

NOTICE OF PUBLIC HEARING
THE FREEPORT CITY COUNCIL
MONDAY, FEBRUARY 1, 2016, 6:00 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
FREEPORT, TEXAS
AGENDA

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Attending citizens and their business.
5. Consideration of approving January 4, 2016 Council Minutes. Pg. 22-27
6. **Public Hearing** to discuss a proposed grant from the USDA Rural Development for the purchase of two radio console desks to be installed in the Police Department dispatch call center. Pg. 28
7. Consideration of approving a grant from the USDA Rural Development for the purchase of two new radio dispatch console desks to be installed in the Police Department dispatch call-center.
8. Consideration of approving a Joint Election Agreement and contract for election services with the County Clerk of Brazoria and the City of Freeport. Pg. 29-36
9. Consideration of approving Ordinance No.2016-2103 calling the annual General Election for the City of Freeport for the first Saturday in May, 2016 being May 7, 2016, at which the voters of said City residing in Ward A and C shall be permitted to vote for or against the candidates for positions A and C on the City Council of the City of Freeport. Pg. 37-48
10. Consideration of approving Ordinance No. 2016-2104 calling a Charter Amendment Election on the question of adopting six (6) amendments to the Home Rule Charter of said City. Pg. 49-68
11. Consideration of rescheduling February 15, 2016 Council Meeting to February 16, 2016 due to President's day holiday.
12. Consideration of approving and releasing the City's interest in trust property on Block 42, Lot 6, Velasco Townsite, known as 512 S. Avenue L, Tax Id. 8110-0436-110. Pg. 69-73

13. Consideration of approving and releasing the City's interest in trust property on Block 50, Lot 16 & 17, Velasco Townsite, known as 415-417 South Avenue F, Tax Id. 8110-0486-000. Pg. 74-78
14. Consideration of approving and releasing the City's interest in trust property on Block 87, Lot 10, Velasco Townsite, known as 20 South Avenue F, Tax Id. 8110-0881-000. Pg. 79-84
15. Consideration of advertising and setting a bid date for February 26, 2016 for installation of asphalt on Mystery Harbor Lane and Front Street. Pg. 85-93
16. Consideration of the approval of any action to be taken as a result of closed Executive Session.

Work Session:

- A. Update transition of new solid waste collection services with Waste Connections.

Executive Session:

Section 551.071, Government Code:

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

- Port Freeport.
- City annexation plan.

Section 551.074, Government Code:

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

- City Manager

Adjourn

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

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

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building,

with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, January 28, 2016 at or before 5:00 p.m.

Delia Munoz - City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday, January 4, 2016 at 6:00 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Norma Moreno Garcia
Councilman Johnathan Sublet Absent
Councilman Fred Bolton Absent
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

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

Visitors: Troy Brimage Margaret McMahan
Ruben Renobato Ruth Renobato
Raul Ramirez Lila Lloyd
Moby Burr ridge Evelyn Burr ridge
Melanie Oldham Jim McEntire
Nicole Mireles Sam Reyna
Keith Stumbaugh Eric Hayes
Jerry Meeks Larry Fansher
Ed Garcia Ty Morrow

Call to Order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma M. Garcia led the Pledge of Allegiance.

Attending citizens and their business.

Ruben Renabato of 1527 W. 2nd Street, read out the Preamble of the Charter Review and the Oath of Office and reminded council that a public servant on November 30, 2015 council meeting acted against the Charter and asked that he be removed from office.

Margaret McMahan of 1330 West 8th Street, spokesperson for the Concerned Citizens of Freeport talked about an issues and changes in Freeport. The group conducted a survey and asked questions concerning the spending of \$12,000,000 on a sports complex and the preference of elections by plurality or majority. She reported that 95% prefer the elections by majority than plurality and 90% preferred street/drainage infrastructure than a sport complex.

Consideration of approving December 7, 2015 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved the December 7, 2015 Council Minutes.

Public Hearing to consider designating the following described real property located within the corporate boundaries of the city as a reinvestment zone for the purpose of entering into an agreement with the owner or owners thereof granting a tax abatement:

Lot 18, Block I, Riverside Terrace, a subdivision in the City of Freeport, Brazoria County, Texas according to the map or plat of said subdivision on file in the Plat records of said county, known locally as 1935 N. Ave. G., Freeport, Texas.

Mayor Norma M. Garcia opened the Public Hearing at 6:10 p.m.

There being no questions or comments from audience or staff, Mayor Norma M. Garcia closed the Public Hearing at 6:11 p.m.

Consideration of approving Ordinance No. 2016-2102 designating improvements to land located within the incorporated limits of said City as a reinvestment zone to be known as the Efrain and Maria Rodriguez reinvestment zone and providing for its initial term and the renewal thereof.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council approved Ordinance No. 2016-2102 designating improvements to land located within the incorporated limits of said City as a reinvestment zone to be known as the Efrain and Maria Rodriguez reinvestment zone and providing for its initial term and the renewal thereof.

Consideration of approving Resolution No. 2016-2488 granting a tax abatement to Efrain and Maria Rodriguez pursuant to the terms and conditions of and authorizing the Mayor and City Secretary to execute and attest, respectively a tax abatement agreement with the said Efrain and Maria Rodriguez.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council approved Resolution No. 2016-2488 granting a tax abatement to Efrain and Maria Rodriguez pursuant to the terms and conditions of and authorizing the Mayor and City

Secretary to execute and attest, respectively a tax abatement agreement with the said Efrain and Maria Rodriguez.

Receive and authorize publication of the final report of the Charter Review Committee-2015.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved and authorized publication of the final report of the Charter Review Committee-2015.

Discuss and consider authorizing the City Attorney to prepare an ordinance calling an election to submit the following proposed recommended amendments recommended by the Charter Review Commission:

(1) Amend the first and third sentences of Section 3.02 Qualifications to read respectively as follows:

The Mayor and each member of the City Council shall be a registered voter and a resident of the City of Freeport for at least ~~twenty-four~~ (24) consecutive months and, in the case of members of the City Council other than the Mayor, a resident of the Ward sought to be represented for at least six (6) consecutive months, immediately preceding his or her application to have his or her name placed on the official ballot and the filing of proof of his or her qualifications as required by law.

If any such officer shall fail to maintain the foregoing residence qualifications during his or her term of office or shall be absent from three (3) consecutive regularly scheduled meetings without a valid excuse, in writing filed with the City Secretary or sent to the City Secretary by e-mail or text message before the missed meeting, or fail to attend at least eighty (80%) of regularly scheduled meetings during any fiscal year, without a valid excuse, the City Council must at its next regularly scheduled meeting declare a vacancy to exist and shall fill such vacancy as set forth in Section 3.06 of this Charter.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved to amend the first sentence of section 3.02 Qualification, to read twenty four- (24) consecutive months instead of twelve (12) month and to change to City Secretary to Mayor or Mayor Pro Tem and have council decide on the validity of the excuse for missing city council.

(2) Amend Section 4.08 Fire Department to read as follows:

Section 4.08 Fire and E.M.S Department

For the protection of property and lives within the city, there is hereby established and there shall be maintained by the City a department to be known as the Freeport Fire and E.M.S (Emergency Medical Services).

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved to amend Section 4.08 Fire Department, adding to Section 4.08 Fire and E.M.S Department to read as follows: for the protection of property and lives within the city, there is hereby established and there shall be maintained by the City a department to be known as the Freeport Fire and E.M.S (Emergency Medical Services).

(3) Amend Section 5.05 to substitute majority for plurality, to provide for a runoff election and to read as follows:

Section 5.05 Election by Majority Election to office shall be by majority with the candidate receiving a majority of the number of votes (if otherwise qualified) being deemed elected to office. If no candidate gains a majority of the votes, the city council shall cause to be held a runoff elections between the two (2) candidates with the most votes on to be held on the same calendar year and on a day permitted by the Texas Election Code. In the event of a tie at any election, lots shall be cast to determine a winner in accordance with the Texas Election Code.

On a motion by Councilwoman Barbree to decline amending Section 5.05 to substitute majority for plurality, to provide for a runoff election. Motion died for lack of second.

(4) Amend Section 9.06 Notice of Public Hearing on Budget to read as follows:

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in both English and Spanish and in a newspaper of general circulation within the City of Freeport, a notice thereof setting forth the time and place of such hearing at least fifteen (15) days before the date thereof: and such notice shall be maintained on the City's website until after the date of such hearing.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved amending Section 9.06 Notice of Public Hearing on Budget to read as follows: At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in both English and Spanish and in a newspaper of general circulation within the City of Freeport, a notice thereof setting forth the time and place of such hearing at least fifteen (15) days before the date thereof: and such notice shall be maintained on the City's website until after the date of such hearing.

(5) Amend Section 10.07 Consent of Property owners

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but such abutting and adjacent property shall thereafter be restored to its previous condition and nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his or her property as now or hereafter provided by law.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved to amend Section 10.07 Consent of Property Owners to read as follows:

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but such abutting and adjacent property shall thereafter be restored to its previous condition and nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his or her property as now or hereafter provided by law.

(6) Amend Section 11.011 Selection of Newspaper for Publication, Subsection (a) , to read as follows:

Every ordinance or resolution adopted by the City Council, which is required or permitted to be published in a newspaper, shall designate in the body thereof, one or more newspapers of general circulation within the City of Freeport in which such ordinance or resolution, or the descriptive caption thereof, shall be published and it shall appear on the City's website for a least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved amending Section 11.011 Selection of Newspaper for Publication, Subsection (a) to read as follows:

Every ordinance or resolution adopted by the City Council, which is required or permitted to be published in a newspaper, shall designate in the body thereof, one or more newspapers of general circulation within the City of Freeport in which such ordinance or resolution, or the descriptive caption thereof, shall be published and it shall appear on the City's website for a least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer.

Consideration of cancelling January 18th, 2016 Council Meeting to observe Martin Luther King Holiday.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council approved cancelling January 18th, 2016 Council Meeting to observe martin Luther King Holiday.

Consideration of the approval of any action to be taken as a result of closed Executive Session.

Mayor Norma Garcia closed the Formal Session and opened the Executive Session at 6:36 p.m.

Mayor Norma Garcia opened the Formal Session at 6:55 p.m. to motion on an Executive Session item.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved a contract with Waste Connection of Texas, LLC for solid waste collection services.

Executive Session:

Section 551.071, Government Code Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- Pending Contractual Legal Negotiations – Waste Connections Contract.

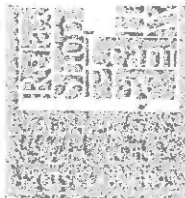
Adjourn

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "Aye", Mayor Norma M. Garcia adjourned at 6:55 p.m.

Mayor, Norma Moreno Garcia
City of Freeport, Texas

City Secretary, Delia Munoz
City of Freeport, Texas

Exp. required, security training, preferred. Excellent benefits. Job requirements application @ www.tdaj.texas.gov or call 979-248-8559



PUBLIC NOTICES

PUBLIC MEETING NOTICE

The Freeport Police Department, through the City of Freeport, will hold a public meeting (i.e., Council Meeting) on 2-1-2016 at 6 pm. The meeting will be held at the Freeport Police Department at 430 N. Brazosport Blvd. The purpose of the meeting is to discuss a proposed grant from the USDA Rural Development for the purchase of two new radio console desks to be installed in the dispatch call-center. Any questions or input from the public will be discussed at the meeting.

Notice of Nonjudicial Foreclosure Sale

On February 2, 2016, between 10:00 am and 1:00 pm, Lee Carroll, duly appointed Substitute Trustee under the Deed of Trust recorded at Brazoria County Clerks File No. 2009000112, shall sell by way of a nonjudicial foreclosure sale to the highest bidder for cash or cashier's check, the real property secured by the Deed of Trust and having the legal description of Lot 3 Block 2 Shadow Creek Ranch SF-208, Brazoria County, Texas. The beneficiary shall bid by way of a credit bid under the Deed of Trust and state law.

The sale is pursuant to the power of sale granted in the above deed of trust executed by Alan Rey and Mary Ann Rey.

The place shall be in the corridor outside Room 108, Brazoria County Courthouse, Angleton, Texas.

LEGAL NOTICE

Notice is hereby given in accordance with the terms of the provisions of the Texas Alcoholic Beverage Code

THAT: V.M.L. Corporation
d/b/a Save Stop Food Mart

HAS FILED APPLICATION
FOR A: Wine and Beer Retailer's Off-Premise Permit

SAID BUSINESS TO BE CONDUCTED AT: 530 E Nutherry Street, Angleton, Brazoria County, Texas 77515

OWNER: Nicholas All,
President.

10512 31st St, 15424
32094 Cell: 979-616-6673
cell: 937-231-6673

Farm Equipment

GREAT Deal!

MASSEY FERGUSON
271 tractor 65
HP. Very good
condition. 2 wheel
drive. No cab
\$9500.
832-473-6665.

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AKC German Shepherd puppies 8 weeks old. Tan/black, 6 males and 3 females. Also have 2 black suble, 12 weeks old. For additional info please call or text Jenny @ 979-583-7670

Free Pets

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979-248-0522

KITTENS
979-248-8667

PUPPIES
979-345-6225

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PUBLISHER'S NOTICE

All real estate advertising in this newspaper is subject to the Fair Housing Act which makes it illegal to advertise "by preference limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference limitation or discrimination." Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women and people securing custody of children under 18. This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis. To complain of discrimination call HUD toll-free at 1-800-659-9777. The toll-free telephone number for the hearing impaired is 1-800-627-9275.

Antiques, Arts, Auctions

Antiques, Arts, Auctions

AUCTION

William and Martha Bander Estate

Saturday, January 16, 2016

Bidding: 8:00 a.m. - Sale: 10:00 a.m.

1106 Estelle Street, Sweeny, Texas

Over 200 lots - K. Kawai Grand Piano, Lots of Sheet Music & Books, Cookbooks, Travel Books, Books of all Types, Dinnerware, China - Lenox, Noritake.

Theodore Haviland, Fostoria Crystal, Fenton Glassware, Crystal Punch Bowls, Cups, Dishes, Figurines & more. Kenmore (he) Washer & Dryer. Maytag Refrigerator, Furniture, Lamps (Brass & Ceramic) Mercury Grand Marquis & lots more.

Ladies, this is a sale you don't want to miss!

For pictures and a list of items go to:

pattersonauctioneering.com

Terms - Cash or Check (with bank letter)
James Patterson Auctioneering, Tx. License #1786

Patterson Auctioneering

979-345-7211 - Cell: 979-848-8413

JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES

THIS CONTRACT by and between CITY OF FREEPORT , acting by and through the governing body of hereinafter referred to as "Political Subdivision", and Joyce Hudman, County Clerk of Brazoria County, Texas, hereinafter referred to as "County Clerk", and by authority of section 31.092(a), Texas Election Code, for the conduct and supervision of the Political Subdivisions election to be held on MAY 7, 2016.

RECITALS

Political Subdivision is holding a Municipal Election (at the expense of Political Subdivision) on MAY 7, 2016

The County owns an electronic voting system, the Hart InterCivic eSlate Voting System (Version 6.1), which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122 as amended, and is compliant with the accessibility requirements set forth by Texas Election Code Section 61.012. Political Subdivision desires to use the County's electronic voting system and to compensate the County for such use and to share in certain other expenses connected with joint elections in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

I. ADMINISTRATION

The parties agree to hold a "Joint Election" in accordance with Chapter 271 of the Texas Election Code and this agreement. The County Clerk of Brazoria County shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this agreement. Political Subdivision agrees to pay Brazoria County for equipment, supplies, services, and administrative costs as provided in this agreement. The County Clerk shall serve as the administrator for the Joint Election; however, the Political Subdivision shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election. The County Clerk shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of the Political Subdivision.

It is understood that other political subdivisions may wish to participate in the use of the County's electronic voting system and polling places, and it is agreed that Brazoria County and the County Clerk may enter into other joint election agreements and contracts for election services for those purposes on terms and conditions generally similar to those set forth in this contract. Political Subdivision agrees that Brazoria County may enter into joint election agreements with other political subdivisions that may have territory located partially or wholly within the boundaries of Political Subdivision, and in such case all parties sharing common territory shall share a joint ballot

on the county's electronic voting system at the applicable polling places. In such cases, costs shall be divided among the participants.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

II. LEGAL DOCUMENTS

Political Subdivision shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code and/or Political Subdivision's governing body, charter, or ordinances. With reference to publications, the "County Clerk" will publish the "Notice of Test of Automatic Tabulating Equipment" and the "Notice of Election". If a Political Subdivision is holding any type Special Election, the Political Subdivision may have to publish their own "Notice of Election" in order to meet additional requirements. Please advise the Brazoria County Election's Office if your Political Subdivision must print a separate notice so we do not include your Political Subdivision in the Notice published by our office.

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of each participating authority, including translation to languages other than English. Each participating authority shall provide a copy of their respective election orders and notices to the County Clerk's Election Department.

It is currently unclear whether the preclearance section of the Voting Rights Act of 1965, as amended, applies and whether preclearance is required. If it is determined that preclearance is required, the County Clerk's Election Department, with the assistance of the Brazoria County District Attorney's Office, shall prepare a submission to the United States Department of Justice for preclearance of the joint election procedures and polling places, pursuant to the Voting Rights Act of 1965, as amended. If preclearance is required, each Political Subdivision shall provide necessary documentation for preclearance and this submission to the Department of Justice shall be made on behalf of all political subdivisions participating in joint elections on MAY 7, 2016 .

III. STATUTORY COMPLIANCE

Political subdivisions shall follow all applicable State and Federal laws related to Elections including but not limited to Sec. 52.072 of the Election Code, which states, "a proposition on the ballot shall be printed on the ballot in the form of a single statement". **Failure to do so may prohibit the political subdivision's participation in a Joint Election.**

IV. VOTING LOCATIONS

The County Clerk's Election Office shall select and arrange for the use of and payment for all election day voting locations. Voting locations will be, whenever possible, the usual voting location for each election precinct in elections conducted by the county. The proposed voting locations are listed in Attachment A of this agreement. In the event a voting location is not available, the Elections Department will arrange for use of an alternate location with the approval of the Political Subdivision. The Elections Department shall notify the Political Subdivision of any changes from the locations listed in Attachment A.

If polling places for the MAY 7, 2016 joint election are different from the polling place(s) used by Political Subdivision in its most recent election, Political Subdivision agrees to post a notice no later than MAY 6, 2016 at the entrance to any previous polling places in the jurisdiction stating that the polling location has changed and stating the political subdivision's polling place names and addresses in effect for the MAY 7, 2016 election. Any changes in voting location from those that were used in the MAY 9, 2015 COUNTYWIDE JOINT elections will be posted by the County Clerk's Election Office.

V. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

Brazoria County shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code. The County Clerk shall make emergency appointments of election officials if necessary. Upon request by the County Clerk, Political Subdivision agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish).

The Elections Department shall notify all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that all election judges appointed for the Joint Election are eligible to serve.

The County Clerk shall arrange for the training and compensation of all election judges and clerks. The Elections Department shall arrange for the date, time, and place for presiding election judges to pick up their election supplies. Each presiding election judge will be sent a letter from the Elections Department notifying him of his appointment, the time and location of training and distribution of election supplies, and the number of election clerks that the presiding judge may appoint.

Each election judge will receive compensation at an hourly rate of \$12.00. Each election clerk will receive compensation at an hourly rate of \$10.00. The election judge will receive an additional sum of \$25.00 for picking up the election supplies prior to election day and for returning the supplies and equipment to the central counting station after the polls close. All judges and clerks will receive \$30.00 for attending training.

It is agreed by all parties that at all times and for all purposes hereunder, all election judges, clerks, and all other personnel involved in this election are temporary part-time employees subject only to those benefits available to such employees.

VI. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The Elections Department shall arrange for all election supplies and voting equipment including, but not limited to official ballots, sample ballots, voter registration lists, and all forms, signs and other materials used by the election judges at the voting locations. At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap. The Elections Department shall provide the necessary voter registration information, instructions, and other information needed to enable the election judges in the voting locations that have more than one ballot style to conduct a proper election. If special maps are needed for a particular Political Subdivision, the Election Department will order the maps and pass that charge on to that particular Political Subdivision.

Political Subdivision shall furnish the County Clerk a list of candidates and/or propositions showing the order and the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot (including titles and text in each language in which the authority's ballot is to be printed). THE POLITICAL SUBDIVISION SHALL ALSO PROVIDE A COPY OF EACH CANDIDATES APPLICATION TO THE BRAZORIA COUNTY ELECTION'S OFFICE. This list shall be delivered to the Elections Department as soon as possible after ballot positions have been determined by each of the participating authorities. Each participating authority shall be responsible for proofreading and approving the ballot insofar as it pertains to that authority's candidates and/or propositions.

VII. EARLY VOTING

The participating authorities agree to conduct joint early voting and to appoint the County Clerk as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. Political Subdivision agrees to appoint the County Clerk's permanent county employees as deputy early voting clerks. The participating authorities further agree that each Early Voting Location will have an "Officer in Charge" that will receive compensation at an hourly rate of \$12.00. The clerks at each location will receive compensation at an hourly rate of \$10.00. Early Voting by personal appearance will be held at the locations, dates, and times listed in Attachment "B" of this document. Any qualified voter of the Joint Election may vote early by personal appearance at any one of the joint early voting locations.

As Early Voting Clerk, the County Clerk shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. Any requests for early voting ballots to be voted by mail received by the Political Subdivision shall be forwarded immediately by fax or courier to the Elections Department for processing.

The Elections Department shall, upon request, provide the Political Subdivision a copy of the early voting report on a daily basis and a cumulative final early voting report following the election.

VIII. EARLY VOTING BALLOT BOARD

Brazoria County shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the Joint Election. The Presiding Judge, with the assistance of the Elections Department, shall appoint two or more additional members to constitute the EVBB. The Elections Department shall determine the number of EVBB members required to efficiently process the early voting ballots.

IX. CENTRAL COUNTING STATION AND ELECTION RETURNS

The County Clerk shall be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The participating authorities hereby, in accordance with Section 127.002, 127.003, and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Counting Station Manager:	Janice Evans
Alternate Counting Station Manager:	Brandy Pena
Tabulation Supervisor:	Susan Cloudt
Alternate Tabulation Supervisor:	Brandy Pena
Presiding Judge:	Amanda Little
Alternate Presiding Judge:	Dottie Cornett

The Elections Department will prepare the unofficial canvass reports after all precincts have been counted, and will deliver a copy of the unofficial canvass to the Political Subdivision as soon as possible after all returns have been tabulated. All participating authorities shall be responsible for the official canvass of their respective elections.

The Elections Department shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office.

The Elections Department shall submit all Political Subdivision's precinct by precinct returns to the Texas Secretary of State's Office electronically.

The Elections Department shall post all election night results to our website on election night. [http://www. Brazoriacountyvotes.com](http://www.Brazoriacountyvotes.com).

X. ELECTION EXPENSES AND ALLOCATION OF COSTS

The participating authorities agree to share the costs of administering the Joint Election. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared according to a formula which is based on the cost per polling place. Since we will be switching to "Vote

Centers”, every political subdivision will be voting at every locations. For billing purposes, each “Vote Center” will be assigned precincts in the area and if a political subdivision is on the ballot for any of the assigned precincts, they will share in the cost of that voting location.

It is agreed that the normal rental rate charged for the County’s voting equipment used on election day shall be divided equally among the participants utilizing each polling location.

Costs for Early Voting by Personal Appearance will be divided by all Political Subdivisions as follows: Total cost of all 11 locations will be divided by all Political Subdivisions holding elections on MAY 7, 2016. Cost will be based on registered voters.

XI. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Political Subdivision may withdraw from this agreement and the Joint Election should it cancel its election in accordance with Sections 2.051 - 2.053 of the Texas Election Code, or should it be later ruled that the election is not needed. Political Subdivision is fully liable for any expenses incurred by Brazoria County on behalf of Political Subdivision. Any monies deposited with the county by the withdrawing authority shall be refunded, minus the aforementioned expenses.

XII. RECORDS OF THE ELECTION

The County Clerk is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records shall be available to each participating authority as well as to the public in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the offices of the County Clerk or at an alternate facility used for storage of county records. The Elections Department shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the County Clerk shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of each participating authority to bring to the attention of the County Clerk any notice of pending election contest, investigation, litigation or open records request which may be filed with the participating authority.

XIII. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code. Political Subdivision agrees that any recount shall take place at the offices of the County Clerk, and that the County Clerk shall serve as Recount Supervisor and the Political Subdivision’s official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

The Elections Department agrees to provide advisory services to the District as necessary to conduct a proper recount and cost of the recount depends on the size of the election and number of precincts to be recounted.

XIV. MISCELLANEOUS PROVISIONS

1. It is understood that to the extent space is available, that other districts and political subdivisions may wish to participate in the use of the County's election equipment and voting places, and it is agreed that the County Clerk may contract with such other districts or political subdivisions for such purposes and that in such event there may be an adjustment of the pro-rata share to be paid to the County by the participating authorities.
2. The County clerk shall file copies of this document with the Brazoria County Treasurer and the Brazoria County Auditor in accordance with Section 31.099 of the Texas Election Code.
3. In the event that legal action is filed contesting Political Subdivision's election under Title 14 of the Texas Election Code, Political Subdivision shall choose and provide, at its own expense, legal counsel for the County, the County Clerk, and additional election personnel as necessary.
4. Nothing in this contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this contract or a violation of the Texas Election Code.
5. The parties agree that under the Constitution and laws of the State of Texas, neither Brazoria County nor Political Subdivision can enter into an agreement whereby either party agrees to indemnify or hold harmless another party; therefore, all references of any kind, if any, to indemnifying or holding or saving harmless for any reason are hereby deleted.
6. This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Brazoria County, Texas.
7. In the event of one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
8. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
9. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.
10. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.

XV. COST ESTIMATES AND DEPOSIT OF FUNDS

It is estimated that Political Subdivision's obligation under the terms of this agreement shall be DETERMINED AFTER THE ELECTION. Political Subdivision agrees to pay to Brazoria County a deposit of \$1,500.00 . This deposit shall be paid to Brazoria County within 10 days after the final candidate filing deadline. The final candidate filing deadline is FEBRUARY 19, 2016. Therefore, deposit is due by MARCH 4, 2016. The exact amount of the Political Subdivision's obligation under the terms of this agreement shall be calculated after the MAY 7, 2016 election and if the amount of the Political Subdivision's obligation exceeds the amount deposited, the Political Subdivision shall pay to Brazoria County the balance due within thirty (30) days after receipt of the final invoice from the County Clerk's Election Department. However, if the amount of the Political Subdivision's obligation is less than the amount deposited, Brazoria County shall refund to the Political Subdivision the excess amount paid within thirty (30) days after final costs are calculated.

IN TESTIMONY HEREOF, this agreement, its multiple originals all of equal force, has been executed on behalf of the parties hereto as follows, to-wit:

(1) It has on the _____ day of _____, 2016 been executed on behalf of Brazoria County by the County Judge or the County Clerk pursuant to the Texas Election Code so authorizing;

(2) It has on the _____ day of _____, 2016 been executed on behalf of the Political Subdivision by its Presiding Officer or authorized representative, pursuant to an action of the Political Subdivision so authorizing;

BRAZORIA COUNTY

By _____
Joyce Hudman, County Clerk

ATTEST:

POLITICAL SUBDIVISION

By _____
Presiding Officer or Authorized Representative
CITY OF FREEPORT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CALLING THE ANNUAL GENERAL ELECTION FOR THE CITY OF FREEPORT FOR THE FIRST SATURDAY IN MAY, 2016, BEING MAY 7, 2016, AT WHICH THE VOTERS OF SAID CITY RESIDING IN WARDS A AND C SHALL BE PERMITTED TO VOTE FOR OR AGAINST THE CANDIDATES FOR POSITIONS A AND C ON THE CITY COUNCIL OF THE CITY OF FREEPORT; PROVIDING POLLING PLACES FOR SAID ELECTION; ESTABLISHING THE QUALIFICATIONS FOR CANDIDATES FOR THE OFFICES TO BE VOTED UPON; PROVIDING FOR APPLICATIONS FOR CANDIDATES AND SPECIFYING A FILING DEAD LINE AND THE DATE WHEN FILING MAY BEGIN; PROVIDING FOR THE QUALIFICATION OF ELECTORS; APPOINTING THE OFFICERS OF SAID ELECTION AND DESIGNATING THE NUMBER OF CLERKS TO ASSIST IN CONDUCTING SAID ELECTION AND THE COMPENSATION TO BE PAID THE ELECTION JUDGE AND CLERKS; PROVIDING 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, pursuant to Section 3.01 of the Home Rule Charter of the City of Freeport, Texas ("the City"), LARRY L. McDONALD and SANDRA LOEZA were elected on the second Saturday in May, 2014, to Council Position A and Council Position C on the City Council of the City, respectively, for a two (2) year term each; and,

WHEREAS, thereafter the said Larry L. McDonald was removed from such office and such position declared vacant and JOHNATHAN SUBLET was appointed to fill such vacant position for the remainder of the term to which the said Larry L. McDonald had been elected.

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

SECTION ONE--Election for Wards A and C Called.

Pursuant to said Section 3.01, the Mayor and City Council hereby order and ordain, respectively, that the election required to be held in the City for Council Positions A and C, now held by JOHNATHAN SUBLET and SANDRA LOEZA, respectively, be hold on the first Saturday in May of 2016, being May 7, 2016, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m., each election being for a term of two (2) years.

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 but also residing within the City shall vote on election day and one within the City of Freeport located at the Brazosport High School Cafeteria, Freeport Library, 410 Brazosport Boulevard, Freeport, Brazoria County, Texas, where all other voters shall vote on election day. On that day, voting will also be permitted at the following Polling Places:

East Annex (Old Walmart)	1524 E Mulberry, Angleton
Pct 4 Government Offices	121 N. 10 th St., West Columbia
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 th St, Danbury
Clute City Hall	108 E. Main, Clute
Jones Creek Comm House	7207 Stephen F. Austin Rd., Jones Creek
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 Beach
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

SECTION THREE--Candidates, Applications and Filing Fees.

Everyone who has attained the age of eighteen (18) years, who has resided within the incorporated limits of the City for a period of six (6) months immediately preceding the last day on which a candidate's application for a place on the ballot could be delivered to the City Secretary, as hereinafter provided, and who:

(a) resides in Ward A, as defined in said Ordinance No. 2002-2001, on the day such application is filed, shall be eligible to become a candidate for the office of Council Position A by filing a sworn application, as hereinafter provided; or,

(b) resides in Ward C, as defined in said Ordinance No. 2002-2001, on the day such application is filed, shall be eligible to become a candidate for the office of Council Position C by filing a sworn application, as hereinafter provided.

(c) Each candidate's application shall be in writing, contain the matters set out in Section 141.031, Texas Election Code, and be filed with the City Secretary of the City.

(d) An application may not be filed earlier than the ninety-eighth (108th) day before the day hereinabove specified for said election and must be filed not later than 5:00 o'clock p.m. of the sixty-eighth (78th) day preceding the day hereinabove specified for said election, being January 20, 2016, and February 19, 2016, respectively.

SECTION FOUR--Electors.

Every person eligible to vote under the provisions of Chapter 11 of Title 2 of the Texas Election Code who is a resident of the City and who is duly registered to vote in the county election precinct where and on the day on which he or she votes, shall be entitled to vote for or against the candidates for Council Position A if such voter resides in Ward A as defined in said Ordinance No. 2002-2001, and for or against the candidates for Council Position C if such voter resides in Ward C, as defined in said Ordinance No. 2002-2001.

SECTION FIVE--Officers of Election and Compensation Thereof

The Presiding Judge, Alternate Presiding Judge and clerks needed on the day of election for the election called by this ordinance, for the early ballot board and the central counting station shall be appointed, have the duties and be compensated 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.

SECTION SIX--Early Voting

Early voting shall begin on April 25, 2016, and end on May 3, 2016, such early voting to be conducted by the County Clerk of Brazoria County, Texas, between the hours of 8:00 a.m. and 5:00 p.m. at the following locations, from Monday, April 25, 2016, through Friday, April 29, 2016, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, April 30, Monday, May 2, and Tuesday, May 3, 2016, at such locations, to-wit:

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
Shadowcreek Branch Location:	Pearland Westside Library 2803 Business Center Dr. #101, Pearland
Sweeny Branch Location:	Sweeny Community Center 205 W Ashley Wilson Rd., Sweeny
West Columbia Branch Location:	Pct. 4 Government Office 121 N. 10 th St., West Columbia

SECTION SEVEN--Method of Voting and Conducting Election.

Both early voting and all voting on the day named above for the holding of said election shall be in the manner specified in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, mentioned above.

SECTION EIGHT--Notice of Election.

(a) The Mayor of the City is hereby authorized and directed to issue a notice of said special election, including a substantial copy of above and foregoing proposition, and to cause the same to be posted in accordance with Section 4.003(a)(2) of the Election Code for at least twenty-one (21) days prior to the date named above for the holding of said election on the bulletin board used for posting notices of meetings of the City Council.

(b) The City Secretary of the City is hereby authorized and directed to cause a copy of such notice to be published in a newspaper in accordance with Section 4.003(a)(1) of the Election Code, such publication to be at least ten (10) days before but not more than thirty (30) days before the date named above for the holding of said special election.

SECTION NINE--Ratification and Confirmation by Mayor.

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.

SECTION TEN--Effective Date.

This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND APPROVED this _____ day of _____, 2016.

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

C:\Freeport.Elc\2016 Elect-Ord

NOTICE OF ELECTION FOR MAYOR AND COUNCIL POSITIONS A AND C

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 the City of Freeport, Texas, on the first Saturday in May, 2016, being May 7, 2016, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of electing, for a two year term, a mayor, and in Wards A and C, for the purpose of electing, for a term of two years each, persons to the following named offices of the City of Freeport, Texas, to-wit:

Council Position A, now held by JOHNATHAN SUBLET; and,

Council Position C, now held by SANDRA LOEZA.

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 but also residing within the City shall vote on election day and one within the City of Freeport located at the Freeport Library, located at 410 Brazosport Boulevard, Freeport, Texas, where all other voters residing with the City shall vote on election day. On the day of such election, voters may also vote in any of the following voting centers in Brazoria County, Texas:

East Annex (Old Walmart)	1524 E Mulberry, Angleton
Pct 4 Government Offices	121 N. 10 th St., West Columbia
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 th St, Danbury
Clute City Hall	108 E. Main, Clute
Jones Creek Comm House	7207 Stephen F. Austin Rd., Jones Creek
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 Beach
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 25, 2016, and end on May 3, 2016, such early voting to be conducted by the County Clerk of Brazoria County, Texas, between the hours of 8:00 a.m. and 5:00 p.m. at the following locations, from Monday, April 25, 2016, through Friday, April 29, 2016, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, April 30, Monday, May 2, and Tuesday, May 3, 2016, at such locations, to-wit:

WITNESS MY OFFICIAL SIGNATURE HEREUNTO AFFIXED this ____ day of _____, 2016

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 _____, 2016, 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 _____, 2016.

Delia Muñoz, City Secretary
City of Freeport, Texas

AVISO DE ELECCION PARA ALCALDE Y PARA POSICIONES CONSEJALES A Y C

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 LA 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 la Ciudad de Freeport, Texas, en el primer Sabado en Mayo, 2016, que es Mayo 7, 2016, entre las horas de 7:00 a.m. y 7:00 p.m. con el proposito de elegir, para un termino de dos (2) anos, a una persona para la posciciones de Alcalde, y en los distritos electorales A y C, 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 A, ahora ocupada por JOHNATHAN SUBLET; Y

Posicion Consejal C, ahora ocupada por, SANDRA LOEZA.

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
Pct 4 Government Offices	121 N. 10th St., West Columbia
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 5th St, Danbury
Clute City Hall	108 E. Main, Clute
Jones Creek Comm House Creek	7207 Stephen F. Austin Rd., Jones Creek
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 Beach
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 25, 2016, y terminar Mayo 3, 2016, 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 25, 2016 hasta el Viernes Abril 29, 2016 y entre las horas de 7:00 a.m y 7:00 p.m. el Sabado Abril 30, 2016, el Lunes Mayo 2, 2016 y el Martes Mayo 3, 2016, a saber:

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
Shadowcreek Branch Location:	Pearland Westside Library 2803 Business Center Dr. #101, Pearland

Sweeny Branch Location:

Sweeny Community Center
205 W Ashley Wilson Rd., Sweeny

West Columbia Branch Location:

Pct. 4 Government Office
121 N. 10th St., West Columbia

Testigo a mi firma official a esto puesto el dia ____ de _____ de
el 2016.

Norma Moreno Garcia, Alcalde,
Ciudad de Freeport, Texas

ATTEST:

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CALLING A CHARTER AMENDMENT ELECTION ON THE QUESTION OF ADOPTING SIX (6) AMENDMENTS TO THE HOME RULE CHARTER OF SAID CITY; PROVIDING FOR TWO (2) MUNICIPAL POLLING PLACES AND DESIGNATING THE LOCATION THEREOF; PROVIDING FOR THE QUALIFICATION OF ELECTORS; PROVIDING FOR THE APPOINTMENT OF THE OFFICERS OF SAID ELECTION, FOR DESIGNATING THE NUMBER OF CLERKS TO ASSIST IN CONDUCTING SAID ELECTION, AND FOR THE COMPENSATION TO BE PAID THE ELECTION JUDGE AND CLERKS; PROVIDING FOR EARLY VOTING; PROVIDING FOR RATIFICATION AND CONFIRMATION BY THE MAYOR OF SAID CITY OF THE ACTION TAKEN BY THIS ORDINANCE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Section 11.13 of the Home Rule Charter of the City of Freeport, Texas ("the City") provides that the City Council shall appoint a Charter Review Commission for each odd numbered year; and,

WHEREAS, heretofore a Charter Review Commission was appointed for the City for the year 2015; and,

WHEREAS, Section 11.13 of said Charter provides that it shall be the duty of the Charter Review Commission, among other things, to propose, if it deems desirable and advisable, amendments to said Charter to improve the effective application of said Charter to current conditions, and to report its findings and present its proposed amendments, if any, to the City Council; and,

WHEREAS, the Charter Review Commission appointed for 2015 has reported its findings and presented to the City Council in writing proposed amendments to seven (7) sections, subsections or paragraphs of the Home Rule Charter of the City, six (6) of which the City Council has determined to present to the voters of the City for approval. and,

WHEREAS, Sections 11.12 and 11.13 of said Charter provides that if any amendment or amendments are presented as a part of the report of the Charter Review Commission, the City Council may order such amendment or amendments to be submitted to the voters of the City in the manner provided in Chapter 9 of the Local Government Code, as now or hereafter amended; and,

WHEREAS, after reviewing and discussing such proposed amendments, the City Council has decided to submit, in substance, the six (6) proposed amendments set forth below, but with some changes in the language of the proposed amendment to the third sentence of Section 3.02 of said Charter; and,

WHEREAS, Article 9.004 of said Code, requires the submission of such amendment or amendments at an election to be held on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with the other requirements of law and that occurs on or after the 30th day after the date of the adoption of the ordinance ordering such election; and,

WHEREAS, under the applicable provisions of the Election Code, the next such uniform election date will be the first Saturday in May, 2016, being May 7, 2016; and,

WHEREAS, the City Council of the City has determined to submit the hereinafter mentioned amendments to the voters of the City and to do so on the first Saturday in May, 2016, which is May 7, 2016, and which is also the date for the annual municipal election for the year 2016; and,

WHEREAS, pursuant to Section 3.01 of the Home Rule Charter of the City and Ordinance No. 1718 of the City, read, passed and adopted on the 2nd day of March, 1992, the City of Freeport, Texas, has been divided in four (4) single member election districts or wards known as Wards A, B, C and D; and,

WHEREAS, Section 9.004 of said Charter provides that notice of the election for the submission of any amendments shall be given by publication thereof, in some newspaper of general circulation published in the City, on the same day in each of two (2) successive weeks, with the date of the first publication occurring before the 14th day before the date of said election, and that the form of such notice shall include a substantial copy of the proposed amendment or amendments; and,

WHEREAS, said Section 9.004 further provides that an amendment may not contain more than one subject and that the ballot shall be prepared so that a voter may approve or disapprove one or more amendments without having to approve or disapprove all of them and, therefore, the proposed amendments to the first and third sentences of Section 3.02 must be submitted separately; and,

WHEREAS, the County Clerk of Brazoria County, Texas ("the County Clerk"), requires that a separate ballot summary for each proposed amendment be used.

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

SECTION ONE--Charter Amendment Election Called.

Pursuant to Section 11.12 of the Home Rule Charter of the City and Section 9.004, Chapter 9, Local Government Code, the Mayor and City Council of the City hereby order and ordain, respectively, that a Charter Amendment Election shall be held in and throughout the City on the first Saturday in May, 2016, being May 7, 2016, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m., for the purpose of submitting to the qualified voters of the City the proposed amendments to the Home Rule Charter of the City hereinafter set forth, the substance of which was heretofore proposed by the Charter Review Commission of the City appointed for the year 2015.

SECTION TWO--Form of Ballot

The ballot used at said election shall conform with the requirements of the Texas Election Code and Section 9.004, Chapter 9, Local Government Code, shall contain the following proposed amendments prepared in such manner that each amendment shall contain only one (1) subject and each voter may approve or disapprove any one or more of the amendments without having to approve or disapprove all of the amendments, to-wit:

AMENDMENT NUMBER ONE

Should the first unnumbered paragraph of Section 3.02. Qualifications of the Home Rule Charter be amended to increase the residency requirement for election to the office of Mayor and City Council Members from twelve (12) months to twenty-four (24) months?

If this amendment is adopted, the first unnumbered paragraph of Section 3.02. Qualifications of the Home Rule Charter of the City will be amended to read:

"The Mayor and each member of the City Council shall be a registered voter and a resident citizen of the City of Freeport for at least twenty-four (24) consecutive months and, in the case of members of City Council other than the Mayor, a resident of the Ward sought to be represented for at least six (6) consecutive months, immediately preceding his or her application to have his or her name placed on the official ballot and the filing of proof of his or her qualifications as required by law."

AMENDMENT NUMBER TWO

Should the third unnumbered paragraph of Section 3.02. Qualifications of the Home Rule Charter be amended to require that a written excuse for missing a regularly scheduled meeting be filed or sent to the Mayor or Mayor Pro Temp before the missed meeting and approved by the City Council at its next regular meeting.

If this amendment is adopted, the third unnumbered paragraph of Section 3.02. Qualifications of the Home Rule Charter of the City will be amended to read:

"If any such officer shall fail to maintain the foregoing residence qualifications during his or her term of office or shall be absent from three (3) consecutive regularly scheduled meetings of the City Council without a valid written excuse filed with the Mayor or Mayor Pro Temp or sent to either of them by e-mail or text message before the missed meeting and approved by the City Council at its next regularly scheduled meeting, or fail to attend at least eighty (80%) percent of the regularly scheduled meetings of the City Council during any fiscal year, without a valid excuse approved by the City Council, the City Council must at its next regularly scheduled meeting declare a vacancy to exist in the office held by such officer and shall fill such vacancy as set forth in Section 3.06 of this Charter."

AMENDMENT NUMBER THREE

Should Section 4.08 of the Home Rule Charter be amended to change the name of the Fire Department to the Fire and E.M.S. Department?

If this amendment is adopted, Section 4.08. Fire Department of the Home Rule Charter of the City will be amended to read:

"Section 4.08. FIRE AND E.M.S. DEPARTMENT

For the protection of property and lives within the city, there is hereby established and there shall be maintained by the city a department to be known as the Freeport Fire and E.M.S. ("Emergency Medical Service")."

AMENDMENT NUMBER FOUR

Should Section 9.06. Notice of Public Hearing on Budget of the Home Rule Charter be amended to require publication in both English and Spanish and in a newspaper of general circulation within the City?

If this amendment is adopted, Section 9.06 Notice of Public Hearing on the Budget of the Home Rule Charter of the City will be amended to read:

"Section 9.06 Notice of Public Hearing on Budget

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in both English and Spanish and in a newspaper of general circulation within the City of Freeport, a notice thereof setting forth the time and place of such hearing at least fifteen (15) days before the date thereof; and such notice shall also be maintained on the City's website until after the date of such hearing.

AMENDMENT NUMBER FIVE

Should Section 10.07 Consent of Property Owners of the Home Rule Charter be amended to require the abutting and adjacent property to be restored to its previous condition when any public utility is constructed, extended, maintained or operated?

If this amended is adopted, Section 10.07 Consent of Property Owners of the Home Rule Charter of the City shall be amended to read:

"Section 10.07 Consent of Property Owners

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but such abutting and adjacent property shall thereafter be restored to its previous condition and nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his or her property as now or hereafter provided by law."

AMENDMENT NUMBER SIX

Should Section 11.011 Selection of Newspaper for Publication of the Home Rule Charter of the City be amended to require that every ordinance or resolution of the City required or permitted to be published in a newspaper shall appear on the City's website for at least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer?

If this amendment is approved, Section 11.011 Selection Of Newspaper for publication, Subsection (a), of the Home Rule Charter shall be amended to read as follows:

"(a) Every ordinance or resolution adopted by the City Council, which is required or permitted to be published in a newspaper, shall designate, in the body thereof, one or more newspapers of general circulation within the City of Freeport in which such ordinance or resolution, or the descriptive caption thereof, shall be published; and

it shall also appear on the City's website for at least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer."

SECTION THREE--Municipal Polling Places

As provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk, 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 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, but also residing within the City, shall vote on election day and one within the City of Freeport located at the Freeport Library, 410 Brazosport Boulevard., Freeport, Texas, where all other voters shall vote on election day. On that day, voting will also be permitted at the following Polling Places:

East Annex (Old Walmart)	1524 E Mulberry, Angleton
Pct 4 Government Offices	121 N. 10 th St., West Columbia
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 th St, Danbury
Clute City Hall	108 E. Main, Clute
Jones Creek Comm House	7207 Stephen F. Austin Rd., Jones Creek
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 Beach
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

SECTION FOUR--Electors.

Every person eligible to vote under the provisions of Chapter 11 of Title 2 of the Texas Election Code who is a resident of the City of Freeport, Texas, and who is duly registered to vote in the county election precinct where and on the day on which he or she votes in the charter amendment election called by this Ordinance, shall be entitled to vote for or against each of the proposed amendments set forth above in Section Two of this Ordinance.

SECTION FIVE--Officers of Election and Compensation Thereof.

The Presiding Judge, Alternate Presiding Judge and Clerks needed on the day of election for the election called by this ordinance, for the early ballot board and the central counting station shall be appointed, have the duties and be compensated as provided in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk, incorporated herein by reference.

SECTION SIX--Early Voting.

Early voting shall begin on April 25, 2016, and end on May 3, 2016, 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 25, 2016 through Friday, April 29, 2016, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, April 30, Monday, May 2, and Tuesday, May 3, 2016:

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
Shadowcreek Branch Location:	Pearland Westside Library 2803 Business Center Dr. #101, Pearland
Sweeny Branch Location:	Sweeny Community Center 205 W Ashley Wilson Rd., Sweeny
West Columbia Branch Location:	Pct. 4 Government Office 121 N. 10 th St., West Columbia

SECTION SEVEN--Method of Voting and Conducting Election.

Both early voting and all voting on the day named above for the holding of said charter amendment election shall be in the manner specified in the Joint Election Agreement and Contract for Election Services between the City and the County Clerk of Brazoria County, Texas, mentioned above.

SECTION EIGHT--Notice of Election.

(a) The Mayor of the City is hereby authorized and directed to issue a notice of said election, to cause the same to be posted for at least twenty-one (21) days prior to the date named above for the holding of said charter election on the bulletin board used for posting notices of meetings of the City Council.

(b) As required by Section 9.004 (c) of the Local Government Code, the City Secretary shall cause a copy of the above notice, including a substantial copy of above and foregoing proposed amendments, to be published on the same day in each of two (2) successive weeks, with the first publication occurring before the fourteenth (14th) day before the date hereinabove fixed for the holding of said election.

SECTION NINE--Ratification and Confirmation by Mayor.

By signing this ordinance, the Mayor of the City of Freeport, Texas, hereby ratifies and confirms as his action all above recited matters which by law come within his jurisdiction.

SECTION TEN--Effective Date.

This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND ADOPTED this ____ day of _____, 2016.

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

C:\Freeport.Ord\2016 Charter Election-Ord

NOTICE OF CHARTER AMENDMENT ELECTION

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:

You will take notice that a charter amendment election will be held in and throughout the City of Freeport, Texas, on the first Saturday in May, 2016, being May 7, 2016, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting to the voters of the City six (6) amendments to the Home Rule Charter of said City proposed by the Charter Review Commission thereof, being substantially as proposed by said Commission, viz:

AMENDMENT NUMBER ONE

Should the first unnumbered paragraph of Section 3.02. Qualifications of the Home Rule Charter be amended to increase the residency requirement for election to the office of Mayor and City Council Members from twelve (12) months to twenty-four (24) months?

If this amendment is adopted, the first unnumbered paragraph of Section 3.02. Qualifications of the Home Rule Charter of the City will be amended to read:

"The Mayor and each member of the City Council shall be a registered voter and a resident citizen of the City of Freeport for at least twenty-four (24) consecutive months and, in the case of members of City Council other than the Mayor, a resident of the Ward sought to be represented for at least six (6) consecutive months, immediately preceding his or her application to have his or her name placed on the official ballot and the filing of proof of his or her qualifications as required by law."

AMENDMENT NUMBER TWO

Should the third unnumbered paragraph of Section 3.02. Qualifications of the Home Rule Charter be amended to require that a written excuse for missing a regularly scheduled meeting be filed or sent to the Mayor or Mayor Pro Temp before the missed meeting and approved by the City Council at its next regular meeting.

If this amendment is adopted, the third unnumbered paragraph of Section 3.02. Qualifications of the Home Rule Charter of the City will be amended to read:

"If any such officer shall fail to maintain the foregoing residence qualifications during his or her term of office or shall be absent from three (3) consecutive regularly scheduled meetings of the City Council without a valid written excuse filed with the Mayor or Mayor Pro Temp or sent to either of them by e-mail or text message before the missed meeting and approved by the City Council at its next regularly scheduled meeting, or fail to attend at least eighty (80%) percent of the regularly scheduled meetings of the City Council during any fiscal year, without a valid excuse approved by the City Council, the City Council must at its next regularly scheduled meeting declare a vacancy to exist in the office held by such officer and shall fill such vacancy as set forth in Section 3.06 of this Charter."

AMENDMENT NUMBER THREE

Should Section 4.08 of the Home Rule Charter be amended to change the name of the Fire Department to the Fire and E.M.S. Department?

If this amendment is adopted, Section 4.08. Fire Department of the Home Rule Charter of the City will be amended to read:

"Section 4.08. FIRE AND E.M.S. DEPARTMENT

For the protection of property and lives within the city, there is hereby established and there shall be maintained by the city a department to be known as the Freeport Fire and E.M.S. ("Emergency Medical Service")."

AMENDMENT NUMBER FOUR

Should Section 9.06. Notice of Public Hearing on Budget of the Home Rule Charter be amended to require publication in both English and Spanish and in a newspaper of general circulation within the City?

If this amendment is adopted, Section 9.06 Notice of Public Hearing on the Budget of the Home Rule Charter of the City will be amended to read:

"Section 9.06 Notice of Public Hearing on Budget

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in both English and Spanish and in a newspaper of general circulation within the City of Freeport, a notice thereof setting forth the time and place of such hearing at least fifteen (15) days before the date thereof; and such notice shall also be maintained on the City's website until after the date of such hearing."

AMENDMENT NUMBER FIVE

Should Section 10.07 Consent of Property Owners of the Home Rule Charter be amended to require the abutting and adjacent property to be restored to its previous condition when any public utility is constructed, extended, maintained or operated?

If this amended is adopted, Section 10.07 Consent of Property Owners of the Home Rule Charter of the City shall be amended to read:

"Section 10.07 Consent of Property Owners

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but such abutting and adjacent property shall thereafter be restored to its previous condition and nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property owner of any right of action for damage or injury to his or her property as now or hereafter provided by law."

AMENDMENT NUMBER SIX

Should Section 11.011 Selection of Newspaper for Publication of the Home Rule Charter of the City be amended to require that every ordinance or resolution of the City required or permitted to be published in a newspaper shall appear on the City's website for at least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer?

If this amendment is approved, Section 11.011 Selection Of Newspaper for publication, Subsection (a), of the Home Rule Charter shall be amended to read as follows:

"(a) Every ordinance or resolution adopted by the City Council, which is required or permitted to be published in a newspaper, shall designate, in the body thereof, one or more newspapers of general circulation within the City of Freeport in which such ordinance or resolution, or the descriptive caption thereof, shall be published; and it shall also appear on the City's website for at least ten (10) days or for the length of time between each publication, if it is required to be published more than once, whichever is longer."

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 but also residing within the City shall vote on election day and one within the City of Freeport located at the Freeport Library, , Freeport, Brazoria County, Texas, where all other voters residing with the City shall vote on election day. On that day, voting will also be permitted at the following Polling Places:

East Annex (Old Walmart)	1524 E Mulberry, Angleton
Pct 4 Government Offices	121 N. 10 th St., West Columbia
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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Sweeny Community Center	205 W Ashley-Wilson Rd, Sweeny
Danbury Community Center	6115 5 th St, Danbury
Clute City Hall	108 E. Main, Clute
Jones Creek Comm House	7207 Stephen F. Austin Rd., Jones Creek
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
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Alvin Library	105 S Gordon, Alvin
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Fellowship Bible Church	1720 E Broadway, Pearland
Courthouse West Annex	451 N Velasco, Angleton
Pearland Westside Library	2803 Business Center Dr #101, Pearland

Early voting shall begin on April 25, 2016, and end on May 3, 2016, 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 25, 2016 through Friday, April 29, 2016, and between the hours of 7:00 a.m. through 7:00 p.m. on Saturday, April 30, Monday, May 2, and Tuesday, May 3, 2016, to-wit:

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
Shadowcreek Branch Location:	Pearland Westside Library 2803 Business Center Dr. #101, Pearland
Sweeny Branch Location:	Sweeny Community Center 205 W Ashley Wilson Rd., Sweeny
West Columbia Branch Location:	Pct. 4 Government Office 121 N. 10 th St., West Columbia

WITNESS MY OFFICIAL SIGNATURE HEREUNTO AFFIXED this ____ day
of _____, 2016.

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 _____, 2016 I posted a true and correct copy of the foregoing "Notice of Charter Amendment 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 Charter Amendment 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, and has general circulation in the City of Freeport. I requested that such publication in such newspaper be on the same day in each of two (2) successive weeks, with the first publication occurring before the fourteenth (14th) day before the date hereinabove fixed for the holding of said charter election. I did not cause a copy the above and foregoing "Notice of Charter Amendment Election" to be published in the Freeport Sentinel, a newspaper previously published in the City of Freeport, Texas, having general circulation therein, but which newspaper does not appear to meet all of the criteria set forth in Section 2051.044 of the Government Code whereas Section 9.004(c) of the Local Government Code requires that a notice of a charter amendment election be published in a newspaper of general circulation published in the municipality calling such election, because it has ceased publication.

WITNESS my official signature and the seal of said City hereunto affixed this ____ day of _____, 2016.

Delia Muñoz, City Secretary
City of Freeport, Texas

AVISO DE ELECCION DE ENMIENDAS A FLETAMENTO

PARA: TODAS LAS PERSONAS CON DERECHO AL VOTO BAJO LAS PROVISIONES DE EL CAPITULO 11 DE EL TITULO 2 DE EL CODIGO DE ELECCION DE TEXAS QUE SON RESIDENTES THE LA CIUDAD DE FREEPORT TEXAS Y QUE ESTAN DEBIDAMENTE REGISTRADOS PARA VOTAR EN EL RECINTO DONDE Y EN EL DIA QUE VOTEN, SALUDOS:

Este es un aviso de que la eleccion para enmendar el fletamento se llevara acabo en y a lo largo de la Ciudad de Freeport, Texas, el Primer Sabado en Mayo, 2016, que es Mayo 7, 2016, entre las horas de 7:00 a.m. y 7:00 p.m. con el proposito de someter a los votantes de la Ciudad seis (6) enmiendas a el Fletamento de la Ciudad propuestas por la Commission de Revision del Fletamento del mismo, siendo sustancialmente propuesto por dicha commission, a saber:

ENMIENDA NUMERO UNO

Debe el primer parrafo sin number de la seccion 3.02 Calificatciones de el Fletamento de La Ciudad ser corregida para incrementar los requeriminetos residenciales para la eleccion para el puesto de Alcalde y para el puesto de miebros de el Consejo Municipal de doce (12) meses a veinti-cuatro (24) meses?

Si esta enmienda es adoptada, el primer parafo sin numero de la Seccion 3.02 Calificaciones de el Fletamento de la Ciudad debera ser corregida para leera de la siguiente manera:

"El Alcade y cada miembro de el Consejo Municipal de la Ciudad debe ser un votante registrato y un residente de la Ciudad de Freeport por lo menos veinti-cuatro (24) meses consecutivos y, en el caso de los miembros de el Consejo Municipal de la Ciudad que no sea el Alcalde, ser resident de el recinto para el cual busca ser representante por los menos seis (6) meses consecutivos, inmediatamente antes de que su aplicacion para poner su nombre en la boleta de votacion y la presentacion de la prueba de su cualificaciones como exige la ley ."

ENMIENDA NUMERO DOS

Debe el tercer parrafo sin numero de la seccion 3.02 Calificatciones de el Fletamento de La Ciudad ser corregida para requerir que una excusa por escrito pra estar ausente de una junta regular de la Ciudad sea archivada or mandada a el Alcalde o al Alcalde Temporal antes de la junta perdididad y ser aprobada por el Consejo Municipal de la Ciudad en la proxima junta regular.

Si esta enmienda es adoptada, el tercer parrafo sin numero de la Seccion 3.02 Calificatciones de el Fletamento de La Ciudad debera ser corregida para leer de la siguiente manera:

"Si algun funcionario falla en mantener las calificaciones de residencia anteriores durante su puesto o debe estar ausente de tres (3) juantas regulars consecutives de el Consejo Municipal de la Ciudad sin una excusa por escrito archivada con el Alcalde o el Alcalde Temporal o enviada por texto o correo electronic antes de perder la Junta y ser aprobado por el Consejo Municipal de la Ciudad en la proxima Junda, o fallar en atender por lo menos ochenta porciento(80%) de las juntas regulars de el Consejo Municipal de la Ciudad durante un ano fiscal, sin una excusa valida aprobada por el Consejo Municipal de la Ciudad, el Consejo Municipal debe en su proxuma junta declarar una vacancia en el puesto de dicho funcionario y debe llenar la vacancia como se indica en la Seccion 3 ~~1864~~ este fletamento."

ENMIENDA NUMERO TRES

Debe la seccion 4.08 de el Fletamento de la Ciudad ser corregida para cambiar el nombre the el Departamento de Bomberos a Departamento the Bomberos y E.M.S?

Si esta enmienda es adoptada, la Seccion 4.08 Departamento de Bomberos de el Fletamento de la Ciudad sera corregida para leer de la siguiente manera:

"Seccion 4.08 Departemnto de Bomberos y E.M.S

Para la proteccion de la propiedad y la vida dentro de la Ciudad Se establecera y se mantendra por la Ciudad un departamento a ser conocido como, Freeport fie and E.M.S. (Servicio de Emergencia Medica)."

ENMIENDA NUMERO CUATRO

Debe la seccion 9.06 Notificacion de Junta Publica acerca de el presupuesto de le Fletamento de la Ciudad ser corregida para requerir publicacion en ingles y en espanol y en el periodico the circulacion general de la Ciudad?

Si esta enmienda es adoptada, la Seccion 9.06 Notificacion de Junta Publica acerca de el presupuesto de le Fletamento de la Ciudad sera corregida para leer de la siguiente manera:

"Seccion 9.06 Notificacion de Junta Publica acerca de el presupuesto

En la junta the el Consejo Municipal de la Ciudad en cual se somete el presupuesto, el Consejo Municipal de la Ciudad debe poner la hora y el lugar de la junta publica acerca de el presupuesto y debe publicarlo en ingles y en espanol en un peridodico de circulacion general de la Ciudad de Freeport, debe dar un aviso donde diga el horario y lugar de dicha junta por lo menos quince (15) dias antes de dicha fecha; y dicho aviso debe ser publicado en el citio de interenet de la Ciudad hasta despues de dicha junta."

ENMIENDA NUMERO CINCO

Debe la seccion 10.07 Consentimiento para Propietarios de el Fletamento de la Ciudad ser corregida para requerir que la propiedad colindante y vecina a ser restaurada a su estado anterior cuando se construye cualquier utilidad pública , extendida, mantanida u operada?

Si esta enmienda es adoptada, la Seccion 10.07 Consentimiento para Propietarios de le Fletamento de la Ciudad sera corregida para leer de la siguiente manera:

"Seccion 10.07 Consentimiento para Propietarios

El consentimiento de propietarios vecinos y colindantes no debera ser requerido para la construccion, extension, mantenimiento u operacion de cualquier utilidad publica; pero dicha propiedad vecina y colindante debera ser restaurada a su previa condicion y nada en este fletamento o en cualquier franquicia otorgada en virtud del presente jamás se interpretará para privar a cualquier dueño de la propiedad de cualquier derecho de acción por daños o lesiones a su propiedad como ahora o en el futuro previsto por la ley."

ENMIENDA NUMERO SEIS

Debe la seccion 11.011 Seleccion de Periodico para Publicacion de el Fletamento de la Ciudad ser corregida para requerir que todas las ordenansas y resoluciones de la Ciudad que requieren ser publicadas en un periodico deben aparecer en la pagina de internet de la Ciudad por lo menos diez (10) dias o por el period de tiempo entre publicaciones, si es requerido que se publique mas de una vez, el period que sea mas largo?

Si esta enmienda es adoptada, la Seccion 11.011 Seleccion de Periodico para la Publicacion, subseccion (a), de el Fletamento de la Ciudad sera corregida para leer de la siguiente manera:

"(a) Todas las ordenansas o resoluciones adoptadas por el Consejo Municipal de la Ciudad, que requieran or permitan ser publicadas en un periodico, deben designer, en su contenido, uno o mas periodicos de circulacion general en la Ciudad de Freeport in cual dicha ordenansa o resolucioin, o la capcion descriptive, deben ser publicados; y deben tambien aparecer en la pagina de internet de la Ciudad por lo menos diez (10) dias o por el period entre cada publicacion, si es requerido que se publique mas de una vez, el period que sea mas largo."

Conforme lo dispuesto en le acuerdo de eleccion 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 Brazosport High School, John Magee Performance Center, 1800 West Second Street, Freeport, Texas, donde todos los demas votantes que viven dentro de la Ciudad deben votar el dia de eleccion. En este dia tambien se permitiran las votaciones en los siguientes lugares:

East Annex (Old Walmart)	1524 E Mulberry, Angleton
Pct 4 Government Offices	121 N. 10 th St., West Columbia
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 th St, Danbury
Clue City Hall	108 E. Main, Clute

Jones Creek Comm House	7207 Stephen F. Austin Rd., Jones Creek
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 Beach
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

Votaciones anticipadas deben comensar Abril 25, 2016, y terminar Mayo 3, 2016 dichas votaciones anticipadas debran ser llevadas acabo por el Secretario de el Condado de Brazoria, Texas en los siguientes lugares entre las horas de 8:00 a.m. y 5:00 p.m., desde el Lunes Abril 25, 2016 hasta el Viernes Abril 29, 2016 y entre las horas de 7:00 a.m y 7:00 p.m. el Sabado Abril 30, 2016, el Lunes Mayo 2, 2016 y el Martes Mayo 3, 2016, a saber:

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

Shadowcreek Branch Location: Pearland Westside Library
2803 Business Center Dr. #101,
Pearland

Sweeny Branch Location: Sweeny Community Center
205 W Ashley Wilson Rd., Sweeny

West Columbia Branch Location: Pct. 4 Government Office
121 N. 10th St., West Columbia

Testigo a mi firma official a esto puesto el dia _____ de _____ de
el 2016.

Norma Moreno Garcia, Alcalde,
Ciudad de Freeport, Texas

ATTEST:

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

**PROPERTY MANAGEMENT
MEMO**

December 2, 2015

To: Jeff Pynes

Subject: Release of City Interest in Trust Property

Reference: Lot 6, Block 42, Velasco Townsite

The Brazoria County Resale Committee has received an offer of \$350 for the above referenced Trust Property located at 512 South Avenue L, and have requested whether or not the City of Freeport would release their interest in same. Proceeds from the sale would be applied toward the taxes and any outstanding liens.

Documentation supporting this request is attached.

Please place the request on the next regular council agenda for consideration.

Nat
Property

OK for agenda



City Manager

PROPERTY MANAGEMENT
MEMO
Resale Data Information Sheet

Council date: December 7, 2015
Agenda item: _____
Block & lot(s): Block 42, Lot 6
Street location: 512 South Avenue L
Account No.: 8110-0436-110
Adjudged Value: \$ 350.00
Offer by: Chris Gilbert \$ 350.00
Sheriff Deed: 2013043273
Post Judgment Taxes \$ 27.86
Post Judgment Years 2012-2013
Liens outstanding: \$ 0
Court cost \$ 18.48
Land Value (Current) \$ 350.00
To distribute: \$ 331.52
Amount to Freeport: \$ 89.00 (26.85%)
Zoning: C2

Council action Sell Reject Re-agenda

Comments:

Motion by _____ Second _____ Vote _____

Trust sale-Council action temp 7/13

CONNECTEXPLORER



Choose an identity tool

File Edit View

Buffer: 0 Feet

Layers: Parcels

Results by layer

Options

GEO ID: 0110430110
 GEO ID: 0110430110
 PID: 250004
 TRACT NAME: J
 OWNER: CITY OF FREDERICK IN TRUST
 MAILING: 200 W 2ND ST
 MAILING CITY: FREDERICK
 MAILING STATE: MD
 MAILING ZIP: 77041-0770
 DEED REF: N04170003
 LEGAL DESC: SUBD - Wilson - S
 M-20-000 BLK - 42 Lot - 6
 LEGAL TYPE: LOT
 NSRID: 30110
 FIRST BUS CD: 08110
 IMP US VAL: 0
 IMP NON US VAL: 0
 LVG AREA: 0
 EFF YR VAL: 0
 FFSORT: 0
 LND TYPE: 01
 LND PG VAL: 0
 LND NON PG VAL: 000
 AG MAT VAL: 0
 AS USE VAL: 0
 TOTAL INCL VAL: 000
 APPR VAL: 000
 ASSESSD VAL: 000

map: Auto 02/03/2015 Select Date image 1 of 16

512 South Avenue L A - Z

BID ANALYSIS

Cause Number:	66625	Account Number:	8110-0436-110
Offer Amount:	\$350.00	Value \$:	\$350.00
Person Offering:	CHRIS GILBERT	Adjudged Value\$:	\$350.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	1991-2011	\$53.80
BCED	1991-2011	\$0.00
Brazosport ISD	1991-2011	\$178.70
BRHND	1991-2011	\$8.99
Brazosport College	1991-2011	\$16.72
Velasco Drainage	1991-2011	\$11.49
Road Dist 34	1991-2011	\$0.00
City of Freeport	1991-2011	\$98.98
Total		\$368.68

Costs

Court Costs		Sheriff Fees	\$18.48
Publication Fees		Research Fees	
Ad Litem		Recording fee's	
	Liens		
Cost of Deed		Deed file date	
Total			\$18.48

Post Judgement Information

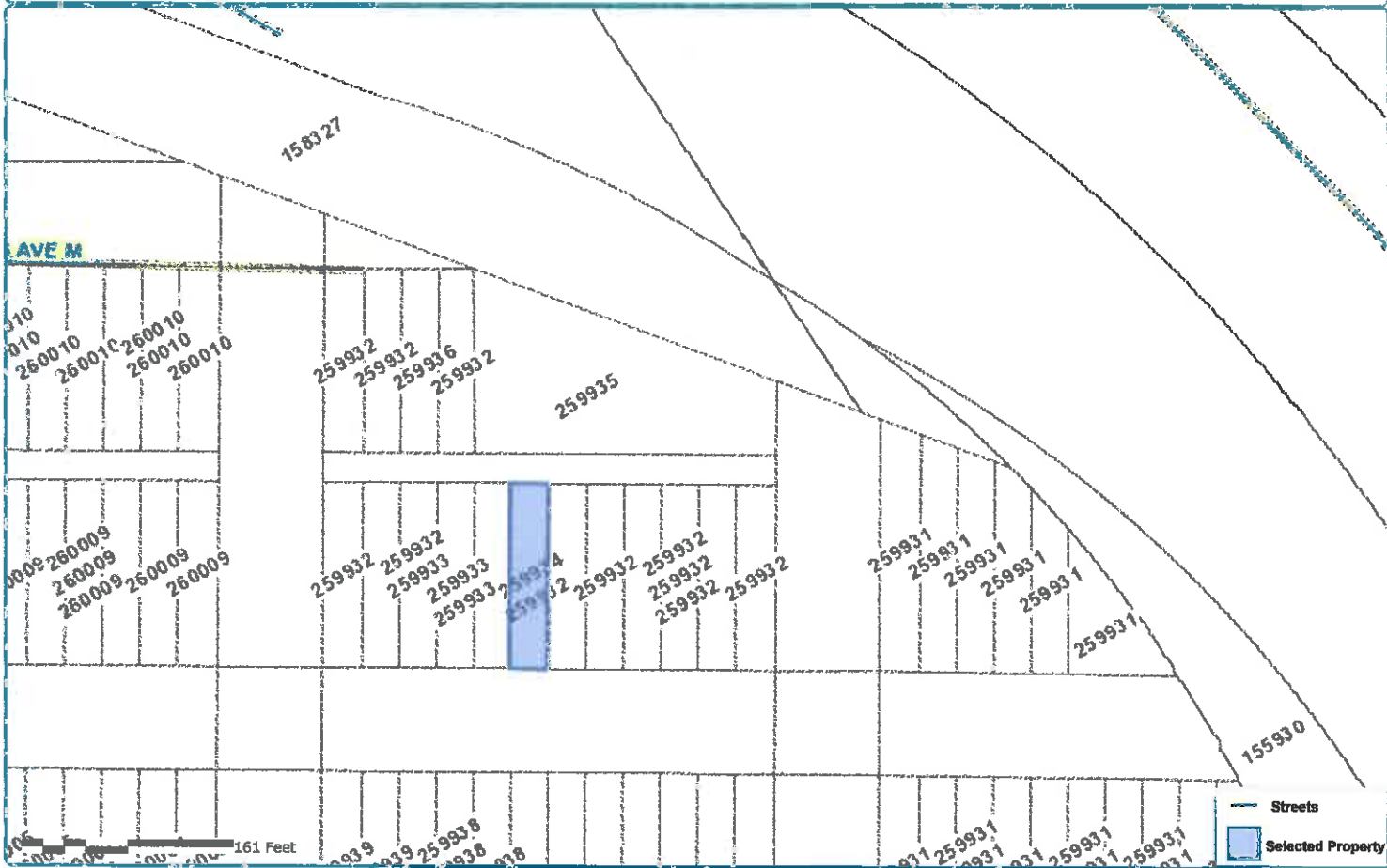
Taxing Entity	Tax Year's	
BC	2012-2013	\$4.79
BCED	2012-2013	\$0.00
Brazosport ISD	2012-2013	\$12.31
BRHND	2012-2013	\$0.47
Brazosport College	2012-2013	\$2.58
Velasco Drainage	2012-2013	\$0.95
Road Dist 34	2012-2013	\$0.00
City of Freeport	2012-2013	\$6.76
Post Judgment Total		\$27.86

Proposed Distribution

Offer Amount	Costs
\$350.00	\$18.48
Net to Distribute \$	\$331.52

BC	14.59%	\$48.38
BCED	0.00%	\$0.00
Brazosport ISD	48.47%	\$160.69
BRHND	2.44%	\$8.08
Brazosport College	4.54%	\$15.03
Velasco Drainage	3.12%	\$10.33
Road Dist 34	0.00%	\$0.00
City of Freeport	26.85%	\$89.00

Brazoria CAD - Map of Property ID 259934 for Year 2016



Property Details

Account

Property ID: 259934
 Geo ID: 8110-0436-110
 Type: Real

*Trust 17 FEB 2013-043273
 Trust ID, Page 14*

Legal Description: VELASCO (FREEPORT) BLK 42 LOT 6

Location

Situs Address: S AVE L FREEPORT, TX
 Neighborhood: VELASCO
 Mapsco:

Jurisdictions: CAD, DR2, GBC, CFP, JBR, RDB, 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/51/259934/2016>



Map Disclaimer: If you experience issues with Silverlight, please use this link to troubleshoot: <http://www.brazoriacad.org/uploads/1/2/9/0/12902727/silverlight.pdf>

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**

December 2, 2015

To: Jeff Pynes

Subject: Release of City Interest in Trust Property

Reference: Lot 16 & 17, Block 50, Velasco Townsite

The Brazoria County Resale Committee has received an offer of \$3,000 for the above referenced Trust Property located at 415-417 South Avenue F, and have requested whether or not the City of Freeport would release their interest in same. Proceeds from the sale would be applied toward the taxes and any outstanding liens.

The building on the property was condemned and removed from the property in October 2015, Documentation supporting this request is attached.

Please place the request on the next regular council agenda for consideration.

Nat
Property

OK for agenda



City Manager

PROPERTY MANAGEMENT
MEMO
Resale Data Information Sheet

Council date: December 7, 2015

Agenda item: _____

Block & lot(s): Block 50, Lot 16-17

Street location: 415-417 South Avenue F

Account No.: 8110-0486-000

Adjudged Value: \$26,080.00

Offer by: Edith S Zonia **\$ 3,000.00**

Sheriff Deed: 2009-031292, 7-6-09

Post Judgment Taxes \$ 1,850.00

Post Judgment Years 2008-2009

Court cost & Liens **\$ 5,662.09**

Land Value (Current) \$ 2,810.00

To distribute: \$ -0-

Amount to Freeport: \$ -0-

Zoning: M-1

Council action Sell Reject Re-agenda

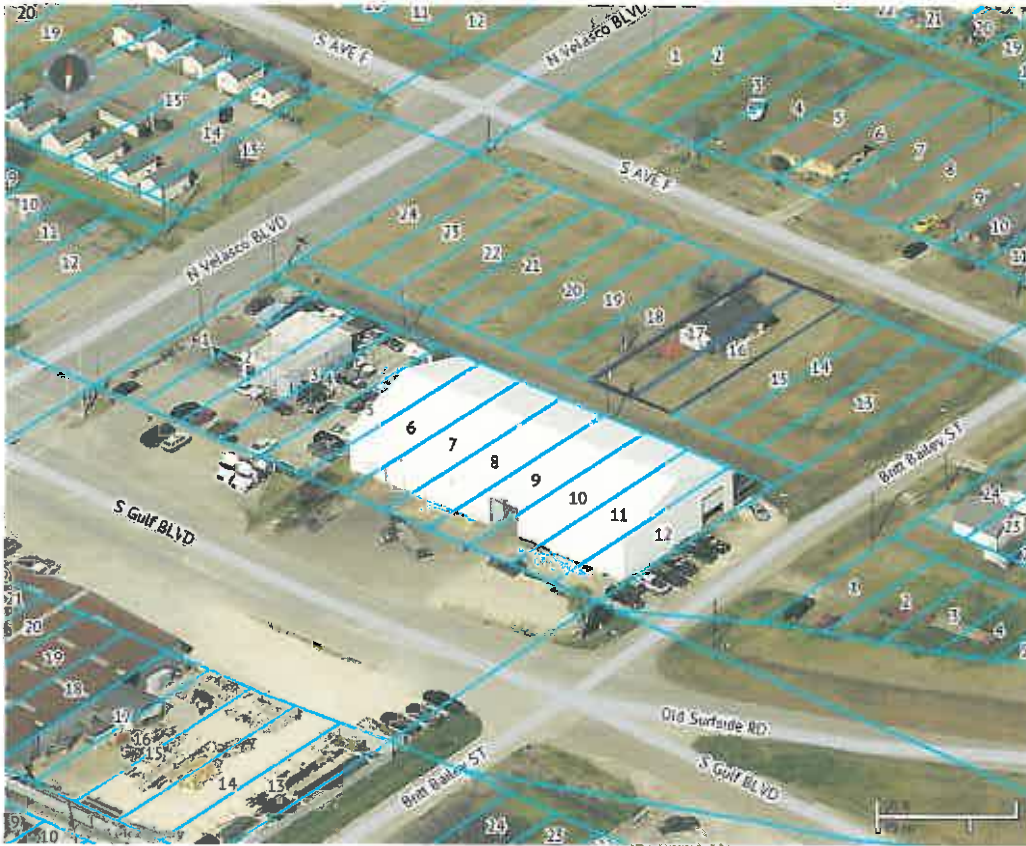
Comments:

Building has been demolished. No improvements.

Motion by _____ Second _____ Vote _____

Trust sale-Council action temp 7/13

CONNECTEXPLORER



Change all transparency to all

Parcels

Layers: Parcels

Results by layer

Copy

GEO ID: 8110046600
 GEO ID: 8110046600
 PID: 988078
 TRACT NAME: 17
 OWNER: CITY OF FREEPORT IN TRUST
 PARLINO: 210 WALLACE ST
 MAILING CITY: FREEPORT
 MAILING STATE: VA
 MAILING ZIP: 27741-5779
 DEED REF: 2006-010140
 LEGAL DESC: GULF - Wallace - B...
 W/8.41-408 BLK - 00 LK - 17 - 16
 LEGAL TYPE: LOT
 VENDOR: 00100
 ACCT BUS CD: 00110
 RPT NS VAL: 20460
 RPT NON NS VAL: 0
 LING AREA: 871
 EFF YR: 1975
 PROJECT: 00047504
 LND TYPE: 01
 LND NS VAL: 20460
 LND NON NS VAL: 0
 AD MKT VAL: 0
 AD USE VAL: 0
 TOTAL MKT VAL: 20460
 APPR VAL: 20460
 ASSESSED VAL: 20460

map: Auto 02/02/2015 Select Date Image 1 of 18

415-417 South Avenue F

Building has been demolished

BID ANALYSIS

Cause Number: 45138 Account Number: 8110-0486-000
 Offer Amount: \$3,000.00 Value \$: \$26,980.00
 Person Offering: ZONIA EDITH SALAZAR Adjudged Value\$: \$26,080.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	2001-2007	\$1,264.80
Brazosport ISD	2001-2007	\$4,450.00
BRHND	2001-2007	\$205.38
Brazosport College	2001-2007	\$345.10
Velasco Drainage	2001-2007	\$245.15
City of Freeport	2001-2007	\$2,316.43
	Total	\$8,826.86

Costs

Court Costs	\$789.00	Sheriff Fees	\$313.09
Publication Fees	\$165.60	Research Fees	\$175.00
Ad Litem		Recording fee's	\$24.00
	Liens		\$5,150.00
Cost of Deed		Deed file date	
		Total	\$6,616.69

Post Judgement Information

Taxing Entity	Tax Year's	Amount Due
BC	2008-2009	\$284.96
Brazosport ISD	2008-2009	\$853.96
BRHND	2008-2009	\$37.96
Brazosport College	2008-2009	\$115.42
Velasco Drainage	2008-2009	\$59.36
City of Freeport	2008-2009	\$498.42
	Post Judgment Total	\$1,850.08

Proposed Distribution

Offer Amount: \$3,000.00
 Costs: \$6,616.69
 Net to Distribute \$: -\$3,616.69

BC	14.33%	-\$518.24
Brazosport ISD	50.41%	-\$1,823.33
BRHND	2.33%	-\$84.15
Brazosport College	3.91%	-\$141.40
Velasco Drainage	2.78%	-\$100.45
City of Freeport	26.24%	-\$949.13

RECEIVED
 DEC - 1 2015
 PROPERTY

Brazoria CAD - Map of Property ID 259975 for Year 2016



Property Details

Account

Property ID: 259975
 Geo ID: 8110-0486-000
 Type: Real
 Legal Description: VELASCO (FREEPORT), BLOCK 50, LOT 16-17 (CAUSE #45138)

Location

Situs Address: 417 S AVE F FREEPORT,
 Neighborhood: VELASCO
 Mapsco:

Jurisdictions: NAV, CAD, GBC, RDB, JBR, SBR, DR2, 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/51/259975/2016>



Map Disclaimer: If you experience issues with Silverlight, please use this link to troubleshoot: <http://www.brazoriacad.org/uploads/1/2/9/0/12902727/silverlight.pdf>

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PROPERTY MANAGEMENT

January 7, 2016

To : Jeff Pynes

Subject : Release of City Interest in Trust Property

Reference: : Lot 10, Block 87, Velasco Townsite

The Brazoria County Resale Committee has received an offer of \$200.00 for the above referenced Trust Property located at 20 South Avenue F, and have requested whether or not the City of Freeport would release their interest in same


Court cost and post judgment exceed the offer by \$18.37. Monetary return to the City would be zero dollars (\$0.00). Documentation supporting this request is attached.

Please place the request on the February 1, 2016, Council agenda for consideration



Nat
Property

OK for agenda



City Manager

attach.

Tax Resale Property Information

RESALE MEETING OF: September 22, 2015

Legal Description: VELASCO (FREEPORT), BLOCK 87, LOT 10 IN TRUST 8455-T99
ACRES .0717

Physical Address: 2 S AVE F

Account Number: 8110-0881-000

In Trust To: CITY OF FREEPORT

Adjudged Value: \$700.00

Minimum Bid at Sale: \$412.34
\$200.00 PR 8-4-15

Offer: \$200.00

Offer made by: CLYAN H. HALL

Sheriff's Deed Filed: 9/25/2000

Redemption Expiration: 3/25/2001

Post Judgment Taxes: \$45.26

Post Judgment Years: 2000

City weed/demo liens: UNKNOWN

Land Value: (Current) \$2,340.00

Improvement Value:(Current) \$0.00

Previous Owner: CHARLES LANSING COBB

Precinct: 1

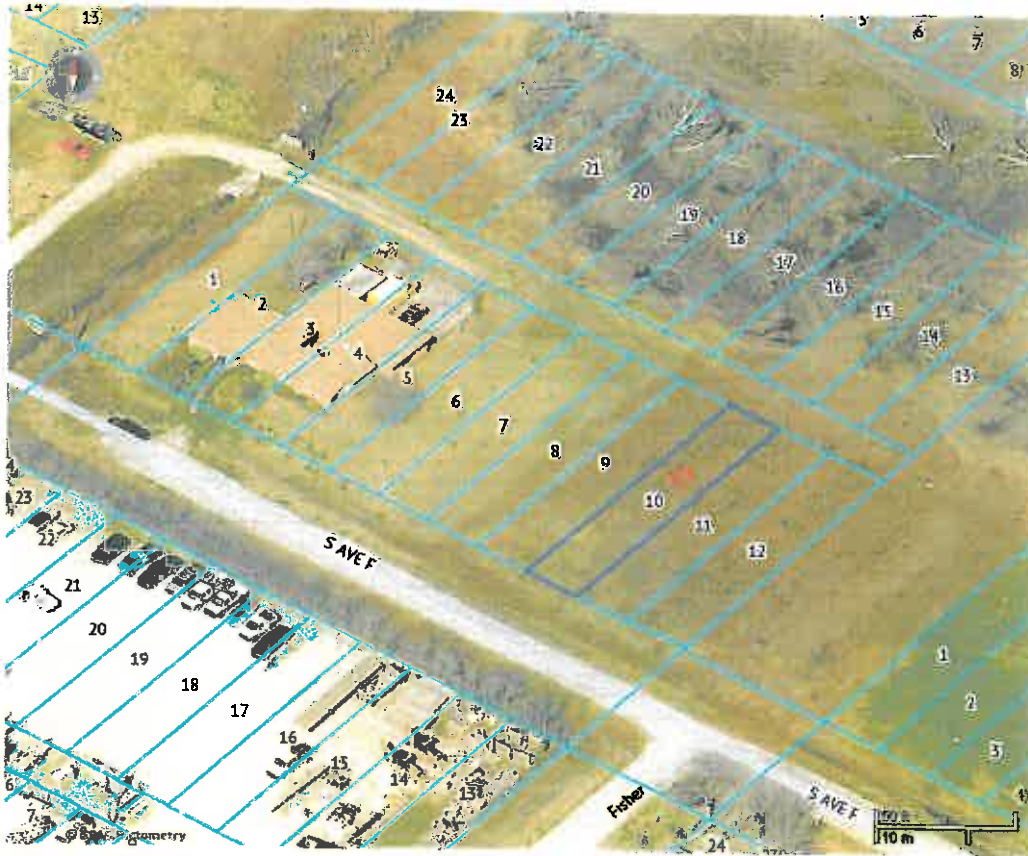
School District: BRAZOSPORT ISD

Vote:	AYE	NAY
R. Garrett	X	
C. Garner	X	
Judge Sebesta	X	
D. Payne	X	
Civil Div. Rep.	X	

Notes: PBFCM representative present

20 S. Ave F

CONNECTEXPLORER



map: Auto 02/02/2015 Select Date image 1 of 18

Choose an identify tool

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Buffer: 0 Feet

Layers: Parcels

Results by layer Optio

GEO ID: 0
 GEO ID: 0
 PID: 260178
 TRACT NAME: 10
 OWNER: CITY OF FREEPORT IN TRUST
 MAILING2: 200 W 2ND ST
 MAILING CITY: FREEPORT
 MAILING STATE: TX
 MAILING ZIP: 77541-5773
 DEED REF: 2000-041167
 LEGAL DESC: SUBD - Velasco - B
 95,501-526 BLK - P7 Lot - 10
 LEGAL TYPE: LOT
 NBHD: S8110
 ABST SUB CD: S8110
 IMP HS VAL: 0
 IMP FIONHS VAL: 0
 LVNG AREA: 0
 EFF YR BLT: 0
 LND TYPE: S1
 LND HS VAL: 0
 LND NON HS VAL: 2340
 AG MKT VAL: 0
 AG USE VAL: 0
 TOTAL MKT VAL: 2340
 APPR VAL: 2340
 ASSESSED VAL: 2340
 CALC. ACREAGE: 0.071 ac

~~per Nicholette 1-7-2016~~

~~Glyahn H Hall is also making an offer of \$200.00 for lot 11.~~

Nat

BID ANALYSIS

Cause Number: 8455*T99 Account Number: 8110-0881-000
 Offer Amount: \$200.00 Value \$: \$2,340.00
 Person Offering: CLYAN H. HALL Adjudged Value\$: \$700.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	1980-1999	\$46.58
Brazosport ISD	1980-1999	\$179.03
BRHND	1980-1999	\$10.86
Brazosport College	1980-1999	\$9.88
Velasco Drainage	1980-1999	\$12.84
City of Freeport	1980-1999	\$102.45
	Total	\$361.64

Costs

Court Costs	\$0.00	Sheriff Fees	
Publication Fees		Research Fees	\$218.37
Ad Litem		Recording fee's	
	Liens		
Cost of Deed		Deed file date	
	Total		\$218.37

Post Judgement Information

Taxing Entity	Tax Year's	Amount Due
BC	2000	\$6.50
Brazosport ISD	2000	\$22.32
BRHND	2000	\$1.20
Brazosport College	2000	\$1.39
Velasco Drainage	2000	\$1.13
City of Freeport	2000	\$12.72
	Post Judgment Total	\$45.26

Proposed Distribution

Offer Amount: \$200.00 Costs: \$218.37
 Net to Distribute \$: -\$18.37

BC	12.88%	-\$2.37
Brazosport ISD	49.51%	-\$9.09
BRHND	3.00%	-\$0.55
Brazosport College	2.73%	-\$0.50
Velasco Drainage	3.55%	-\$0.65
City of Freeport	28.33%	-\$5.20

Brazoria CAD

Property Search Results > 260178 CITY OF FREEPORT IN TRUST for Year 2016

Property

Account

Property ID: 260178 Legal Description: VELASCO (FREEPORT) BLK 87 LOT 10 (IN TRUST 8455-T99)
 Geographic ID: 8110-0881-000 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

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

Owner

Name: CITY OF FREEPORT IN TRUST Owner ID: 114250
 Mailing Address: 200 W 2ND ST % Ownership: 100.0000000000%
 FREEPORT, TX 77541-5773
 Exemptions: EX-XV

Values

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

Taxing Jurisdiction

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

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

SBR	BRAZOSPORT INDEPENDENT SCHOOL DISTRICT	N/A	N/A	N/A	N/A
	Total Tax Rate:	N/A			
				Taxes w/Current Exemptions:	N/A
				Taxes w/o Exemptions:	N/A

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	S1	PRIMARY SITE	0.0717	3125.00	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2016	N/A	N/A	N/A	N/A	N/A	N/A
2015	\$0	\$2,340	0	2,340	\$0	\$2,340
2014	\$0	\$2,340	0	2,340	\$0	\$2,340
2013	\$0	\$2,340	0	2,340	\$0	\$2,340
2012	\$0	\$2,340	0	2,340	\$0	\$2,340
2011	\$0	\$2,340	0	2,340	\$0	\$2,340
2010	\$0	\$2,340	0	2,340	\$0	\$2,340
2009	\$0	\$2,340	0	2,340	\$0	\$2,340
2008	\$0	\$2,030	0	2,030	\$0	\$2,030
2007	\$0	\$2,030	0	2,030	\$0	\$2,030
2006	\$0	\$2,030	0	2,030	\$0	\$2,030
2005	\$0	\$2,030	0	2,030	\$0	\$2,030
2004	\$0	\$700	0	700	\$0	\$700
2003	\$0	\$700	0	700	\$0	\$700
2002	\$0	\$700	0	700	\$0	\$700
2001	\$0	\$700	0	700	\$0	\$700

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	9/13/2000	SD	SHERIFF'S DEED	HAMILL MAY PERRY	CITY OF FREEPORT	00	041167	0

Questions Please Call (979) 849-7792

This year is not certified and ALL values will be represented with "N/A".

INVITATION TO BID

NOTICE IS HEREBY GIVEN that the City of Freeport, Texas, (the City) is interested in entering into a contract for installation of asphalt, set to grade and stabilized, with tack oil added on Mystery Harbor Lane and Front Street Alley, beginning at the apron on the North side of Velasco Boulevard to the South side of Veterans Memorial Drive, a distance of approximately 5,300 feet and a width of approximately 14 feet, according to the below mentioned plans and specifications.

SEALED BIDS addressed to the City Manager by any person, firm or corporation desiring to perform all of the work described above for any or all of the above numbered projects 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 26th day of February, 2016, 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, SPECIFICATIONS AND JOB SCOPE for each of the above numbered projects are available for public inspection at the City's Service Center, 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 ____ day of _____,
2016.

Delia Munoz, City Secretary
City of Freeport, Texas

NOTE: Publish once per week for two consecutive weeks, first publication to be more than 14 days before date of meeting at which bids are to be opened and read aloud.

Mystery Harbor Lane and Front Street Alley
Beginning at apron on North side of Velasco Boulevard
to the South side of Veterans Memorial Drive
Approximately = 5300 ft. of alley by 14 ft. wide
Set to grade, stabilize, add tack oil, and place asphalt

Job scope for asphalt street

- 1. Contractor will be responsible for all signage, barricades, and safety aspects of work to be done as per City specifications.**
- 2. Contractor will be responsible for line locates needed to begin work.**
- 3. Manholes existing in alley will be maintained to street elevation.**
- 4. Maintain elevation suitable for drainage**
- 5. Till area to be repaired and stabilized with 6% lime or portland to a depth of no less than 6 inches and one foot wider on each side than asphalt to be added.**
- 6. Subgrade must be compacted to 95% compaction +/- 1% and tested by PSI or suitable contractor.**
- 7. Compact, grade, and roll to prepare for asphalt overlay.**
- 8. Apply tack coat.**
- 9. Overlay with no less than 2 inches of TxDOT Type D asphalt.**

PUBLIC WORKS CONTRACT

This agreement made this _____ day of _____, 2016, by and between the CITY OF FREEPORT, TEXAS ("OWNER"), a Home-Rule Municipality lying and situated in Brazoria County, Texas, and (INSERT NAME IN CAPS), a private corporation duly organized under the laws of the State of Texas, having a principal office in Texas at (INSERT STREET ADDRESS).

W I T N E S S E T H:

1. For and in consideration of the payments and agreements herein mentioned, CONTRACTOR will commence and complete, in a good and workmanlike manner, the paving of **Mystery Harbor Lane and Front Street Alley**, beginning at the apron on the North side of Velasco Boulevard to the South side of Veterans Memorial Drive, an approximate distance and width of 5,300 feet and 14 feet, respectively ("PROJECT").

2. The CONTRACTOR will furnish at CONTRACTOR'S expense all bonds, permits, licenses, transportation, material, supplies, tools, equipment, machinery, labor and other services necessary for the construction and completion of the PROJECT as described in the CONTRACT DOCUMENTS and any CHANGE ORDERS approved by both parties or their duly authorized representatives.

3. The CONTRACTOR will commence the work necessary to construct and complete the PROJECT in the manner described in the CONTRACT DOCUMENTS in the manner therein specified ("the WORK") within _____ calendar days after the date of the NOTICE TO PROCEED is sent to CONTRACTOR and will complete the WORK within _____ calendar days thereafter unless the period of completion is extended otherwise by the CONTRACT DOCUMENTS.

4. A CONTRACTOR'S PAYMENT BOND and a CONTRACTOR'S PERFORMANCE BOND as required by Chapter 2253 of the Government Code of Texas have been furnished by CONTRACTOR TO OWNER as required by Chapter 2253 of the Government Code of Texas prior to the execution of this contract or will be furnished before any of the WORK begins or within ten (10) days of the date hereof, which ever event is first. If such bonds are not filed as provided herein, OWNER may terminate this contract.

5. The CONTRACTOR agrees to perform all of the WORK therein for the sum of \$ (INSERT AMOUNT) as shown in the CONTRACTOR'S BID.

6. The term "CONTRACT DOCUMENTS" means and includes the following:
- A. ADVERTISEMENT for bids.
 - B. CONTRACTOR'S BID including any schedules or attachments.
 - C. CONTRACTOR'S BID BOND or copy of CASHIERS CHECK.
 - E. This PUBLIC WORKS CONTRACT.
 - F. The attached GENERAL CONDITIONS
 - G. CONTRACTOR'S PAYMENT BOND
 - H. CONTRACTOR'S PERFORMANCE BOND
 - I. NOTICE TO PROCEED
 - J. The attached Scope of work.
 - K. Any attached ADDENDA
 - L. Any CHANGE ORDERS subsequently issued by the OWNER
7. The OWNER will pay to the CONTRACTOR in the manner and at such times as set forth in the GENERAL CONDITIONS the amount set forth above.
8. The parties intend that Contractor, in performing such services, shall act as an independent contractor and shall have control of the work and the manner in which it is performed.
9. Contractor shall be free to contract for similar services to be performed for other persons, firms or corporations and Contractor is not to be considered an agent or employee of Owners and is not entitled to participate in any employee benefits of Owners. Further, CONTRACTOR 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 CONTRACTOR.
10. The CONTRACT DOCUMENTS shall be binding upon the parties hereto and their respective successors and assigns.
11. By the execution of this Public Works Contract, the Contractor hereby waives all rights to interest on retainage as called for in Section 2252 (2), Government Code.
12. 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 thereof 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.

13. 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 he has the authority to do so, and that this instrument is binding upon such partnership, corporation or other entity according to its terms.

IN WITNESS WHEREOF the parties have executed, or caused to be executed by their respective duly authorized officers or agents, this Agreement in multiple copies (each of which shall be deemed to be an original) on the date first written above.

"OWNER"

"CONTRACTOR"

THE CITY OF FREEPORT, TEXAS

(INSERT NAME IN CAPS)

BY _____
Norma Moreno Garcia, Mayor

By _____
Its _____

ATTEST:

ATTEST:

Delia Munoz,
City Secretary

Its _____

GENERAL CONDITIONS

ALTERATIONS AND EXTRAS: OWNER reserves the right during the progress of the work to make any changes, additions or deletions to the original plans and specifications. All changes are to be made by written CHANGE ORDERS and accepted by both parties or their duly authorized representatives before proceeding with the work included therein. CHANGE ORDERS shall not invalidate any of the other CONTRACT DOCUMENTS. No bills for extras will be honored unless supported by a written CHANGE ORDER.

INDEPENDENT CONTRACTOR: In the performance of this contract, CONTRACTOR shall be an independent contractor with the sole right to supervise, manage, control and direct the performance of the details of the WORK. OWNER is only interested in the results to be obtained, but the work must meet with the approval of the OWNER whose representatives shall be entitled to make such inspections as may be necessary to assure such results.

INSURANCE: CONTRACTOR agrees to carry adequate Worker's Compensation and Employer's Liability Insurance covering all persons and employees working on the PROJECT in accordance with attached Schedule "A" and also to carry Comprehensive Public Liability Insurance and Automotive Public Liability and Property Damage Insurance naming the OWNER as an additional insured in the amount of at least \$1,000,000.00 to protect against any claims for injuries or death to persons or damage to property sustained in the carrying out of the WORK. Evidence of compliance with this provision sufficient to satisfy OWNER'S attorney shall be furnished by CONTRACTOR prior to the commencement of any portion of the WORK.

RISK OF LOSS: Until written acceptance of the PROJECT by OWNER, all risk of loss, injury or destruction by any cause other than acts or omissions of OWNER, its officer, agents or employees, shall be borne by CONTRACTOR. Responsibility of CONTRACTOR shall extend to materials and equipment supplied for the performance of the WORK.

OPERATIONS: CONTRACTOR shall commence the WORK and prosecute the same diligently and without interruption to completion within the time limits set forth in the contract.

DEFAULTS: Time and quality of work shall be of the essence of this contract. If the CONTRACTOR fails to begin or prosecute the WORK with reasonable diligence, without interruption and in a good and workmanlike manner, OWNER, at OWNER'S option, upon three (3) days' written notice to CONTRACTOR, may terminate the WORK. Without prejudice to any other remedy it may have, OWNER may take control of the WORK for the purpose of completing the same under the terms hereof, either by OWNER'S own employees or by other independent contract(s). If OWNER takes control of the WORK, then CONTRACTOR shall be entitled, upon completion of the work, to the difference between the contract price and the reasonable cost and expenses incurred by OWNER in finishing the WORK. If such costs and expenses should exceed the contract price, CONTRACTOR agrees to pay the excess to OWNER at Freeport, in Brazoria County, Texas, within thirty (30) days after being billed therefor by OWNER, as liquidated damages agreed upon by the parties hereto in consideration of the difficulty of ascertaining the actual damages by other means. The provisions of this section shall not apply to any defaults in performance of the incidental covenants of the CONTRACTOR which are not directly related to the continuity and quality of the performance of the WORK.

NOTICES: Notices hereunder shall be sent to the OWNER c/o City Manager, 200 West Second Street, Freeport, Texas 77541 and to CONTRACTOR at (Here insert Contractor's mailing address). All notices must be by certified mail, return receipt requested and postage prepaid.

NON-ASSIGNABILITY: This contract shall not be transferred or assigned, directly or collaterally, without the advance written approval of OWNER.

SUBCONTRACTING: With the written consent of the OWNER, CONTRACTOR shall be permitted to subcontract the WORK or any part thereof but subcontracting shall not relieve CONTRACTOR of primary responsibility for the continuity and quality of the performance of the WORK in a timely fashion.

WARRANTY: CONTRACTOR hereby EXPRESSLY WARRANTS that upon completion of the PROJECT, the WORK shall for a period of (INSERT LENGTH OF TIME) from the date of acceptance by OWNER be FREE FROM DEFECTS IN MATERIAL AND WORKMANSHIP and that CONTRACTOR will REPLACE AND REPAIR any such defects occurring within such period at no cost to OWNER.

INDEMNITY: CONTRACTOR agrees to protect, indemnify and hold OWNER and OWNER'S officers, agents and employees, free and harmless from and against any and all claims, demands and causes of action of every kind and character (including the amounts of judgments, penalties, interest, court costs and legal fees incurred in the defense of the same) arising in favor of any person, firm, corporation or other legally recognized entity (including the employees of the parties and the employees of any subcontractor) on account of taxes, claims, debts, personal injuries, death or damages to property and, without limitation by enumeration, all other claims or demands of every character occurring or in anywise incident to, in connection with or arising out of the performance of the WORK by CONTRACTOR or any subcontractors of CONTRACTOR or the agents or employees of either of them.

COMPLIANCE WITH AUTHORITY: CONTRACTOR agrees to comply with all laws, orders, rules or regulations of any governmental body, including without limitation, those pertaining to Social Security, safety, health, old age pension and unemployment compensation. Before final payment hereunder, CONTRACTOR shall satisfy OWNER of the payment and release of all debts, taxes, liens, claims, charges and obligations arising by operation of law or otherwise, out of CONTRACTOR'S performance of the WORK. OWNER may withhold funds due CONTRACTOR hereunder or otherwise, without interest, to assure itself of the discharge of all such obligations or to satisfy any provisions of law relating to claims against CONTRACTOR.

PAYMENT: Upon completion of the WORK in accordance with the terms of the CONTRACT DOCUMENTS and after final acceptance of the PROJECT by OWNER or its authorized representative, OWNER AGREES to pay CONTRACTOR in lawful money of the United States the sum specified in the contract (less a retainage of ten (10%) percent). The accumulated retainage shall be paid to the CONTRACTOR by the OWNER upon the expiration of ninety (90) days following the acceptance of the PROJECT by the OWNER unless further withholding is required under the preceding paragraph.

INTERPRETATION: The CONTRACT DOCUMENTS constitute the entire agreement between the parties and no other conversation, bids, memoranda or other matter shall vary, alter or interpret the terms hereof. The side head captions of these General Conditions are for the convenience of the parties in the identification of the several provision hereof and shall not constitute a part of these General Conditions nor be considered interpretive thereof. Failure of the OWNER to exercise any option, right or privilege hereunder or to demand compliance as to any obligation or covenant of CONTRACTOR shall not constitute a waiver of any such right, privilege or option, or the strict performance hereof unless such waiver is evidenced by a properly executed addendum to this contract.

C:\Freeport.Msc\Mystery Harbor, et al-Paving Contract#2