

NOTICE OF PUBLIC HEARING  
THE FREEPORT CITY COUNCIL  
MONDAY, JULY 17TH, 2017 6:00 P.M.  
430 NORTH BRAZOSPORT BOULEVARD  
FREEPORT, TEXAS  
AGENDA

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Attending citizens and their business.  
Members of the public are allowed to address the City Council at this time. Note, specific factual information or a recitation of existing policy may be furnished in response to an inquiry made, but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open Meetings Act unless said notice appears herein. The public is reminded that there is a (4) minute time limit as approved by City Council on June 21, 2010.
5. Announcement: Signing of the new energy utility contract with Engie Resources LLC.
6. Consideration of approving the July 3, 2017 Council Minutes. Pg. 580-584
7. Consideration of selling the City's interest on Block 747, Lot 1, known as 1424 N. Ave. Q, Velasco Townsite, Tx. Id. 8110-3446-000. Pg. 585-588
8. Discuss and consider approving an amendment to Veolia Water R & M budget for improvements in the alley from West 2<sup>nd</sup> Street to West 8<sup>th</sup> Street to replace the city's sanitary sewer main after the completion of the Lift Station. Pg. 589-591
9. Consideration of authorizing the Mayor to execute and the City Secretary to attest a non-exclusive license granting to the BASF Corporation the right to use the utility easement of a portion of the Second Street described therein for the purpose of installing and maintain a fiber optic communication cable connecting its ammonia terminal project at or near Port Freeport with its plant site located at 602 Copper Road. Pg. 592-596
10. Consideration of approving Baker & Lawson proposal for professional services to assist in providing engineering services for the City of Freeport-Velasco Boulevard Flooding Issues. Pg. 597-598
11. Consideration of the approval of any action items discussed in the Executive Session.

**Work Session:**

- A. Comments and discussion regarding Council Member Ward A.
- B. Comments and discussion regarding Council Member Ward B.
- C. Comments and discussion regarding Council Member Ward C.
- D. Comments and discussion regarding Council Member Ward D.
- E. New procedures for City Wide Cleanup.
- F. Demonstration on City's WebQA.

**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:**

- Texas Commission on Environmental Quality (TCEQ) Restrictive Convent
- Golf Course Lease Agreement

**Adjourn**

Items not necessarily 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 in the official glass case at the rear door of the City Hall, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, July 13, 2017 at or before 5:00 p.m.

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

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, July 3<sup>rd</sup>, 2017 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 Troy T. Brimage  
Councilman Larry L. McDonald  
Councilman Brooks Bass  
Councilwoman Nicole Mireles  
Councilman Roy E. Yates

**Staff:**

Jeff Pynes, City Manager  
Gilbert Arispe, Assistant City Manager  
Wallace Shaw, City Attorney  
Delia Munoz, City Secretary  
Bob Welch, Finance Director  
Nat Hickey, Property Manager  
Chris Motley, Fire Chief

**Visitors:**

Edward Garcia	Mary Garcia
Peggy Yates	Sam Reyna
Larry Fansher	Keith Stumbaugh
Ruth Renobato	Jerry Meeks
Lamar Jordan	Sabrina Brimage
Margaret McMahan	Desiree Pearson
Douglas Domingues	Edmeryl Williams
Angie Williams	Christina Travis

**Call to order.**

Mayor Troy T. Brimage called the meeting to order at 6:00 p.m.

**Invocation.**

Wallace Shaw offered the invocation.

**Pledge of Allegiance.**

Mayor Troy T. Brimage led the Pledge of Allegiance.

Attending citizens and their business.

Douglas Domingues of 1314 W. 5<sup>th</sup> Street, spokesperson of the Concerned Citizens of Freeport stated that in 2015 the City budgeted 4.3 million for infrastructure repair and improvements. Last year 2016 was another 2 million budgeted. As of 2015 the City has spent a small fraction of those budget amounts on streets, drainage and sewer repair. The 2<sup>nd</sup> Street repaving was postponed; another unfinished project. The City is debating whether to spend \$200,000 on a downtown parking lot project. A project that is not priority for the majority of Freeport citizens. A member of the Concerned Citizens complained that she had no drainage, no flushing toilets, could not wash clothes, and other families had similar complaints. One family keeps portable toilets in their back yard. They would like the City to hire an engineer to solve sewer and storm water drainage problems.

Mayor Troy T. Brimage stated the problem with Mrs. Varnado was addressed immediately. He thanked Mr. Meeks for fixing the drainage on her side. Mayor Troy T. Brimage met with Jerry Meeks of Veolia Water and discussed an extensive plan, addressing sewer/drainage problems, starting from the worst case and working down.

Consideration of approving the June 19, 2017 Council Minutes.

On a motion by Councilman Bass, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved the June 19, 2017 Council Minutes.

Consideration of selling the City's interest on Block 8, Lots 3 & 4, known as 108 South Ave. B, Velasco Townsite, Tax Id. 8110-0090-000.

On a motion by Councilman McDonald, seconded by Councilman Bass, with all present voting "Aye", Council unanimously approved selling the City's interest on Block 8, Lots 3 & 4, known as 108 South Ave. B, Velasco Townsite, Tax Id. 8110-0090-000.

Consideration of selling the City's interest on Block 774, Lot 24, known as 1623 N. Ave. M, Velasco Townsite, Tx. Id. 8110-3789-000.

On a motion by Councilman Yates, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved selling the City's interest on Block 774, Lot 24, known as 1623 N. Ave. M, Velasco Townsite, Tx. Id. 8110-3789-000.

Consideration of selling the City's interest on Block 809, Lot 15, 18, 19, known as 1805-1811-1813 North Ave. P, Velasco Townsite, Tax Id. 8110-4177-000.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved selling the City's interest on Block 809, Lot 15, 18, 19, known as 1805- 811-1813 North Ave. P, Velasco Townsite, Tax Id. 8110-4177-000.

Consideration of selling the City's interest on Block 37, Lot 24, knowns as 601 South Ave. H, Velasco Townsite, Tax Id. 8110-0418-000.

On a motion by Councilman Yates, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved selling the City's interest on Block 37, Lot 24, knowns as 601 South Ave. H, Velasco Townsite, Tax Id. 8110-0418-000.

Consideration of approving Resolution No. 2017-2528 appointing a qualified person to the Senior Citizens Commission of said City; Jane Hawkins.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved Resolution No. 2017-2528 appointing a qualified person to the Senior Citizens Commission of said City; Jane Hawkins.

Consideration of approving Resolution No. 2017-2529 reappointing qualified persons to the Economic Development Corporation of said City; Mark Friudenberg, Jason Travis and Roy Yates.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved Resolution No. 2017-2529 reappointing qualified persons to the Economic Development Corporation of said City; Mark Friudenberg, Jason Travis and Roy Yates. Councilman Yates abstained from voting.

Consideration of approving the City Manager's request for consent to serve as a Signatory for the City to receive, review and execute a favorable electric energy agreement through its membership with the HGAC Energy Aggregation Group, a State of Texas recognized interlocal purchasing organization.

On a motion by Councilman Bass, seconded by Councilwoman Mireles, with all present voting "Aye", Council unanimously approved the City Manager's request for a consent to serve as a Signatory for the City to receive, review and execute a favorable electric energy agreement through its membership with the HGAC Energy Aggregation Group, a State of Texas recognized interlocal purchasing organization.

Consideration of approving and awarding the Disaster and /or Storm Recovery Services contract to Ashbritt Environmental as a primary contractor and DRC Emergency Services as the secondary contractor.

On a motion by Councilman Yates, seconded by Councilman Bass, with all present voting "Aye", Council unanimously approved Fire Chief Chris Motley's recommendation to award the Disaster and/or Storm Recovery Services contract to Ashbritt Environmental as a primary contractor and DRC Emergency Services as the secondary contractor.

Consideration of the approval of any action items discussed in the Executive Session.

Mayor Troy T. Brimage reconvened the formal session at 6:54 p.m. No action taken.

Work Session:

Comments and discussion regarding Council Member Ward A.

Councilman McDonald commented on the Bryan Beach entryway and dumpster project completion. Finished paving West 7th, 9<sup>th</sup> and Magnolia. Drainage issues on 6th, 7th, 8th Street. The ditch along the railroad tracks has not been cleaned; slows down the water drainage.

Comments and discussion regarding Council Member Ward B.

Councilman Bass' concern is on Velasco and 2<sup>nd</sup> Street. Looking at the grade of 5<sup>th</sup>, 6<sup>th</sup>, & 7<sup>th</sup> Street. The alley between 5th and 6th Street, water getting in the garages. Serious sewer issues on 9th, 10th and 11th Street. Peppermint Park needs more lighting and more patrolling. Parking in front yards and sidewalks is a concern. He received a letter from the Velasco Drainage District about paving the levy road.

Comments and discussion regarding Council Member Ward C.

Councilwoman Mireles' concern is the flooding on Victoria Street on the warehouse's side. She asked if the ditch on the north side belongs to the City or the Velasco Drainage District. The ditch needs cleaning/mowing.

Comments and discussion regarding Council Member Ward D.

Councilman Yates had one issue on trash and it was taken care of on the same day. He asked for the best way to track city's complaints. Mr. Pynes explained that the City has a link called GovQA on the City's web page. The best way to keep track of comments and complaints.

Discuss Council budget priorities for Fiscal Year 2017-2018.

Councilman Bass suggested employing a full time engineer or a contractor if it was cheaper for infrastructure repairs and improvements.

Councilman McDonald concurred and restoring the underground first before repairing streets.

Mayor Troy T. Brimage agreed that infrastructure is the main focus.

Mayor Troy T. Brimage closed the formal session and opened the Executive Session at 6:42 p.m.

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:

- **Gulf Chemical Bankruptcy Settlement**  
*No action taken.*

Mayor Troy T. Brimage closed the Executive Session at 6:54 p.m.

Adjourn

On a motion by Councilman McDonald, seconded by Councilwoman Mireles, with all present voting "Aye", Mayor Troy T. Brimage adjourned the meeting at 6:54 p.m.

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Mayor, Troy T. Brimage  
City of Freeport, Texas

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City Secretary, Delia Munoz  
City of Freeport, Texas

**PROPERTY MANAGEMENT  
MEMO**

February 3, 2017

Jeff Pynes  
City Manager

Please place the following item on the City Council agenda for consideration:

Discuss / consider the sale of City interest in lot 1, block 747,  
Velasco Townsite, known as 1424 North Avenue Q  
Tax ID 8110-3446-000

This is trust property struck off to the City, as trustee, by Sheriff Sale on  
October 3, 2001.

The Brazoria County Appraisal District shows a market value of **\$2,530.00**.

Mr Scott Parsons, 1420 North Avenue Q, has made an offer of **\$500.00** for  
the subject property.

Find attached the following documents:

- a) plat showing location of property,
- b) aerial view of property,
- c) bid analysis.



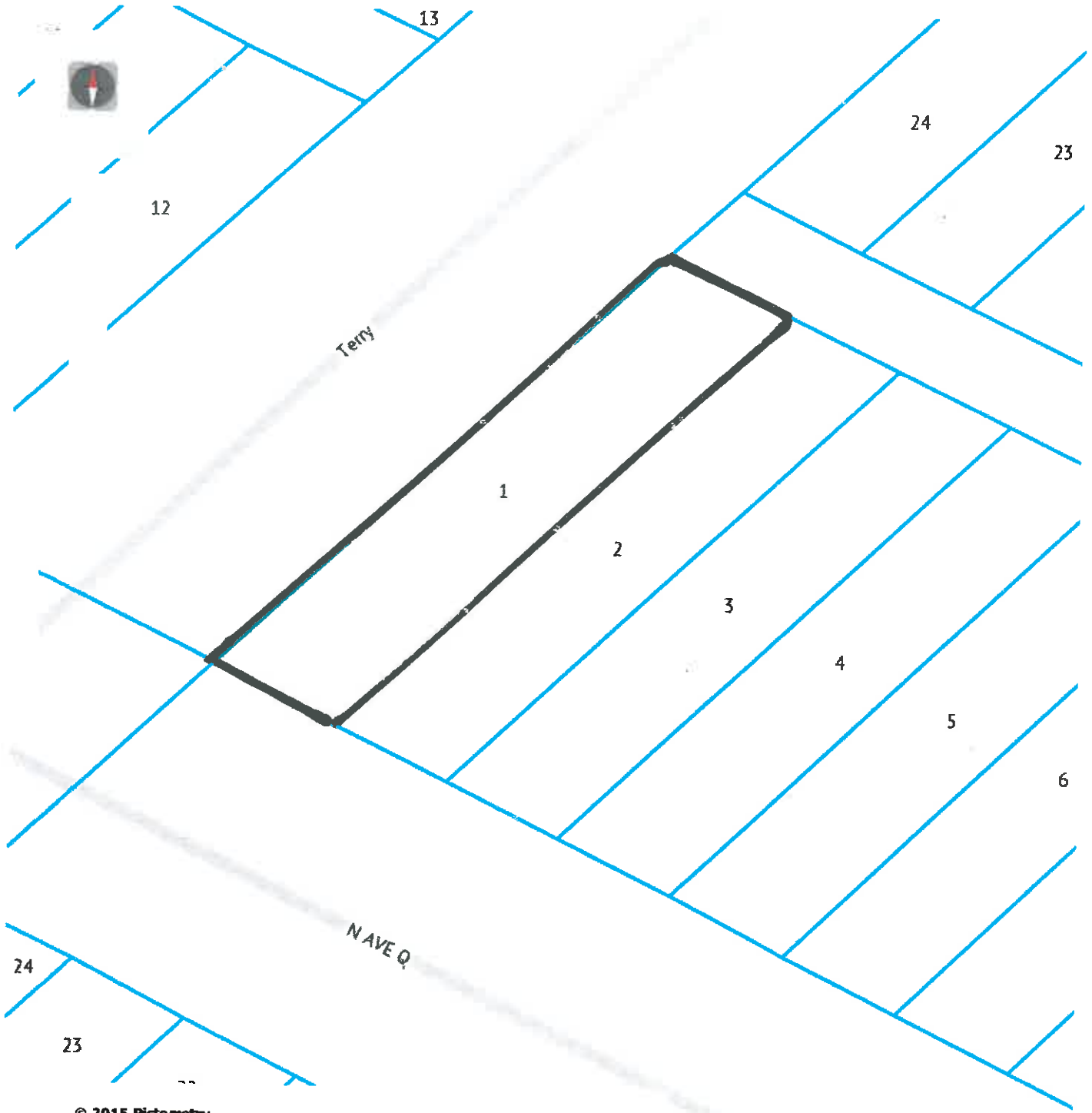
N C Hickey  
Property

attach

/s



# CONNECTEXPLORER



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map: Auto

02/02/2015 Select Date

image 1 of 10

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P587

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**BID ANALYSIS**

<b>Cause Number:</b>	<b>95T5539</b>	<b>Account Number:</b>	<b>8110-3446-000</b>
<b>Offer Amount:</b>	<b>\$500.00</b>	<b>Value \$:</b>	<b>\$2,530.00</b>
<b>Person Offering:</b>	<b>SCOTT PARSONS</b>	<b>Adjudged Value\$:</b>	<b>\$1,520.00</b>

**Judgement Information**

<b>Taxing Entity</b>	<b>Tax Years</b>	<b>Amount Due</b>
BC	1980-1999	\$83.42
BCED	1980-1999	\$0.00
Brazosport ISD	1980-1999	\$320.64
BRHND	1980-1999	\$19.15
Brazosport College	1980-1999	\$17.81
Velasco Drainage	1980-1999	\$21.17
Road Dist 34	1980-1999	\$0.00
City of Freeport	1980-1999	\$183.18
<b>Total</b>		<b>\$645.37</b>

**Costs**

Court Costs	\$369.00	Sheriff Fees	\$60.00
Publication Fees	\$313.80	Research Fees	\$954.00
Ad Litem	\$450.00	Recording fee's	\$13.00
Liens		Certified Mail	
Cost of Deed		Deed file date	
<b>Total</b>			<b>\$2,159.80</b>

**Post Judgement Information**

<b>Taxing Entity</b>	<b>Tax Year's</b>	<b>Amount</b>
BC	2000-2001	\$36.64
BCED	2000-2001	\$0.00
Brazosport ISD	2000-2001	\$127.90
BRHND	2000-2001	\$6.62
Brazosport College	2000-2001	\$7.80
Velasco Drainage	2000-2001	\$6.42
Road Dist 34	2000-2001	\$0.00
City of Freeport	2000-2001	\$71.53
<b>Post Judgment Total</b>		<b>\$256.91</b>

**Proposed Distribution**

<b>Offer Amount</b>	<b>\$500.00</b>	<b>Costs</b>	<b>\$2,159.80</b>
<b>Net to Distribute \$</b>			<b>-\$1,659.80</b>

BC	12.93%	\$0.00
BCED	0.00%	\$0.00
Brazosport ISD	49.68%	\$0.00
BRHND	2.97%	\$0.00
Brazosport College	2.76%	\$0.00
Velasco Drainage	3.28%	\$0.00
Road Dist 34	0.00%	\$0.00
City of Freeport	28.38%	\$0.00

**RECEIVED**  
**FEB - 3 2017**  
**PROPERTY MGMT**



**Troy Brimage**  
Mayor

**Jeff Pynes**  
Chief Executive Officer  
City Manager

July 13, 2017

**Gilbert Arispe**  
Assistant City Manager

**Mayor Brimage**  
Freeport City Council Members

We have been working diligently to replace and repair sewer line infrastructure in areas of the city. In this year's budget, we have \$381,236.20 to replace 11,000 linear feet of sewer lines in Lift Station 9 (Council Ward B). All of the digging and the aforementioned infrastructure repairs are located in the alleys.

Once the repairs are done, we would like to continue our alley improvement project and rehabilitate the alleys since the infrastructure has been replaced. We are asking to add the 11,000' of alley rehabilitation cost of \$240,394.00 (cost structure is \$21.85 per linear foot) to our Veolia R/M budget to facilitate this rehabilitation.

In advance, thank you for your consideration.

**Jeff Pynes**  
City Manager





July 5, 2017

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

Re: Sewer Main Replacement West Second to West Eighth

Mr. Pynes:

We have talked about the replacement of the city sanitary sewer main for the area from West Second to West Eighth, from Mesquite to Yaupon over the last few months. We have the majority of the material to do the project just short a few manholes. The contractor cost is \$381,236.20 and the base material for the top dressing of the alleyways is \$240,394.00 bring the total for the replacement project to \$621,630.20. This project covers approximately 11,000 feet of sewer main.

With you approval below, we will schedule the start of this project.

The parties agree this scope of work and pricing shall be pursuant to Section 9.1.5 Changes in Scope pursuant to the Agreement for Operations, Maintenance and Management Services dated September 14, 2015 by and between the City of Freeport, Texas and Veolia Water North America-Central, LLC (the "Agreement"). The Agreement in its entirety is incorporated by reference."

Sincerely,

Jerry Meeks  
Project Manager, Veolia

Approve: \_\_\_\_\_ Date: \_\_\_\_\_

LS 16 STADIUM

Second ST, W

LS 20

Line

Dixie DR

LS 8

Arbutus ST

Lynn LN, W

Yaupon ST

Mulberry ST

Broad ST, W

Holly ST

Fifth ST, W

Fourth ST, W

Pecan ST

Eighth ST, W

Seventh ST, W

Sixth ST, W

Mesquite ST

Ninth ST, W

Tenth ST, W

LS 6

Tenth ST, W

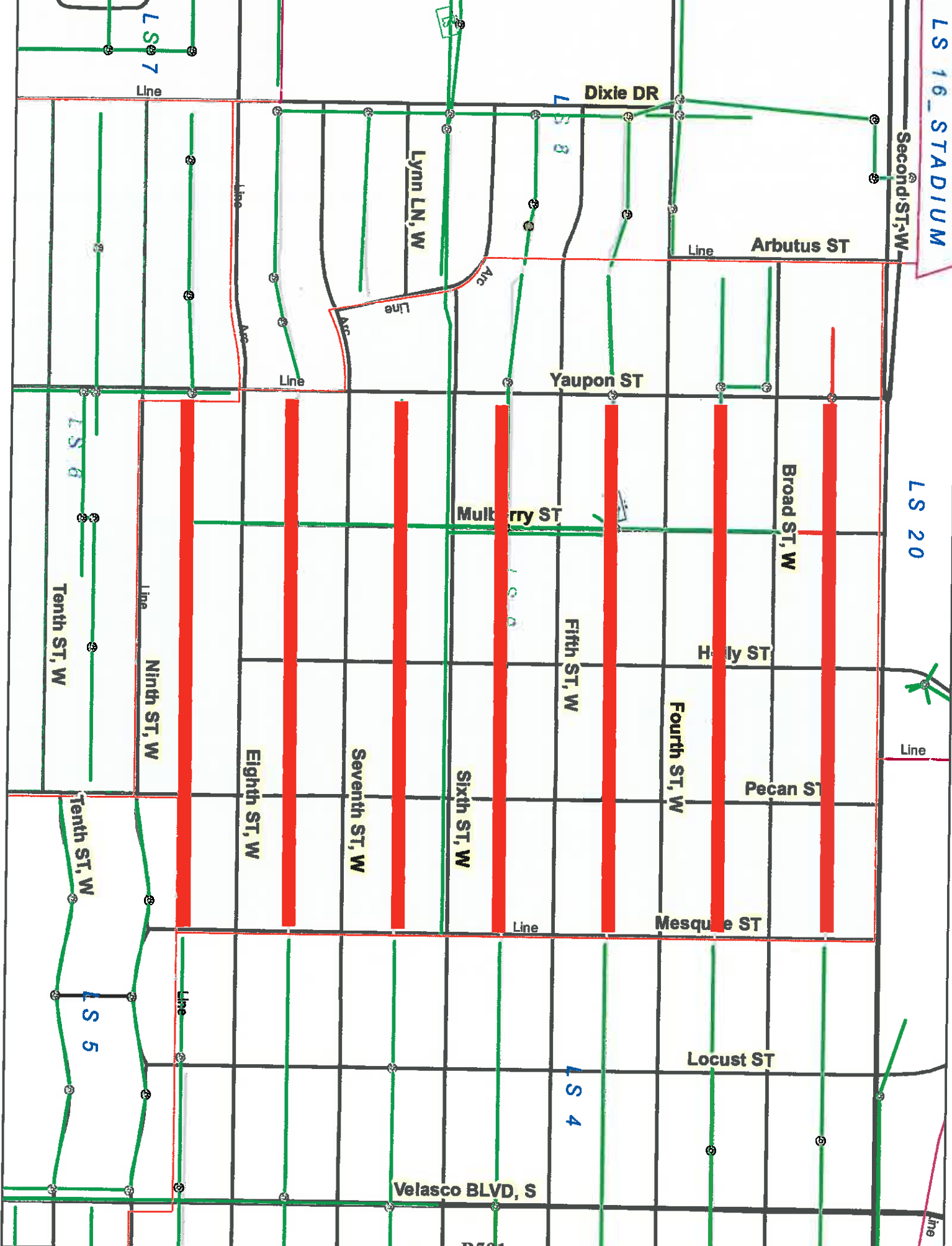
Locust ST

LS 4

Velasco BLVD, S

LS 5

P591





We create chemistry

Christopher Witte  
Senior Vice President – Freeport Site

July 13, 2017

To: Honorable Mayor Troy Brimage  
Council Members for City of Freeport  
C/O: Freeport Chief Executive Officer Jeff Pynes

Dear Mayor Brimage and Honorable Council Members,

BASF is requesting permission and allowance to use a designated Right of Way (see attached) to connect a fiber optic communication cable from our new ammonia terminal project (currently under construction) to our plant site, located at 602 Copper Road, Freeport, TX 77541.

This will allow communication from our terminal addition to our new ammonia plant at the BASF Freeport site, which is also under construction as a joint partnership with Yara International.

You may recall that this project is already under contract with the City of Freeport as we partnered with the City in 2015 to receive tax abatements and reinvestment zone(s) to enable us to modify the existing terminal and run pipelines from it to our site via routes that intersect (in some instances) Freeport City limits.

We appreciate your support then, and we request that you extend that support to us now with permission and allowance to use the designated Right of Way.

Thank you for considering our request and for your continued partnership!

Sincerely,

A handwritten signature in blue ink that reads "Christopher Witte".

Chris Witte  
Senior Vice President

Attachment (1)

BASF Corporation  
602 Copper Road  
Freeport, Texas 77541  
www.basf.com

LICENSE TO USE RIGHT OF WAY

PARTIES: The CITY OF FREEPORT, TEXAS, a municipal corporation lying and situated in Brazoria County, Texas, hereinafter designated "LICENSOR", and BASF, a corporation with a permit to do business in Texas, hereinafter designated "LICENSEE".

GRANT OF LICENSE: Licensor, for the sum of Ten and no/100 Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Licensor and subject to the terms and conditions set forth below, hereby grants to Licensee a non-exclusive right to install and maintain in the utility easement of Second Street, as shown on Exhibit "A", attached hereto and made a part hereof, a fiber optic communication cable connecting Licensee's ammonia terminal project at or near Port Freeport with the Licensee's plant site located at 602 Copper Road, such portion of said right-of-way being hereinafter called "the licensed premises". The exact location shall be approved by the City Manager so as to avoid conflict with other utilities using such utility easement.

PURPOSE: The purpose of this license is to permit Licensee to use the licensed premises and by the acceptance of this license the Licensee agrees to use the licensed premises for the location of such fiber optic communication cable and for no other purpose without the prior consent of the City Council of the City of Freeport, Texas.

TERM: The term of this license shall be for such period of time as the same is needed by Licensee for such purpose or forty (40) years, whichever is less, unless sooner terminated as hereinafter provided. Provided, however, Licensor may extend such license for successive terms of not more than forty (40) years each as needed by Licensee.

RESTORATION OF PREMISES: At the end or other termination of this License, the Licensee makes such restoration of the premises as the City Manager of Licensor may require.

ASSIGNMENT PROHIBITED: This license is personal to Licensee and Licensee shall not assign this license or any interest herein without the prior written consent of Licensor.

STRUCTURES: The design and installation of any above ground structures must be approved in writing by the City Manager of the City.

NOTICE: Any demand to be made or notice to be given hereunder to any party shall be made on, or given to such party in writing and sent by certified mail, return receipt requested, addressed to the Licensor C/O the City Manager at 200 West Second Street, Freeport, TX 77541, and to Licensee at 602 Copper Road, Freeport, TX 77541, or such other place as Licensee may hereafter designate in writing delivered to the City Manager.

WAIVER: NO WAIVER AT ANY TIME OF THE RIGHT TO TERMINATE THIS LICENSE SHALL IMPAIR THE RIGHT OF THE LICENSOR TO INSIST UPON SUCH TERMINATION IN THE EVENT OF A SUBSEQUENT BREACH OR DEFAULT BY LICENSEE, NOR SHALL THE ACCEPTANCE OF RENT AT ANY TIME CONSTITUTE SUCH WAIVER OF DEFAULT OR WAIVER OF DAMAGES, AND IN ADDITION TO ANY OTHER REMEDIES WHICH THE LICENSOR MAY HAVE, THE LESSOR MAY APPLY FOR AND OBTAIN AN INJUNCTION OR USE ANY OTHER LEGAL PROCESS TO ENFORCE THE RIGHTS OF THE LICENSOR.



**INSURANCE:** Licensee agrees to obtain and maintain at Licensee's expense during the existence of this license a policy of PUBLIC LIABILITY insurance in the amount of at least the maximum amount for premises liability for municipalities prescribed by the Texas Tort Claims Act with LICENSOR NAMED AS an ADDITIONAL INSURED.

**INDEMNITY:** LICENSEE AGREES TO INDEMNIFY AND SAVE HARMLESS the LICENSOR, ITS OFFICERS, AGENTS, EMPLOYEES, SUCCESSORS and ASSIGNS, OF AND FROM ALL FINES, SUITS, CLAIMS, DEMANDS, COSTS OF COURT, ATTORNEY'S FEES AND ACTIONS OF ANY KIND BY REASON OF ANY BREACH, VIOLATION, OR NON-PERFORMANCE OF ANY PROVISION HEREOF ON THE PART OF LICENSEE. LICENSOR SHALL NOT BE LIABLE FOR ANY INJURY OR DAMAGES TO PERSONS OR PROPERTY HAPPENING IN OR ABOUT THE LICENSED PREMISES, INCLUDING THE PROPERTY OF LICENSEE AND PERSON AND PROPERTY OF THE AGENTS, EMPLOYEES, CONTRACTORS AND TENANTS OF THE LICENSEE OR THE INVITEES OF ANY OF THEM, AND THE LICENSEE AGREES TO INDEMNIFY AND HOLD HARMLESS THE LICENSOR, ITS OFFICERS, AGENTS, EMPLOYEES, CONTRACTORS, INVITEES, SUCCESSORS AND ASSIGNS, FROM ANY LIABILITY THEREFOR. THE LICENSEE SHALL INDEMNIFY AND HOLD HARMLESS THE LICENSOR, ITS OFFICERS, AGENTS, EMPLOYEES, CONTRACTORS, INVITEES, SUCCESSORS AND ASSIGNS, OF AND FROM ANY AND ALL DAMAGES OR LIABILITY FOR ANYTHING ARISING FROM OR OUT OF THE CONDITION OF THE LICENSED PREMISES OR THE USE THEREOF BY THE LICENSEE, THE AGENTS, EMPLOYEES, CONTRACTORS AND TENANTS OF LICENSEE AND THE INVITEES OF ANY OF THEM.

**BANKRUPTCY, CHANGE OF OWNERSHIP, ETC:** In the event that the assets of the Licensee shall become subject to the jurisdiction of the bankruptcy court, voluntary or involuntary, or should the Licensee make a voluntary assignment for the benefit of creditors, or in the event that a receiver for the Licensee shall be appointed, then at the option of the Licensor and upon ten (10) days notice to the Licensee or the legal representative of the Licensee, this License shall cease and come to an end.

**REMOVING CLOUD FROM TITLE:** Upon the expiration of this License or upon its termination during the existence hereof pursuant to its terms, Licensee covenants to execute, acknowledge and deliver to Licensor, at the cost of Licensee, such written instruments evidencing the same as Licensor may require. Further, it is expressly agreed that an affidavit reciting the facts of such expiration or termination, when recorded in the Official Records of the county wherein the licensed premises is located shall be prima facie evidence of the truth of the statements contained in such affidavit regarding such expiration or termination.

**TERMINATION:** This license shall terminate unless accepted in writing by the Licensee signing below within ten (10) days of the date of execution set forth below. This license may also be terminated by the Licensor upon ninety (90) days prior written notice to the Licensee in the event Licensor's City Council by majority vote determines to terminate this license for any reason.

**CONSTRUCTION OF LICENSE AND BINDING EFFECT:** Whenever the context so requires, the singular shall include the plural number, and conversely, and the masculine shall include the feminine and neuter genders; IT IS EXPRESSLY AGREED AND UNDERSTOOD that this license contains all agreements, representations, covenants and warranties, expressed or implied, relative to the operation of this license to use the licensed premises and the fee therefor, and no prior agreement, if any, shall be binding upon the parties hereto unless contained herein; and in the event any provision of this license is declared invalid for any reason by any court, such invalidity shall not affect the remaining provisions of this license but effect shall be given to the intent manifest by the portion held invalid or inoperative. Venue concerning any dispute regarding this license shall be in a county or district court in Brazoria County, Texas, having subject matter jurisdiction. This license shall be governed by the law of the State of Texas and shall be binding upon the parties hereto as well as their respective successors and assigns.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF FREEPORT, TEXAS, LICENSOR

By \_\_\_\_\_  
Troy T. Brimage, Mayor

ATTEST:

\_\_\_\_\_  
Delia Muñoz, City Secretary

ACCEPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

BASF Corporation

By \_\_\_\_\_

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

C:\Freeport.Lic\BASF-2ndStFiber Optic Cable-License

# Proposed BASF Fiber Optics Cable routing on Second Street



EXHIBIT "A"



July 13, 2017

City of Freeport  
 Jeff Pynes, City Manager  
 200 West 2<sup>nd</sup> Street  
 Freeport, Texas 77541

Email: citymanager@freeport.tx.us

RE: City of Freeport - Velasco Boulevard Flooding Issues  
**Baker & Lawson Project No. 12457**

Gentlemen:

We appreciate the opportunity to provide you with this Proposal for the required professional services to assist in providing engineering services for your project. We propose to provide for you the following:

Site Visit and Meet with City	\$1,050.00
Topographic/Elevation Survey	\$4,416.00
Preliminary Plan & Profile w/Ditch Solution	\$700.00
Final Design Ditch Solution	\$3,516.00
H&H Analysis and Report for Sizing Pump	\$10,500.00
Pump Station Design	\$14,748.00
Velasco Drainage District and Brazoria County Approvals	\$350.00
<b>TOTAL FEE</b>	<b>\$35,280.00</b>

**ADDITIONAL SERVICES**

Any additional services or change order to the scope of services described in this proposal will be performed in accordance with the Baker & Lawson, Inc. rates in effect at that time.

**AUTHORIZATION AND INVOICING**

If this proposal is acceptable to you and you wish to authorize the work, please submit a purchase order to our office. We will invoice monthly on a percentage complete of the project.

HERBERT S. SMITH, P.E. - Principal Engineer  
 CORPORATE OFFICE: 300 EAST CEDAR, ANGLETON, TEXAS 77515  
 (979) 849-6681 • FAX: (979) 849-4689

Texas Registered Engineering Firm F-825 • Texas Board of Professional Land Surveying No. 10052500

Baker & Lawson, Inc. appreciates the opportunity to offer our services and look forward to working with you on this project. Please call with any questions you may have, or if we can be of additional service.

Respectfully submitted,

A handwritten signature in blue ink that reads "Robin Crouch". The signature is written in a cursive style with a large initial "R".

Robin Crouch  
Vice-President