which the firm has performed services within the past two (2) years that are similar to the requirements in the Scope of Services. A minimum of three of the references shall be from government entities for debris monitoring experience involving a minimum of 1,000,000 cubic yards of debris. Please provide the reference contact name, address, e-mail address, telephone numbers, and date of the contract.

**3.6 KEY STAFF:** Proposer shall provide an organizational chart, resumes, and summary of staff qualifications. Key project staff (management staff including, but not limited to: project manager, collection and disposal operations managers, FEMA reimbursement specialist, etc.) must be full time employees of the proposing firm and have experience in the following:

- A. Experience demonstrating current capacity and current expertise in debris removal, solid waste and hazardous waste management and disposal. The proposer must demonstrate experience managing debris monitoring for at least three government entities involving a minimum of 1,000,000 cubic yards of debris for each client. Recent debris monitoring from Hurricanes or natural disasters events is preferred.
- B. Documented knowledge and experience of Federal, State and Local emergency agencies, state and federal programs, funding sources and reimbursement processes. Proposer must demonstrate experience with project worksheet preparation, contractor procurements, hauler invoice reconciliation, and appeals/reimbursement support.

**3.7 TECHNICAL APPROACH:** The City of Freeport will require of the selected contractor an organized technical approach to the processes and procedures of disaster mitigation efforts. Proposers shall provide a description of their approach to the projects, to include startup procedures/requirements, debris estimate methodology, analysis of debris recovery operations and management of the debris recovery contractors, billing/invoices reporting procedures to FEMA and the City. Provide a copy of proposer's internal training program.

**3.8 CONSULTANT COST:** The City of Freeport will require a structured approach to the payment of the selected consultant. Each Proposer must complete and submit the Cost Proposal Form/Fee Schedule included herein. The Cost Proposal will be evaluated on the hourly rates submitted on the cost proposal form for the labor positions listed. Reasonable

travel, per diem, and other direct project costs (e.g., load tickets, communications, equipment rental, etc.) will be billed to the City at cost **without** markup.

**3.9 FINANCIAL ASSURANCE:** PROPOSERS must submit the most current, unqualified, audited financial statement or SEC Form 10K for the proposing organization. Proposals submitted without the most current certified financial statement or SEC Form 10K shall be considered non-compliant with the RFP.

**3.10 SAFETY:** Proposer shall be solely responsible for maintaining safety at all work sites. PROPOSER shall take all reasonable steps to insure safety for both workers and visitors to the site(s) to include traffic control. Proposer will also be solely responsible to ensure that all OSHA requirements are met and a safety officer assigned to the project for the duration of this contract.

**SECTION IV – PROPOSAL STATEMENTS** I have read and understand the requirements of this proposal, Debris Monitoring and Recovery Services, and agree to provide the required services in accordance with this proposal and all attachments, exhibits etc. I agree to furnish the services as described in RFP except where specific exception has been taken. The hourly labor rates shall include all applicable overhead and profit. All non-labor related project costs (including communications, supplies, rental equipment, and other direct project expenses) will be billed to the City at cost without mark-up. **Travel, lodging and per diem will not be allowable charges to the city.**

Positions	Hourly Rates
Project Manager	\$ _____
Operations Managers	\$ _____
GIS Analyst	\$ _____
Field Supervisor	\$ _____
Debris Site Monitors	\$ _____
Load Ticket Data Entry Clerks	\$ _____
Project Assistants	\$ _____
Field Coordinators (crew Monitors)	\$ _____

**OTHER REQUIRED POSITIONS:** Proposer may include other positions, with hourly rates, as needed.

Positions	Hourly Rates
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

**SUBMITTED BY:**

PROPOSER: \_\_\_\_\_

SIGNED: \_\_\_\_\_

NAME (PRINT) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE: \_\_\_\_\_

TELEPHONE: (\_\_\_\_) \_\_\_\_\_

FAX: (\_\_\_\_) \_\_\_\_\_ EMAIL: \_\_\_\_\_

**FORM A - OFFEROR IDENTIFICATION & AUTHORIZED SIGNATORY**

Invitation No.:

(DO NOT handwrite this Form. Information must be typed in.) Invitation Title:

**Offeror Company:**

(Legal name of business which will appear on contract, if awarded)

<b>Offeror Status:</b>	<b>Manufacturer</b>	<b>Dealer/Distributor</b>	<b>Other</b>
<b>Response Type(1):</b>	<b>Offeror Acting Alone</b>	<b>Joint Offering</b>	
<b>Contract Signatory(2):</b>	<b>Title:</b>		
<hr/>			
<b>Mailing Address(3):</b>			
<hr/>			
<b>Physical Address:</b>			
<hr/>			
<b>Phone:</b>	<b>Fax:</b>		
<hr/>			
<b>Email Address:</b>			
<hr/>			
<b>Federal ID No.:</b>	<b>Web Page URL:</b>		

(1) If Joint Offering, all parties must submit a signed Form A. A contract will be offered to each.

(2) Person who will sign final contract documents if an award is made.

(3) Address to which final contract documents would be sent for signature.



**Member Contact Information**

**Contact Person(4):**

**Mailing Address:**

**Physical Address:**

**Toll Free Phone: Fax:**

**Email Address:**

(4) Person who City of Freeport will contact for product information and to get pricing quotes.

**The Signatory below, on behalf of Offeror:**

-Acknowledges having thoroughly reviewed the Invitation;

-Attests to having the authority to sign this response and commit Offeror to honor all requirements;

-Makes, under penalty of perjury, all required Offeror Certifications as detailed in General Terms;

-Certifies that all information provided in this Response is true and correct.

**Signature:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**BID AFFIDAVIT**

All pages in offeror's PROPOSAL containing statements, letters, etc., shall be signed by a duly authorized officer of the company, whose signature is binding on the PROPOSAL.

The undersigned offers and agrees to furnish all of the items and/or services upon which prices are stated in the accompanying proposal. Further the undersigned certifies to having read and understands the terms of this invitation. The undersigned offers and agrees to furnish all of the items and/or services upon which prices are stated in the accompanying proposal. Further the undersigned certifies to having read and understood the terms of this invitation. The period of acceptance of this bid will be 90 calendar days from the date of the bid opening.

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, a Notary Public in and for the State of \_\_\_\_\_ on this day personally appeared, who after being by me duly sworn, did depose and say:

"I, \_\_\_\_\_, am a duly authorized officer of/agent for \_\_\_\_\_ and have been duly authorized to execute the foregoing bid on behalf of the said company, agency or proprietorship hereby certify that the foregoing proposal has not been prepared in collusion with any other offeror or other persons engaged in the same line of business prior to the official receipt of this proposal. Further, I certify that the officer is not now, nor has ever been for the past six (6) months, directly or indirectly concerned in any pool or agreement or combination, to control the price of services/items offered, or to influence any person or persons to offer or not to offer thereon."

STATE RESIDENT CERTIFICATION: Our principal place of business or corporate office is in the State of Texas. YES \_\_\_\_\_ NO \_\_\_\_\_

LOCAL RESIDENT CERTIFICATION: Our principal place of business or corporate office is in the City of Freeport, State of Texas. YES \_\_\_\_\_ NO \_\_\_\_\_

NON-RESIDENT CERTIFICATION: Our principal place of business is \_\_\_\_\_  
(City & State)

Name and Address of offeror:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Telephone Number \_\_\_\_\_

by: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me by the above-named,

\_\_\_\_\_ on this the \_\_\_\_\_ day of 20\_\_\_\_  
(name of Notary)

Notary Public in and for the State of \_\_\_\_\_

**RETURN THIS PAGE PROPERLY EXECUTED WITH YOUR PROPOSAL**

## NOTICE TO ALL CITY VENDORS AND ALL POTENTIAL CITY VENDORS:

On May 23, 2005, the Texas Senate passed House Bill 914, adding Chapter 176 to the Local Government Code, and imposing new disclosure and reporting obligations on vendors and potential vendors to local governmental entities beginning on January 1, 2006. Failure to abide by these new statutory requirements can result in possible criminal penalties. The City of Freeport is requiring you to complete the attached Conflict of Interest Questionnaire (CIQ) Form, prepared by the Texas Ethics Commission, at the direction of the legislature and strongly recommends you become familiar with House Bill 914. The City of will not provide any further interpretation or information regarding these new requirements; however, you may contact the Texas Ethics Commission at [www.ethics.state.tx.us](http://www.ethics.state.tx.us) or at 1-800-1325-8506.

Please remit the CIQ form with your bid. Thank you.

**City of Freeport, Texas**

**BIDDER/OFFEROR'S SDNs/BLOCKED PERSONS AFFIRMATION**

**NOTE: FAILURE TO SIGN AND RETURN THIS FORM WITHIN 10 DAYS MAY RESULT IN THE TERMINATION OF ANY RESULTING PURCHASE ORDER OR CONTRACT.**

1. Pursuant to 44CFR Part 13.35, the Bidder/Respondent, hereby affirms that Bidder/Respondent:

***(Please check all that are applicable)***

\_\_\_\_\_ Is not excluded from doing business at the federal level.

\_\_\_\_\_ Is not listed as Specially Designated Nationals (SDN)s/Blocked Persons (individuals and companies owned or controlled by or acting for or on behalf of targeted Countries; or individuals, groups and entities, such as terrorists and narcotics traffickers designated under programs that are not country-specific).

2. City of Freeport may not make procurement transactions with SDNs/Blocked Persons.

Bidder/Respondent Company Name \_\_\_\_\_

Bidder (Signature) \_\_\_\_\_ Date \_\_\_\_\_

Bidder (Print Name) \_\_\_\_\_ Date \_\_\_\_\_

Position with Company \_\_\_\_\_

Signature of Company Official

Authorizing the Bid/Offer \_\_\_\_\_ Date \_\_\_\_\_

Company Official

(Printed Name) \_\_\_\_\_

Official's Position \_\_\_\_\_

**Corporate Vendors Shall Furnish the Following Information:**

Where Incorporated \_\_\_\_\_ Charter Number \_\_\_\_\_

# CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

## OFFICE USE ONLY

Date Received

1 Name of person who has a business relationship with local governmental entity.

2  Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

\_\_\_\_\_  
Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

Yes       No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

Yes       No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes       No

D. Describe each employment or business relationship with the local government officer named in this section.

4

\_\_\_\_\_  
Signature of person doing business with the governmental entity

\_\_\_\_\_  
Date

Adopted 06/29/2007

Filename: Rebid of Debris Monitoring City of Freeport 03102015  
Directory: C:\Users\Freeport\Documents  
Template: C:\Users\Freeport\AppData\Roaming\Microsoft\Templates\Normal.dot  
m  
Title:  
Subject:  
Author: Dwayne Archer  
Keywords:  
Comments:  
Creation Date: 3/10/2015 3:16:00 PM  
Change Number: 2  
Last Saved On: 3/10/2015 3:16:00 PM  
Last Saved By: Freeport  
Total Editing Time: 2 Minutes  
Last Printed On: 3/10/2015 3:16:00 PM  
As of Last Complete Printing  
Number of Pages: 17  
Number of Words: 4,628 (approx.)  
Number of Characters: 26,384 (approx.)



**Norma Moreno Garcia**  
*Mayor*

**Jeff Pynes**  
Chief Executive Officer  
City Manager

**Larry McDonald**  
Councilmember  
*Ward A*

March 13, 2015

**Fred Bolton**  
Councilmember  
Mayor Pro Tem  
*Ward B*

**Gilbert Arispe**  
Assistant City Manager

**Sandra Loeza**  
Councilmember  
*Ward C*

Mayor Norma Moreno Garcia  
Mayor Pro Tempore Fred Bolton  
Freeport City Council

**Sandra Barbree**  
Councilmember  
*Ward D*

I have been conducting quarterly reviews of our community parks and recreation areas citywide. In that review, a situation was identified that we feel poses a clear life safety concern as it relates to our playgrounds citywide. In reviewing our playground areas, we noticed the lack of suitable playground surface fall areas and/or not any safety surface fall areas in all our park playground areas. In the playground areas we found regular mulch which does not provide the fall cushion and splinter resistance as the IPEMA regulations recommend to prevent or deter playground injuries.

In order to correct this issue, we sought bids from different companies to provide a turnkey installation of IPEMA approved Kiddie Cushion to all of our citywide playground areas to meet playground safety standards and protect our youth in those playground environments.

We have assembled suitable funds within the savings account for recreation major capital expenditures over the past years to rectify this safety concern. I ask for your permission to allow me to expend these funds to rectify this safety concern.

Jeff Pynes

  
City Manager



Google earth

miles  
km



217 Google earth





**Texas Mulch Masters**  
 PO Box 481  
 Hockley, TX 77447 US  
 heath@texasmulchmasters.com  
 www.texasmulchmasters.com

# Estimate

ADDRESS
City of Freeport 200 West 2nd Street Freeport, TX 77541

ESTIMATE #	DATE	EXPIRATION DATE
1004	02/09/2015	

ACTIVITY	QTY	RATE	AMOUNT
Install Playground Cushion - to all existing areas and all new areas walked with Parks and Recreation	1	47,300.00	47,300.00
All parks include: - Community Center - Municipal Park - Peppermint Park - Arrington Park - Boat Ramp Park - Velasco Community Park - Stephan F. Austin Park			
Install 700 yards, 6-10" thick of ADA compliant Kiddie Cushion - this meets all fall ratings.			

**TOTAL** **\$47,300.00**

Accepted By

Accepted Date



Glenwood Weber Design  
 805 Hyde Park Blvd.  
 Houston TX 77006  
 713.295.1498  
 GW@GlenwoodWeberDesign.com

Prepared for :	City of Freeport
	Kiddie Cushion
Job Name :	200 West 2nd Street
	Freeport TX 77541
	0
<b>Estimate Date: March 12, 2015</b>	
Install 700 yards, 6 - 10" deep of ADA compliant Kiddie Cushion to all existing areas and all new areas walked with Parks and Recreation. Community Center, Municipal Park, Peppermint Park, Arrington Park, Boat Ramp Park, Velasco Community Park, and Stephan F. Austin Park	<b>\$ 57,000.00</b>
Sales Tax	\$ -
<b>Total with Tax</b>	<b>\$ 57,000.00</b>

Thank you for the opportunity to provide an estimate and proposal for your landscape project. We look forward to working with you.

**Please sign below for acceptance of this proposal.**

The above prices, specifications and conditions are satisfactory and are hereby accepted.

We require a deposit to start all landscape projects. Your deposit amount for this project is: \$ 28,500.00

\_\_\_\_\_  
 Customer Signature Date

Service Notes: All services and material guaranteed to be as specified. All work to be completed in a clean, safe and professional manner according to standard industry practices. This estimate does not include labor or material costs over and above the project price due to Client changes or unforeseen issues or which may arise after work has begun.

**TTM & ASSOCIATES, Inc. dba Texas Turf Management**

PO Box 482  
 Hockley, TX 77447 US  
 (855)462-5547  
 texasturf@att.net

**Estimate**

ADDRESS
Jeff Pynes Freeport 200 West 2nd Street Freeport, TX 77541

ESTIMATE #	DATE	EXPIRATION DATE
1065	02/10/2015	

ACTIVITY	QTY	RATE	AMOUNT
Install Playground Cushion - 700 yards, 6-10" thick of ADA compliant Kiddie Cushion to all existing areas and all new areas walked with Parks and Recreation  All parks include: - Community Center - Municipal Park - Peppermint Park - Arrington Park - Boat Ramp Park - Velasco Community Park - Stephan F. Austin Park	1	48,000.00	48,000.00

SUBTOTAL	48,000.00
TAX (0%)	0.00
<b>TOTAL</b>	<b>\$48,000.00</b>

Accepted By

Accepted Date

**TTM & ASSOCIATES, Inc. dba Texas Turf Management**

PO Box 482  
 Hockley, TX 77447 US  
 (855)462-5547  
 texasturf@att.net

**Estimate**

ADDRESS
Jeff Pynes Freeport 200 West 2nd Street Freeport, TX 77541

ESTIMATE #	DATE	EXPIRATION DATE
1066	02/10/2015	

ACTIVITY	QTY	RATE	AMOUNT
Border Installation: - Install new borders to all existing play areas - This will enable additional kiddie cushion per walk with parks and recreation  Materials: - treated 2x6" double high - treated 4x4" post - galvacoat screws	1	27,350.00	27,350.00

SUBTOTAL	27,350.00
TAX (0%)	0.00
<b>TOTAL</b>	<b>\$27,350.00</b>

Accepted By

Accepted Date



Google earth

miles  
km

1  
2



Google earth  
217