



**AGENDA  
REGULAR MEETING  
FREEPORT CITY COUNCIL  
MONDAY, MAY 3, 2021 at 6:00 P.M.**

**Mayor:**  
Brooks Bass

**Council Members:**  
Jeff Pena  
Jerry Cain  
Mario Muraira  
Roy Yates

**City Manager:**  
Timothy Kelty

**THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, THE 3rd DAY OF MAY, 2021, AT 6:00 P.M., AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS**

**BECAUSE OF THE PUBLIC HEALTH THREAT, SEATING WILL BE POSITIONED TO MEET THE REQUIREMENTS OF THE CDC, AND ATTENDEES WILL BE REQUIRED TO WEAR A FACE MASK.**

**OR YOU MAY JOIN THE PUBLIC MEETING REMOTELY BY TELECONFERENCE BY DIALING:**

**(425) 436-6312 AND USING ACCESS CODE 5678901#**

**OR**

**AUDIO VISUAL CONFERENCE CALL USING:**

**PCs, Macs®, Chromebooks™, iOS and Android™ phones and tablets.**

**International dial-in numbers: [https://fccdl.in/i/council\\_mtg\\_050321](https://fccdl.in/i/council_mtg_050321)**

**For users wanting to view and listen to the council meeting via a web browser go to [https://join.freeconferencecall.com/council\\_mtg\\_050321](https://join.freeconferencecall.com/council_mtg_050321)**

**enter access code 5678901# and the online meeting code is: council\_mtg\_050321.**

**OR**

**Visit the App Store or Google Play to download FreeConferenceCall. Enter the phone number, access code and online code listed above to view the meeting.**

REMOTE PARTICIPANTS WILL NOT BE ABLE TO ADDRESS COUNCIL DIRECTLY. **COMMENTS FROM REMOTE PARTICIPANTS MUST BE SENT VIA EMAIL TO [publiccomments@freeport.tx.us](mailto:publiccomments@freeport.tx.us) ANY TIME PRIOR TO, OR DURING THE MEETING ALL COMMENTS RECEIVED WILL BE READ ALOUD INTO THE RECORD.**

**THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:**

**CALL TO ORDER:** *The Mayor will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.*

**INVOCATION AND PLEDGE OF ALLEGIANCE:** (Council Member)

**CITIZENS' COMMENTS:**

Members of the public are allowed to address the City Council at this time, and must include name and address. *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.

**PRESENTATIONS/ANNOUNCEMENTS:** Announcements by Mayor, City Council and/or Staff.

1. Presentation on Demolition Report. **(Shoemaker)**
2. Kendig Keast Collaborative Presentation on Subdivision Control Ordinance revisions. **(Shoemaker/Kelty)**

**CONSENT AGENDA:**

Consent Agenda items are considered to be routine in nature and may be acted upon in one motion. Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately

3. Consideration and possible action on the approval of City Council meeting minutes from Special Meeting on March 22, 2021, Regular City Council Meeting on April 19, 2021, and Special Meeting on April 26, 2021. **(Wells)**
4. Consideration and possible action approving of Engagement Letter to conduct audit for FY2020-2021. **(Ezell)**

**COUNCIL BUSINESS – REGULAR SESSION:**

5. **Public Hearing:** Public Hearing and possible action on Replat of property described as Lots 38, 39 and the East Half of Lot 37, Block 2 of Riverside Terrace Subdivision Recorded in Volume 5, Page 288 of the Brazoria County Plat Records in the J.F. Fields Survey Abstract 62 City of Freeport Brazoria County Texas November 2020, submitted by Peggy Yates known as PPY Properties. **(Shoemaker)**
6. Consideration and possible action approving Ordinance No. 2021-2628 Prohibiting the Parking of Nuisance Vehicles. **(Kelty)**
7. Consideration of a Resolution No. 2021-2685 appointing Members to the Freeport Senior Citizens Board. **(Kelty)**
8. Consideration and possible action for water billing adjustment for the New Jerusalem Baptist Church. **(Kelty)**

**WORK SESSION:**

9. **The City Council may deliberate and make inquiry into any item listed in the Work Session.**
  - A. Mayor Brooks Bass announcements and comments.
  - B. Councilman Pena Ward A announcements and comments.
  - C. Councilman Cain Ward B announcements and comments.
  - D. Councilman Muraira Ward C announcements and comments.
  - E. Councilman Yates Ward D announcements and comments.
  - F. City Manager Tim Kelty announcements and comments.
  - G. Updates on current infrastructure.
  - H. Update on reports / concerns from Department heads.

**CLOSED SESSION:**

10. Executive Session regarding a.) (Potential Litigation) consultation with city attorney, b.) (Deliberations about Real Property), in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.071, 551.072.

**COUNCIL BUSINESS – REGULAR SESSION:**

**ADJOURNMENT:**

11. 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).

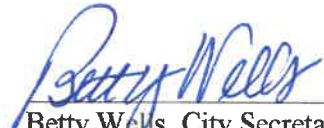
The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

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**ACCESSIBILITY STATEMENT** This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 233-3526.

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**CERTIFICATE** I certify the foregoing notice was posted in the official glass case at the rear door of the City Hall, with 24 hours a day public access, 200 West 2<sup>nd</sup> Street, Freeport Texas, before 6:00 p.m. in accordance with Open Meetings Act.

  
Betty Wells, City Secretary  
City of Freeport, Texas



## City Council Agenda Item # 1

**Title:** Demolition Report for 2020-2021

**Date:** May 3, 2021

**From:** Billywayne Shoemaker

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**Item Summary:**

Presentation of Building and Code Report from cases over the past year. This report will show number of demolition permits issued; Billywayne will present the report to council.

**Background Information:**

This item appears before Council, to provide an update on progress since the ordinance adoption by Council last year. Staff has worked with a number of property owners to facilitate the demolition of structures that were in a state of disrepair.

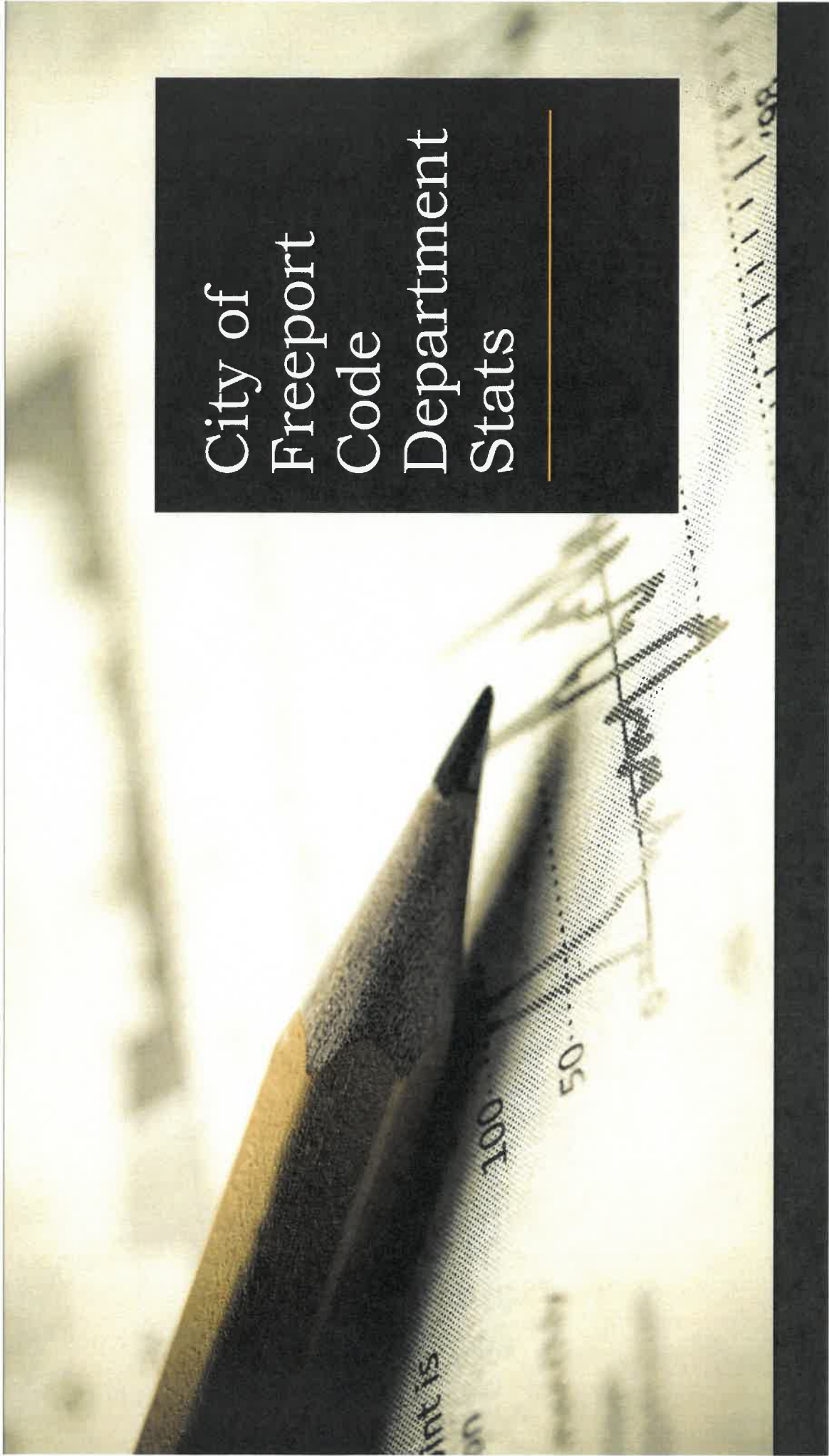
**Supporting Documentation:**

Department Stats

Demo Report from 2020 to Current

City of  
Freeport  
Code  
Department  
Stats

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# March 2021 Code Stats

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CASE LOAD	EMPLOYEE LOST	NEW HIRES
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50

2

3





# March 2021 Code Stats

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During the Month of March our department took quite a hit. During this month we lost two employees. Miss Melanie Groveby was a 1 year employee that had to move due to the entire family moving. We were very fortunate to be able to replace her with a life long resident Ms. Allie Gibson. Unfortunately we had another employee that was separated from the City. We were very fortunate to be able to replace her with Mrs. Hope Bullman. Who has lived in this area for her entire life and is very familiar with the City of Freeport. Daniel Ramirez passed back in February and he will be missed dearly. We were able to secure a candidate for our building inspector Mr. Henry Rivas. He has been working in this field for many years. He's credentials far surpass what we expected and his expertise shows. We are so excited to welcome these new hires on board with the City of Freeport. We are building a team that is honest, transparent, and fair all the way across the board.



# Numbers at a glance

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Due to unforeseen circumstances within our department, our numbers are not where we would like for them to be. We should be on the right tract now. We should see the numbers start to go up in the months to come. We would like to see all of our residents comply within a timely manner, unfortunately this just does not happen. We are educating our staff so that they are able to go out and educate residents of what is acceptable and what is not.



# Code Enforcement Cases -

Run Date: 04/27/2021 12:43 PM

## Code Enforcement Cases

Create Date	Reference No	Status	Address 1	Summary
3/1/2021	<a href="#">V013540-031121</a>	New	1821 YELLOWSTONE	THERE IS AN ACCESSORY STRUCTURE IN THE BACK SIDE OF THE STRUCTURE THAT IS DILAPADATED AND HAS A HOLE IN THE ROOF. ALSO,IS FULL OF DEBRIS
3/1/2021	<a href="#">V013498-030121</a>	Compliant	FFD9197-1618 WEST 6TH	FFD9197 1618 West 6th- tagged because there were no tags on the vehicle, and must move every 48 hours
3/1/2021	<a href="#">V013499-030121</a>	Compliant	JMG8182 1618 WEST 6TH	JMG8182- 1618 WEST 6TH- TAGGED BECAUSE IT HAD NO TAGS-ALSO PUT MUST MOVE EVERY 48 HOURS
3/1/2021	<a href="#">V013500-030121</a>	Compliant	GMH3503- 7TH and MULBERRY	GMH3503- 7TH & MULBERRY BETWEEN 15 AND 1600 BLOCK- TAGGED BECAUSE THERE WERE NO TAGS AND ALSO PUT MUST MOVE FROM ROADWAY EVERY 48 HOURS.
3/1/2021	<a href="#">V013501-030121</a>	Compliant	L TJ0159 1314 WEST 11TH ST	L TJ-0159 1314 WEST 11TH
3/2/2021	<a href="#">V013504-030221</a>	New	1903 N AVE H	HAD A CALL IN ON THIS PROPERTY SCATTERD TRASH IN THE YARD. HOUSE NEEDS PAINT IN SOME AREAS. ALSO SIDE YARD IS MESS. left a door hanger also
3/2/2021	<a href="#">V013507-030221</a>	Compliant	GLR7172-1419 WEST 7TH ST	GLR7172-1419 WEST 7TH CALL SHEET NUMBER 2103660 TAGGED FOR NO TAGS AND MUST MOVE FROM ROADWAY EVERY 48 HOURS- TOW DATE 3/5/2021
3/2/2021	<a href="#">V013508-030221</a>	Compliant	DZD3450 1614 WEST 6TH ST.	TAGGED BECAUSE THE TAGS EXPIRED 10/19 AND ALSO PUT MUST MOVE FROM ROADWAY EVERY 48 HOURS, TRAFFIC AND IPMC CODE VIOLATION. TOW DATE 3/5/2021
3/2/2021	<a href="#">V013509-030221</a>	New	1813 N AVE H	NEED PAINT, CLEAN UP PROPERTY. THE OVERHANGS ARE DAMAGED WITH ROTTEN WOOD.
3/3/2021	<a href="#">V013511-030321</a>	New	1202 N AVE I	THE BUSINESS HAS MOVED STUFF ONTO THE PROPERTY NEXT TO THEM THAT DOESNT BELONG TO THEM. I CALLED THE TENANTE AT 1202 N AVE I ON 3/3/21 AND EXPLAINED TO HIM THAT HE NEEDED TO REMOVE ANYTHING THAT BELONGS TO HIM OFF THAT PROPERTY. HE INFORMED THAT HE HAD ALREADY STARTED ON THIS. GOING BY TO GET PICTURES AND ALSO WILL MONITOR THIS FREQUENTLY. SENDING NOTICE TO CLEAN UP OTHER DEBRIS
3/3/2021	<a href="#">V013512-030321</a>	Closed	1815 N AVE H	ROTTEN WOOD, STAIRS IN BAD SHAPE, NEEDS PAINT AND THERE ARE CRACKS IN THE WALL FOUNDATION. DEBRIS AND FROM THEM CUTTING WALL SOME VEGETATION. HOUSE IN FRONT OF THE STRUCTURE NEEDS ADDRESS AND PREASURE WASHING.
3/4/2021	<a href="#">V013518-030421</a>	New	1927 N AVE G	BLACK CAR WITH TIRES OFF IT TO THE SIDE OF THE HOUSE. ALSO THE HOUSE NEEDS PAINT IN AREAS. LEFT A DOOR KNOCKER BUT GOING TO SEND A LETTER BECAUSE THE PAINT ON THE HOUSE
3/4/2021	<a href="#">V013519-030421</a>	New	1719 N AVE M	vehicle parked in street, exceeds 25 feet
3/8/2021	<a href="#">V013522-030821</a>	Compliant	1100 N. Brazosport Blvd and N. Ave F 3DR270	
3/8/2021	<a href="#">V013523-030821</a>	New	JHV 65271508 N AVE F	A WHITE PONTIAC GRAND AM PARKED IN THE ALLEY-WAY BEHIND THIS ADDRESS. I TAGGED THE VEHICLE AND CALLED IT IN TO PD. CALL IN NUMBER IS 2104043. GO BACK IN 3 DAYS
3/9/2021	<a href="#">V013524-030921</a>	In Progress	419 W 2ND ST	dilapidated accessory structure, protective treatment on 2nd garage, exterior structure, foundation walls.
3/9/2021	<a href="#">V013527-030921</a>	Compliant	5JL892-1116 WEST 6TH	No travel trailers are allowed to park in the street. Tagged 3.9.2021-tow 3.12.2021 if not moved

Create Date	Reference No	Status	Address 1	Summary
3/10/2021	<a href="#">V0135531-031021</a>	In Progress	802 WEST 7TH ST.	dilapidated fence, dilapidated accessory structure, exterior siding repair needed, protective treatment needed, high grass in front by house, roof needs repair on accessory structure
3/10/2021	<a href="#">V0135532-031021</a>	In Progress	530 W 6TH ST	THIS ACCESSORY STRUCTURE IS VARY DANGEROUS ABOUT TO FALL IN. ALSO HAS GRAFFITI ON IT. THE ROOF IS SAGGING AND THE WALLS ARE BUCKLING
3/10/2021	<a href="#">V0135533-031021</a>	New	1207 W 9TH ST	VACANT LOT WITH A JEEP WITH A TARP ON IT
3/11/2021	<a href="#">V013541-031121</a>	New	261636 N AVE S	HOUSE NEEDS SIDING AND PAINT. ITS OVERGROWN AND BRUSH AND OTHER DEBRIS. CAR IN THE BACK YARD. LOOKS LIKE A HONDA.
3/11/2021	<a href="#">V013542-031121</a>	New	1324 Gulf Blvd	no numbers, protective treatment needed, high grass, dilapidated fence, neglected alley, litter, debris, exterior structure repair needed.
3/16/2021	<a href="#">V013559-031621</a>	In Progress	810 WEST 9TH	accumulation of junk and debris, protective treatment needed
3/16/2021	<a href="#">V013560-031621</a>	New	617 WEST 9TH ST	porch has accumulation being used as open storage, needs cleaned up, dilapidated accessory structure, numbers missing on 1329, fyp, exterior and protective treatment needed on accessory structure.
3/16/2021	<a href="#">V013563-031621</a>	In Progress	1325-1329 WEST 9TH ST.	THIS IS A NICE HOUSE BUT DOESN'T HAVE AN ADDRESS ON THE HOUSE. THERE IS A RV IN BACK YARD THAT IS HOOKED UP TO SEWER AND POSSIBLE WATER. ALSO INOPERABLE WHITE TRUCK AND NEED TO DO SOME CLEAN UP OF BACK YARD AREA.
3/16/2021	<a href="#">V013565-031621</a>	New	1420 Gulf Blvd	THERE IS A CAMPER IN FRONT YARD, HOUSE NEEDS PAINTING WITH ROOTEN WOOD ON OVERHANGS, DEBRIS IN YARD ALONG WITH TIRES. OVERGROWN AND FENCE IN BAD SHAPE
3/16/2021	<a href="#">V013566-031621</a>	New	1522 N AVE F	OVERGROWN LOT THAT FACES 1512 N AVE J LOOKS LIKE THIS IS ATTACHED TO THIS PROPERTY 261764 IS PROPERTY ID
3/18/2021	<a href="#">V013578-031821</a>	New	1516 N AVE I	overgrown vac lot property id # 262271
3/18/2021	<a href="#">V013579-031821</a>	Closed	1826 ZAPATA	WINDOW HAS BOARDS ON IT, NEEDS TO COME OFF OR BE REPAIRED, FYP, PROTECTIVE TREATMENT
3/22/2021	<a href="#">V013585-032221</a>	In Progress	818 WEST BROAD	facia board in back needs replaced, motor vehicle pot unlicensed or inoperable in back, fyp
3/22/2021	<a href="#">V013586-032221</a>	Closed	718 WEST BROAD ST	Vehicle Parked on Sidewalk- Chevy Truck- LZW2531 Callsheet number 2104856
3/22/2021	<a href="#">V013587-032221</a>	Compliant	LZW2531 1323 WEST BROAD	fyp
3/22/2021	<a href="#">V013588-032221</a>	Closed	701 W BROAD ST	WHITE VEHICLE IN BACK YARD, ALSO A ACCESSORY STRUCTURE THAT HAS ROTTEN WOOD AND NEEDS PAINT.
3/22/2021	<a href="#">V013591-032221</a>	New	1520 N AVE F	OVERGROWN VAC LOT THAT IS CLOSE TO 1610 N AVE S. ID # 498289
3/23/2021	<a href="#">V013598-032321</a>	Closed	261933 N AVE S	THIS HOUSE NEEDS PROTECTIVE COVERING AND ALSO NEEDS TO CUT THE GRASS AND CLEAN UP THE YARD AREA.
3/23/2021	<a href="#">V013599-032321</a>	New	1818 ZAPATA	OVERGROWN LOT WERE A HOUSE WAS TORN DOWN ID # 262243
3/23/2021	<a href="#">V013600-032321</a>	New	262243 2238 ZAPATA	overgrown vac lot id # 262143
3/26/2021	<a href="#">V013608-032621</a>	Closed	262143 N AVE N	OVERGROWN VAC LOT NEXT TO 407 S AVE G ID # 259990
3/26/2021	<a href="#">V013609-032621</a>	New	259990 S AVE G	OVERGROWN VAC LOT NEXT TO 1505 N AVE Q ID # 261696
3/26/2021	<a href="#">V013610-032621</a>	New	261696 N AVE Q	RED BRICK HOUSE WITH MISSING PROTECTIVE COVERING ALSO NEED TO CLEAN UP AND RFEMOVE ALL THE BUCKETS.
3/29/2021	<a href="#">V013615-032921</a>	New	1810 N AVE M	WHITE SUV IN THE YARD THAT HAS THE HOOD UP AND APPEARS TO BE INOPERABLE.
3/29/2021	<a href="#">V013621-032921</a>	Closed	2101 N AVE G	

Create Date	Reference No	Status	Address 1	Summary
3/29/2021	<a href="#">V013622-0332921</a>	Closed	614705 N AVE R and AVE S	THIS IS A VAC LOT NEXT TO 1218 N AVE R. ID # 614705
3/30/2021	<a href="#">V013624-033021</a>	New	1704 N AVE M	
3/30/2021	<a href="#">V013625-033021</a>	Closed	547700 N AVE J	OVERGROWN PROPERTY. THIS PROPERTY BACKS UP TO 905 N AVE J
3/30/2021	<a href="#">V013626-033021</a>	New	2002 N AVE H	
3/31/2021	<a href="#">V013636-033121</a>	Closed	262250 2214 ZAPATA	OVERGROWN VAC LOT NEXT TO 2214 ZAPATA
3/31/2021	<a href="#">V013637-033121</a>	Closed	262077 N AVE G	OVERGROWN VAC LOT
3/31/2021	<a href="#">V013638-033121</a>	New	1627 W 7TH ST	STARTED PREMISE ON THIS BUT WENT BACK AND ADDED HOUSING THE ROOF NEEDS ATTENTION AND THERE ARE SOME AREAS ON THE HOUSE THAT ARE MISSING COVERING AND ROTTEN WOOD.
3/31/2021	<a href="#">V013639-033121</a>	Closed	1713 N AVE G	OVERGROWN VAC HOUSE THAT HAS A BUILDING PERMIT.
	<b>Total Items:</b>	<b>50</b>		

# DEMOS 2020-CURRENT



# Demo Building Permits Issued - 2020 TO PRESENT

Run Date: 04/27/2021 1:20 PM

## Type of Permit

### Demolition Permit

Creates Date	Account Number	Address 1	P_Applicant Name	P_Description of Job	P_Types of Permit Needed	P_Valuation
1/8/2020		726 W 5 (CANCEL)	BILLY MYERS	DEMOLISH HOUSE AND HAUL OFF DEBRIS		\$4,000.00
1/8/2020		726 W 5	BILLY MYERS	DEMOLISH HOUSE AND HAUL OFF DEBRIS		\$4,000.00
4/28/2020	77500223000	807 W 12TH ST	FACILITY MANAGEMENT	DEMO TO REBUILD		
5/1/2020	42011921000	1731 W 9TH ST	FACILITY MANAGEMENT	DEMO HOUSE		
6/11/2020	42001613000	1530 W 7TH ST	JESSICA WASCOM	TAKE DOWN SHED IN THE BACK YARD		
6/29/2020	21140048115	1912 VICTORIA ST	CLIFF VANDERGRIFT	DEMO OLD BUILDING ON THE SIDE		
8/11/2020	81101310000	201 N AVE D	BILLY MYERS	DEMO HOUSE AND GARAGE AND HAUL OFF ALL DEBRIS ALONG WITH LEVELING YARD WHERE HOUSE WAS		\$4,700.00
8/28/2020	42011975000	1723 W 10TH ST	JW TURNER CONSTRUCTION	COMPLETE DEMOLITION FOR GLO-HAP		
10/8/2020	81101814000	524 N AVE A	SOCORRO REYNA	DEMO OLD HOUSE		\$4,850.00
10/28/2020	42001134000	918 W 4TH ST	TOBY JONES/ HIRE IT DONE	DEMO HOUSE AND REMOVE FROM REMISS NOTE: LEAVE SEWER LINE CAPPED		\$5,000.00
10/28/2020	42001166000	1023 W 4TH ST	TOBY JONES/ HIRE IT DONE	DEMO OF HOUSE AND REMOVE DEBRIS FROM PROPERTY NOTE: LEAVE SEWER LINE EXPOSED TO SEE IF CAPPED		\$5,000.00
10/30/2020	42000414000	622 NAVIGATION	DARA OUM	DEMO OF COMMERCIAL BUILDING * MUST HAVE DUMPSTER TO HAUL OFF DEBR		\$3,500.00
12/1/2020	81104170000	1822 N AVE O	LEMOINE DISASTER RECOVERY	DEMO EXISTING HOUSE TO BUILD NEW ONE (GLO)		
12/16/2020	81102849000	921 N AVE C	SARA MEIJA	DEMO HOUSE		\$2,000.00
1/21/2021	42001712000	1606 W 7TH ST	VERNOR MATERIAL	DEMO HOUSE		\$4,975.00
1/21/2021	81104206000	1805 N AVE R	VERNOR MATERIAL	DEMO HOUSE		\$4,800.00
2/8/2021	81103536111	1524 N AVE Q	BOBBY GRANGER	DEMO HOUSE		
2/11/2021	42000855000	623 W 6TH ST	JUAN HERNANDEZ	DEMO OLD HOUSE		



**Demolition Permit**

Create Date	Account Number	Address 1	P_Applicant Name	P_Description of Job	P_Types of Permit Needed	P_Valuation
2/12/2021	81101262000	123 N AVE C	BRIZO CONSTRUCTION LLC	DEMO OLD HOUSE		
3/4/2021		409 S AVE G	CALERON MARIA	DEMO HOUSE		
3/15/2021	42000825000	626 W 4TH ST (FUEL TANKS)	FREDERICK CORDES	REMOVE FUEL TANKS, TEST, FILL IN VOID AND CONCRETE OVER		\$30,000.00







## City Council Agenda Item # 2

**Title:** Kendig Keast Collaborative Presentation on Subdivision Control Ordinance revisions

**Date:** May 3, 2021

**From:** Billywayne Shoemaker, Director of Building and Code  
Tim Kelty, City Manager

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**Staff Recommendation:** Consider presentation and provide individual feedback to staff and consultant as may be appropriate and in regard to the revamping of this ordinance. No official action will be taken at this time

**Item Summary:** Kendig Keast Collaborative will provide City Council an overview of the currently proposed subdivision Control Ordinance. We are seeking City Council feedback in regard to this ordinance.

Prior to its consideration for adoption, Kendig Keast will also go through a process to help draft the new zoning ordinance and zoning map. These documents would then come back for formal action by City Council This is the first part of their effort and will be followed by the overhaul of the Zoning ordinance which is also underway. Prior to adoption later this year

**Background Information:** At this point, this the Zoning and Subdivision review Steering Committee appointed by City Council has met several times with the consultant and provided input. They met earlier this month to specifically give feedback and direction on this Subdivision Control ordinance. Also, the Plan Commission held a special workshop to review and give feedback on the document in an open public meeting. This draft of the ordinance has been revised to reflect that feedback previous input and feedback.

**Special Considerations:** None

**Financial Impact:** None

**Board or 3<sup>rd</sup> Party recommendation:**

**Supporting Documentation:** Draft of Subdivision Control Ordinance



## SUBDIVISION REGULATIONS

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### 154.100 PURPOSES AND APPLICATION

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#### § 154.101 PURPOSES.

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The general purpose of the subdivision platting process is to ensure compliance with the land development standards and requirements set forth in this Chapter, and other applicable requirements of the City to encourage quality development consistent with the goals of the Strategic Community Plan. Other purposes are to:

- (A) Provide for the harmonious development of the City and its extra-territorial jurisdiction (ETJ), for the coordination and alignment of streets within subdivisions with other existing or planned streets, or with other features of the City;
- (B) Provide for appropriate open space for recreation, public facilities, light, and air;
- (C) Ensure that development is compatible with and properly integrated into existing and future neighborhoods;
- (D) Provide for protection from fire, flooding, and other dangers;
- (E) Regulate the design, dedication, and acceptance of infrastructure for transportation, water, wastewater, drainage, recreation, resource protection, and other purposes;
- (F) Coordinate the development of tracts of land so that proposed infrastructure is adequate, safe, orderly, economical, and efficient and aligns with existing infrastructure;
- (G) Protect groundwater and surface water from erosion and contamination by storm water runoff and other sources of pollution;
- (H) Reduce potential impacts of new development on street congestion by providing alternative travel routes, provide a meaningful choice of alternative modes of transportation, shorten trips to work, shopping, or recreation, or lessen overall vehicle miles traveled; and
- (I) Assure that facilities to be accepted and maintained by the City are properly located and constructed.

#### § 154.102 APPLICATION.

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##### (A) Application of Chapter.

- (1) No building permit may be issued for any building, structure or improvement located within a subdivision or upon any parcel, tract or lot, and no plat for a subdivision of land may be recorded with Brazoria County, until a plat for the subdivision, parcel, tract, or lot has received final approval, all required dedications of land have been accepted by the City, and all required improvements have been provided for and installed in accordance with the procedures and requirements of this Chapter.
- (2) This Chapter applies to all subdivisions or re-subdivisions in all areas of the City and its ETJ that result in the portioning, dividing, combining, or altering of any lot, parcel, or tract of land required for a building permit or any other activity or use of property which is not already platted.

(B) **Jurisdiction.** This Chapter sets out standards to be applied in the review of subdivision plats in the City and the extraterritorial jurisdiction (ETJ), in addition to other applicable regulations of this Chapter.

(C) **Types of Subdivision Plats.** This Chapter sets out the applicable subdivision requirements for the following types of plats:

- (1) Amending Plat;
- (2) Minor Plat;
- (3) Preliminary Plat;





- (4) Final Plat;
- (5) Plat Vacation; and
- (6) Replats.

- (D) **Improvements.** Existing and proposed public improvements required in this Chapter shall conform and be properly related to the policies of the Strategic Community Plan and all related provisions of the City's Code of Ordinances. The Brazoria County Thoroughfare Plan is the basis for all decisions regarding classification, reservation, or dedication of rights-of-way that may be required by this Chapter.
- (E) **Exceptions to Platting Requirement.** No provision of this Chapter applies to any lot in a subdivision legally created and filed for record before the effective date of this Chapter, unless the lot is further subdivided, re-subdivided or where there is a building permit requested or required.
- (F) **Waiver of Platting Requirement.** The Administrator may waive the requirement for platting where he or she determines that the nature of the request for a building permit is such that there is no impact upon the purposes of this Chapter. Examples of activities that may be considered for a waiver include, but are not limited to:
  - (1) Single-issuance of electrical and/or gas permit;
  - (2) A foundation or building less than 150 square feet in size; and
  - (3) Other comparable activities as determined by the Administrator.
- (G) **Lot Splits.** Lot splits resulting from other than an approved plat shall not be considered by the City as a legitimate use or sale of land unless it is platted or replated in compliance with the minimum requirements of this Chapter or **CHAPTER 155: ZONING CODE**, and shall otherwise be prohibited.





## 154.200 GENERAL PROVISIONS

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### § 154.201 DEFINITIONS.

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**100-YEAR FLOOD** means a flood of such magnitude as may be reasonably expected to equal or exceed on an average of once every 100 years. The term also means that level of flooding having a one percent probability of occurrence each year. ~~('68 Code, § 33-40) (Ord. 1228, passed 12-20-71)~~

**ADMINISTRATOR** means the City Manager or his designee to administer the regulations and provisions of this Chapter.

**ALLEY** means a minor way used primarily for vehicular and/or utility service to the rear or side of properties otherwise abutting on a street.

**AMENDING PLAT** means a plat that provides an expeditious means of making minor revisions to a recorded plat, such as correcting errors or relocating lot lines consistent with provisions of Texas Local Government Code **212.016**, *Amending Plat*.

**APPLICANT** means any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision. The term shall be restricted to include only the owner or the authorized agent to such owner of land sought to be subdivided.

**BLOCK** means a parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels, boundaries of a municipality, or a combination thereof.

**CERTIFICATE OF IMPROVEMENT** means an instrument which the City Engineer shall furnish the Planning Commission, being a written certification stating that all improvements required by the general provisions of this Chapter concerning regulations which have been completed prior to the final approval have been satisfactorily completed in accordance with all City plans and specifications for such improvements, and shall further certify that sufficient cash has been deposited or security bond furnished with the City to secure the completion of all improvements.

**CITY** means the City of Freeport, TX.

**CUL-DE-SAC** means a short minor street having only one vehicular access to another street and terminated by a vehicular turn-around.

**LOT, DOUBLE FRONTAGE.** See [Lot, Through](#).

**EASEMENT** means a grant of one or more property rights by the property owner to and for the use of the public, a corporation or other persons, for a designated part of his property, and for a specified purpose.

**EXTRATERRITORIAL JURISDICTION** means the area adjacent to the City as determined under Tex. Local Gov't Code, Chapter 42.

**FINAL PLAT** means a map of a land subdivision prepared according to applicable laws of the State of Texas and ordinances of the City and County having the necessary affidavits for filing, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.







**LIMITED ACCESS HIGHWAY** means roadways that are access-controlled, grade-separated intersections, and are characterized by multi-lane, median divided roadways. These roadways have four or more total travel lanes. They are devoted entirely to traffic movement, with little or no direct land service function. This class includes tollways that have limited access to on and off ramps. Limited access highways maximize mobility by serving large volumes of high-speed traffic and are intended to serve long trips, including vehicles entering, leaving, and passing through Brazoria County.

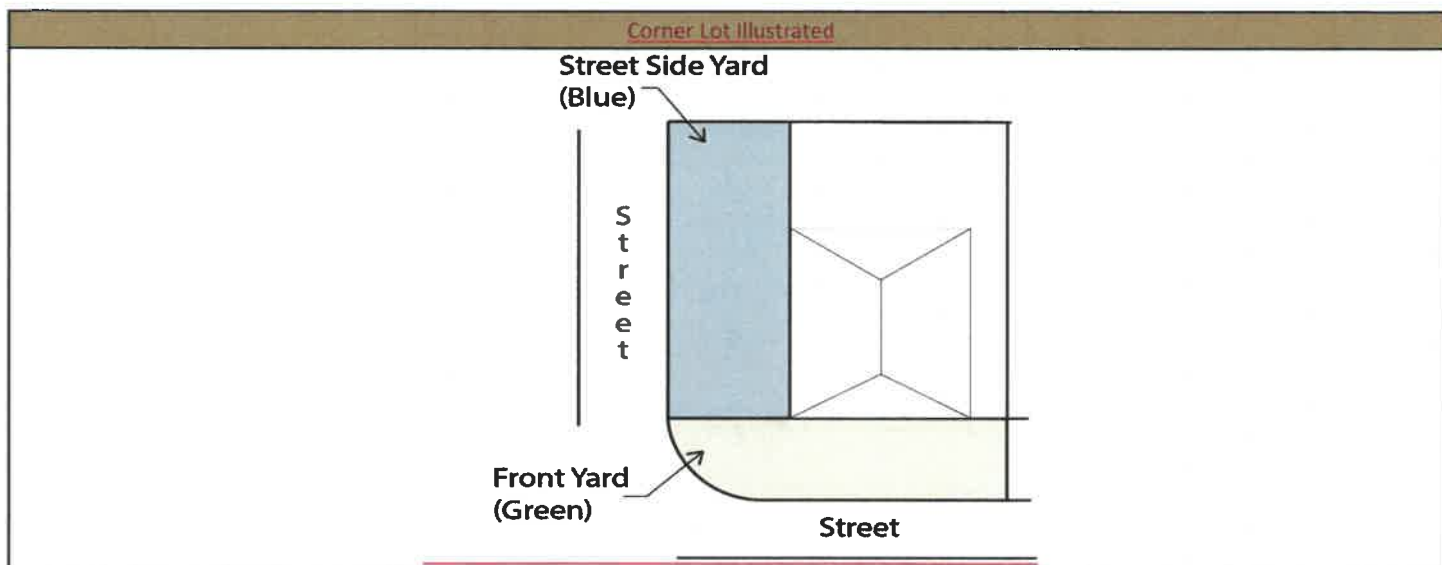
**LOCAL STREET** means roadways that are publicly maintained and are not classified as either a major collector, major thoroughfare, principal thoroughfare, or limited access highway by the 2020 Brazoria County Thoroughfare Plan

**LOT** means a platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

**LOT LINES** means the lines bounding a lot or parcel.

**LOT WIDTH** means the minimum distance between the side lot lines of a lot measured along a straight line at the rear of the required front yard and parallel to the street line.

**LOT, CORNER** means a lot located at the intersection of and abutting two or more streets. A lot located at the intersection of a street and an alley would not be considered a corner lot for the purposes of this Chapter.

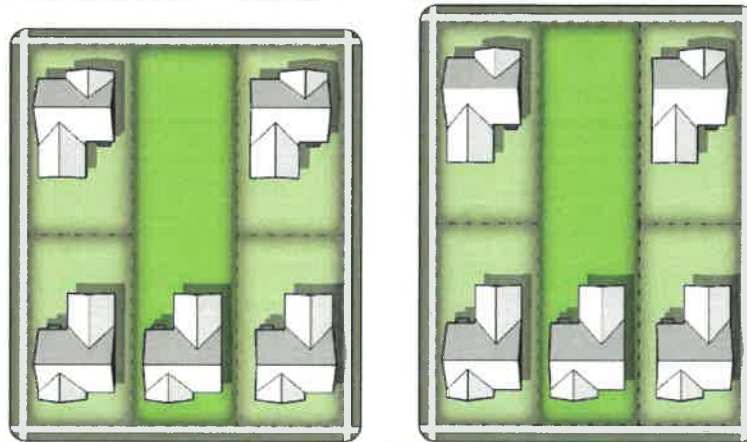


**LOT, THROUGH** means a lot having a pair of opposite property lines along two or more public streets, and that is not a corner lot. Also referred to a "double frontage lot".





Through Lot **Illustrated**



**MAJOR COLLECTOR** means roads with two to four total travel lanes and that collect traffic from local roads for distribution to the higher-class roadways. These roads provide shorter-distance mobility with more access to properties in residential, commercial, and industrial areas.

**MAJOR THOROUGHFARE** means roadways designed for fast, heavy traffic and are generally provided in a grid system. When access to adjoining properties is permitted, it is to serve several properties, rather than permitting each property owner to have his private driveway access point.

**MINOR PLAT** means a plat containing four or fewer lots fronting on an existing street and does not require the creation of any new streets or the extension of municipal facilities.

**PARCEL** means a contiguous area of land in the possession of or owned by, or recorded as the property of, the same person or persons.

**PLANNING COMMISSION** means the Planning Commission for the City of Freeport, TX as established by the City Council pursuant to Article II, Section 2, of the Home Rule Charter of the City.

**PRELIMINARY PLAT** means a plat of a proposed subdivision to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Chapter.

**PRINCIPAL THOROUGHFARE** means access-managed roadways, characterized by considerable length roadways that provide continuity throughout the area. A principal thoroughfare is typically devoted, in large part, to heavy, fast-moving traffic, with little direct land service function. Principal thoroughfares are predominantly made up of Farm-to-Market (FM) roads or state highways; as such, they are typically managed by TxDOT.

**P.S.I.** Pounds per square inch.

**RESUBDIVISION** means the division of an existing subdivision, together with any change of lot or area size therein, or the relocation of any street line or lines.

**SPECIAL FLOOD PRONE AREA** means the area designated as Zone A on the Federal Insurance Administration Maps Nos. H48 039 2490 03 and I 48 039 2490 03 filed in the Office of the City Secretary.



**SUBDIVISION** means the division of a tract or parcel of land into two or more lots or parts or other division of land, for the purpose, whether immediate or in the future, of transfer of ownership or building development, but expressly excluding development for agricultural purposes, and shall include resubdivisions. The term shall further include the division of land whether by lots and/or blocks, plats, and/or metes and bounds description.

~~('68 Code, § 33-1) (Ord. 472, passed 12-18-56; Am. Ord. 2008-2201, passed 5-19-08)~~

**VACATING PLAT** means a plat to provide an expeditious means of vacating a recorded plat in its entirety, consistent with provisions of Texas Local Government Code **212.013**.

**VISIBILITY TRIANGLE** means the triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or a right-of-way line and the curb or edge of a driveway. Refer to §154.316, *Visibility Triangle*.

**YARD** means an open space at grade between a building and the adjoining lot lines and right-of-way, unoccupied, and unobstructed by any portion of a structure from the ground upward.

**YARD, FRONT** means the yard between the front setback and the front lot line. Corner lots have two front yards. See Lot, Corner.

**YARD, REAR** means the yard between the rear setback and the rear lot line.

**YARD, SIDE** means yard between the side building line and the side lot line.

#### **§ 154.202 ENFORCEMENT OF CHAPTER.**

The City shall not furnish City utilities or other services to any landowner, subdivider, or person who violates the provisions of this Chapter. The City shall have the right to prohibit violation of this Chapter or correct such violation by writ of injunction.

~~('68 Code, § 33-2) (Ord. 472, passed 12-18-56)~~

#### **§ 154.203 SUBDIVISION UNDER DIRECTION OF CITY.**

- (A) **Subdivision Required.** All land within the City not subdivided into lots, blocks and streets, or within the extraterritorial jurisdiction (ETJ) of the City, shall be laid out under the direction of the Planning Commission, subject to the approval of the City Council in the case of a final plat. No other subdivision will be recognized by the City. The City Engineer, or designee, shall check the plat and make recommendations prior to the consideration of a plat by the Planning Commission. The City may enter into and, from time to time, amend an agreement with Brazoria County regarding the regulation of plats within the City's ETJ as permitted by Tex. Local Gov't Code, Chapter 242.
- (B) **Unlawful Development.** It shall be unlawful for any owner, or agent of any owner, to lay out, subdivide, or plat any land into lots, parcels, blocks, and streets within the City limits, or to sell property, which has not been laid out, subdivided, and platted according to the provisions of this Chapter and the rules and regulations of the Planning Commission.
- (C) **Compliance Required.** No officer or employee of the City shall perform, or cause to be performed, any work upon any street, or any addition or subdivision, unless all provisions of this Chapter have been complied with by the owner of an addition, subdivision, or resubdivision. No City employee shall appear on behalf of any applicant before the Planning Commission or City Council.
- (D) **Timing of Public Improvements.** No public improvements shall be initiated nor any contracts executed until subdivision approval has been granted. The City shall withhold all applicable public improvements of any nature, including the maintenance of streets and street lights, and furnishing of wastewater facilities and water service from all additions, unless and until:

- (1) The final subdivision plat has been approved by the Planning Commission and City Council;







- (2) The final plat is filed for record with Brazoria County; and
  - (3) A copy of the recording documents are returned to the City. No public improvements shall be initiated nor any contracts executed until subdivision approval has been granted.
- (E) **Plat Recordation.** No final plat shall be released for filing with Brazoria County, and no building permit shall be issued prior to recordation of the plat with the County until requirements of this Chapter and **CHAPTER 155: ZONING CODE**, have been met.

~~(‘68 Code, § 33-4) (Ord. 472, passed 12-18-56; Am. Ord. 2008-2201, passed 5-19-08) Penalty, see § 10.99~~

#### **§ 154.204 RELATIONSHIP TO OTHER APPROVALS**

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- (A) **Zoning Prerequisite.** If a plat approval requires a rezoning in order to comply with the requirements of this Chapter, then the plat application shall not be accepted for processing until the rezoning is approved. Plat applications that are submitted with rezoning applications will be considered filed as of the date of the rezoning approval, provided that the application is complete on that date.
- (B) **Coordinated Approval.** The City will not accept or maintain any street, will not allow the connection to any water service, or sanitary sewer service, and will not allow the connection of any utility to any subdivision of land, unless and until:
  - (1) A final plat for the subdivision, parcel or tract has been approved by the Planning Commission;
  - (2) Bufferyards, if required, are installed per the approval;
  - (3) Required landscaping is installed, as applicable; and
  - (4) Required irrigation is installed, inspected, and tested by the City.

#### **§ 154.205 CONFORMITY TO CHAPTER PROVISIONS.**

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To be approved, a plat, replat of any subdivision, or resubdivision within the City or its ETJ, shall follow and conform to the provisions of this Chapter.

~~(‘68 Code, § 33-15) (Ord. 472, passed 12-18-56)~~

#### **§ 154.206 FEES AND CHARGES.**

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- (A) **Master Fee Schedule.** The City Secretary, his deputies, and/or assistants shall calculate and collect the fees in accordance with the Master Fee Schedule. All of the applicable fees and charges shall be paid in advance and no action of the Planning Commission or any other commission, board or agency, shall be valid until the fee shall have been paid to the appropriate officer of the City.
- (B) **Fee Regardless of Action.** These fees shall be charged on all plats, regardless of the action taken by the Planning Commission or whether the plat is approved or denied.

~~(‘68 Code, § 33-22) (Ord. 472, passed 12-18-56)~~







## **154.300 ~~SUBDIVISIONS~~ SITE DESIGN REQUIREMENTS**

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### **§ 154.301 MINIMUM REQUIREMENTS.**

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The requirements in § 154.302, *Lot Sizes*, through § 154.313, *Minimum Height and Structural Elevations*, are the minimum requirements to be provided by the subdivider at their own cost and expense before consideration will be given to any final plat of any subdivision or resubdivision within the City or its ETJ.

~~(‘68 Code, § 33-16) (Ord. 472, passed 12-18-56; Am. Ord. 472-A, passed 4-15-74, Am. Ord. 472-B, passed 12-16-74)~~

### **§ 154.302 LOTS.**

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#### **(A) Generally.**

- (1) New lots shall be dimensioned according to the requirements zoning district-specific requirements within § 155.503, *Standards for Residential Development*, or § 155.504, *Standards for Non-Residential Development*. The size, shape, orientation, and buildable area of lots shall be appropriate to the applicable zoning district, the location of the proposed development, and to the type of development contemplated.
- (2) Lots are required to be platted unless specifically exempted by this Chapter. Lots shall be of appropriate size, width and depth to provide for adequate off-street parking, loading facilities, landscaping, and other required site improvements and open space or landscape surface areas.

**(B) Shape.** Side lot lines shall be approximately at right angles to the centerlines of abutting streets. Alternative configurations may be recommended by the Administrator and approved by the Planning Commission to accomplish a public purpose, such as the preservation of estuarine and marine, freshwater emergent, freshwater forested/shrub wetlands, water bodies, and other environmentally sensitive lands.

#### **(C) Lot Frontage.**

- (1) Generally, new single-family detached and attached, multiplex, and live-work residential lots shall front only on minor streets. Alternatively, such lots may front on common open spaces, provided that vehicular access may be taken from an alley that serves not more than 12 dwelling units.
- (2) Through lots for single-family detached and attached, multiplex, and live-work residential lots are not allowed. Where residential development is bound by one or more arterial streets, lots shall be separated from the arterial street rights-of-way by a minimum 20 foot bufferyard that is owned and maintained by a property owners' association or through an agreement accepted as to form by the City Attorney and approved by the City Council. Such agreement shall run with the land.

#### **(D) Cul-de-Sacs.**

- (1) Lots facing a cul-de-sac street are exempt from the width requirements set out above, but shall conform to the minimum lot area required by either § 155.503, *Standards for Residential Development*, or § 155.504, *Standards for Non-Residential Development*.
- (2) Lots facing a cul-de-sac street shall meet the minimum lot width requirement at a distance of 25 feet from the front property line.

~~(‘68 Code, § 33-16(A)) (Ord. 472, passed 12-18-56; Am. Ord. 472A, passed 4-15-74, Am. Ord. 472B, passed 12-16-74)~~  
Penalty, see § 10.99

### **§ 154.303 BLOCKS.**

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**(A) Generally.** The length, width, and shape of blocks shall be determined with regard to the following:

- (1) The provision of adequate building sites suitable to the particular needs of the type of use contemplated;





- (2) The required lot widths and lot areas for the development;
  - (3) The need for convenient access, circulation, control, and safety of street traffic;
  - (4) The need to provide for mobility and accessibility for people who use alternative modes of transportation; and
  - (5) Limitations and opportunities of soils, natural resources, and uses or features that bound the parcel proposed for development.
- (B) **Dimensions.** Blocks shall be dimensioned according to the following standards:
- (1) **Residential Blocks.**
    - (a) Blocks that are used to provide access to single-family detached and attached dwellings shall be of sufficient width to allow two tiers of lots with appropriate lot depths (according to the lot widths and areas applied).
    - (b) Generally, blocks that are used to provide access to residential uses shall not be longer than 800 feet. Blocks may be up to 1,200 feet in length if there is a mid-block pedestrian easement, with a minimum width of 15 feet, providing access to abutting blocks.
  - (2) **Nonresidential Blocks.** Blocks for business or industrial use shall be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities and other site improvements, landscape surface areas, and open space areas required by **CHAPTER 155: ZONING CODE**.
- (C) **Relationship to Existing Arterial and Collector Streets.** Residential blocks shall be designed so that lots are not oriented for access from arterial or collector streets. Marginal access streets may be approved if necessary for the efficient layout of lots on a parcel proposed for development, provided that:
- (1) Access to the marginal access street meets the requirements of § 154.311, *Access Management*; and
  - (2) A bufferyard (refer to § [redacted]) is provided between the marginal access street and the abutting arterial or collector street.

#### **§ 154.304 COMMON OPEN SPACE.**

- (A) **Generally.** Recreation areas, resource protection areas, and other accessible open spaces may be integrated into development design to bring open space to properties, as well as visibility from public rights-of-way within the proposed development. Visual or physical access to open spaces may be limited if such limitations would materially enhance natural resource management compared to a condition of more open access.
- (B) **Preservation of Existing Tree Stands.** Development should be designed so that ecologically important features are protected and located in designated open spaces whenever practicable.
- (C) **Greenways.** Open space may be designed to provide greenways along the river and its tributaries, waterways, and drainage corridors. Where not inconsistent with maintenance of drainage facilities, landscaping along waterbodies shall be designed to enhance stormwater quality, ecosystems and habitats.
- (D) **Continuity.** During the layout and design of a subdivision, the subdivider shall provide for interconnectivity within the development and with adjacent and future development.
- (E) **Designation.** All boundaries of open space shall be identified as tracts on a plat or site plan.
- (F) **Securely Held.** Open space shall not be developed or redeveloped once established, unless approved by the City Council.
- (G) **Ownership.** Open space may be privately held and maintained. Publicly dedicated open space may be owned in the following ways:
  - (1) Dedication to the City in cases where the City accepts the dedication;
  - (2) Through a special district formed in accord with state statute;







- (3) A duly recorded covenant of easement whereby the City is a party to the easement, as authorized by motion of the Council;
- (4) A duly recorded conservation easement that is:
  - (a) Platted and recorded as a portion of and along the rear lot line of fee simple lots to preserve significant resource features as native landscape, provided that portion of the lot outside of the easement meets the minimum lot area requirement of the respective district;
  - (b) Dedicated to a pre-approved private, non-profit organization that is capable of managing the open space in perpetuity; or
  - (c) Held in common by a property owners' association, with an easement dedicated to all property owners within the association.
- (H) **Maintenance.** Under any arrangement, the easement shall require maintenance as indicated on the approved plat or site plan. The Council has the right under such easement to maintain the area and place a lien on the property, or a property owners' association to recover its costs.

### § 154.305 MONUMENTS.

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- (A) **Generally.** Monuments shall be placed to mark the following lot corners, points of curvature, points of tangency, reference points, street centerlines, and where street lines intersect the exterior boundaries of a subdivision.
- (B) **Monument Requirements.**
  - (1) *Materials.* Iron rods, five-eighths-inch in diameter and three feet long, shall be placed on all boundary corners, block corners, curve points, and angle points. A copper pin one-quarter-inch in diameter embedded three inches in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction and the top of the monument shall not be less than 12 inches above the finished ground level.
  - (2) *Marks.* Marks on existing concrete, stone, or steel surface must consist of drill holes, chisel marks, or punch marks and must be of sufficient size, diameter, or depth to be definitive, stable, and readily identifiable as a survey monument. Marks on asphalt streets may consist of railroad spikes, large nails, "PK nails", or other permanent metal spikes or nail-like objects.
  - (3) *Stakes.* Wooden stakes shall not be set as permanent boundary monuments.
- (C) **Monument Installation.** Monuments must be set vertically whenever possible and the top must be reasonably flush with the finished grade when practical. Monuments subject to damage from earthwork, construction, or traffic should be buried at a sufficient depth to offer protection.
- (D) **Witness Monuments.** When physically impossible to set a monument at the corner, witness monuments shall be set when possible, preferably on each converging line at measured distances from the corner and identified as such in the description and on the plat of the property.
- (E) **Benchmarking.**
  - (1) *When Required.* For all subdivisions of five lots or more, a permanent benchmark shall be accessibly placed, the elevation of which shall be based on mean sea level as determined by the U.S. Geological Survey (USGS) and accurately noted on the subdivision plat. Permanent benchmarks shall be brass capped, set in concrete, with a minimum dimension of six inches in diameter, four feet long with a flat top. The top of the brass monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade stamped with one-half inch number.
  - (2) *When Not Required.* Where no benchmark is established or can be found within 300 feet of the boundary of the subdivision, such benchmark shall be established to the latest edition of the U.S. Coast and Geodetic Survey datum. The benchmark shall be established upon a permanent structure, or may be set as a monument and shall be readily accessible and identifiable on the ground.





(F) **Lot Makers.** Lot markers shall be five-eighths-inch or greater reinforcing bar, 24 inches long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary, to avoid being disturbed.

**§ 154.306 STREETS AND RIGHTS-OF-WAY.**

(A) **Street Classifications.** Classifications of streets can be found in the Brazoria County 2020 Thoroughfare Plan, as amended from time to time.

(A)(B) **Minimum Requirements.** The subdivider shall dedicate a minimum street right-of-way as required in Table 154.306-1, *Right-of-Way and Street Pavements Widths by Street Classification Type* and illustrated in Figure 154.306-1, *Right-of-Way Street Pavement Illustrations*.

Table 154.306-1 Right-of-Way and Street Pavements Widths by Street Classification Type <sup>1</sup>			
Street Types	Right-of-Way Width Minimum <sup>2</sup>	Total Pavement Street Width Minimum	Number of Lanes
Local <u>Street</u>	60 ft	36 ft	<u>2</u>
Major Collector	80 ft	<del>24</del> 48 ft	<u>4</u>
<u>Major Thoroughfare</u>	<u>120 ft</u>	<u>Option 1: 48 ft</u> <u>Option 2: 72 ft</u>	<u>Option 1: 4</u> <u>Option 2: 6</u>
Principal Thoroughfare	150 ft	<del>2 lanes - 24 ft / 3 lanes - 36 ft</del> <u>72 ft</u>	<u>6</u>

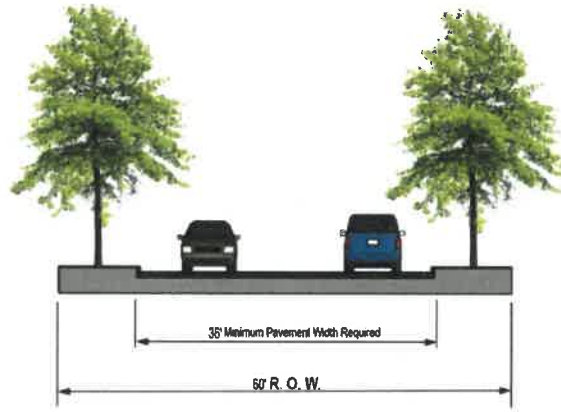
Table Notes:  
<sup>1</sup>Additional right-of-way width and/or street pavement width may be required to accommodate the existing rights-of-way and existing street pavement.  
<sup>2</sup>“Right-of-Way Width Minimum” shall be measured from front lot line to front lot line of opposite lots.





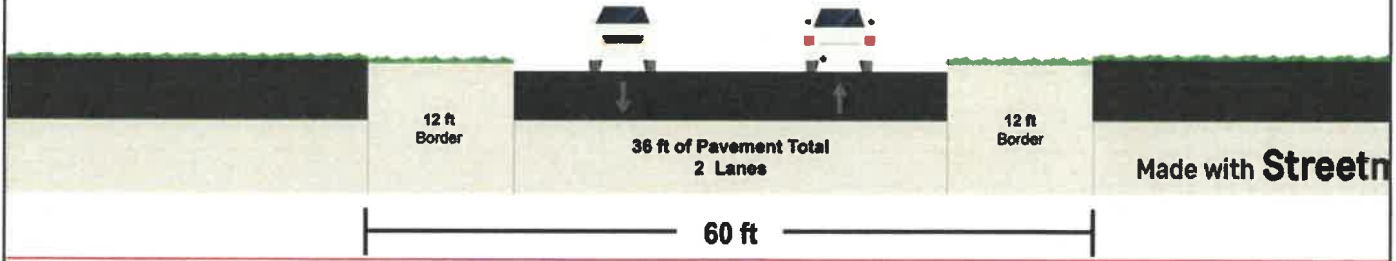
Figure 154.306-1  
 Right-of-Way and Street Pavement [Illustrations](#)

**LOCAL STREET**



Local Street

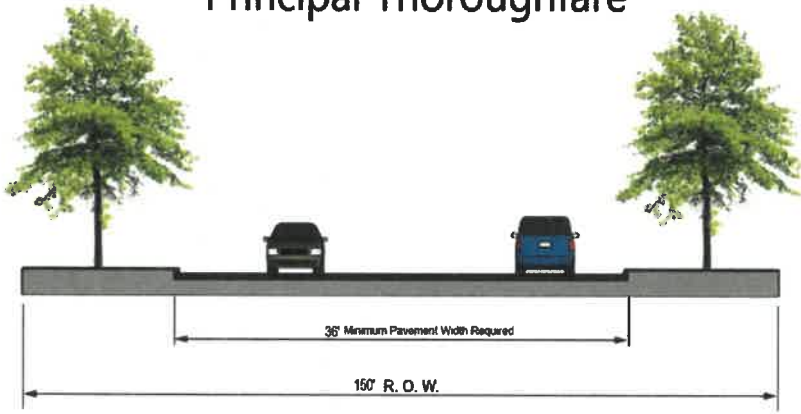
**Major Collector**



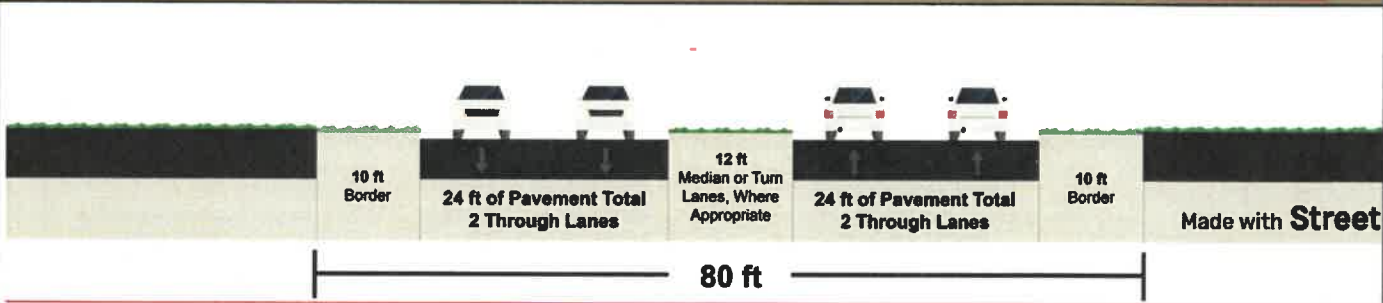




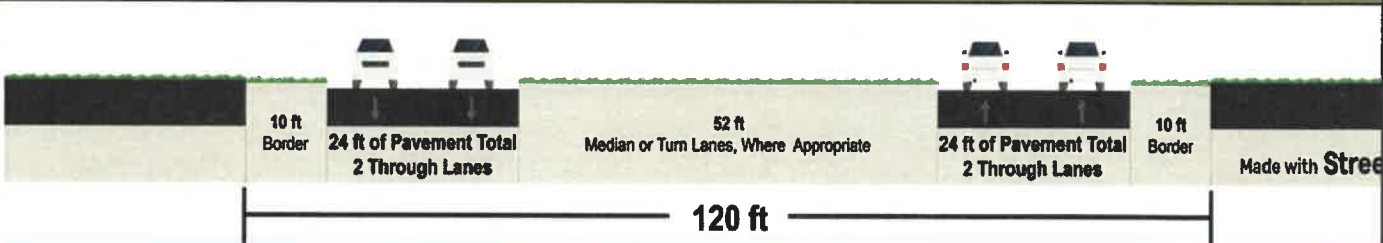
# Principal Thoroughfare



Major Collector



## Major Thoroughfare 4 Lane Option



## 6 Lane Option



## Principal Thoroughfare

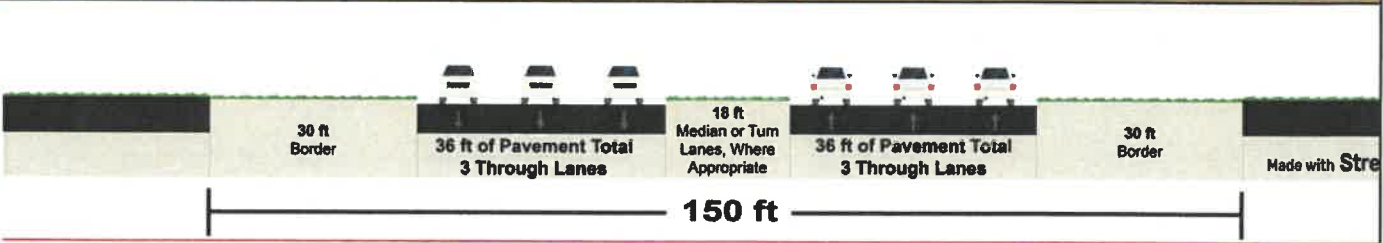
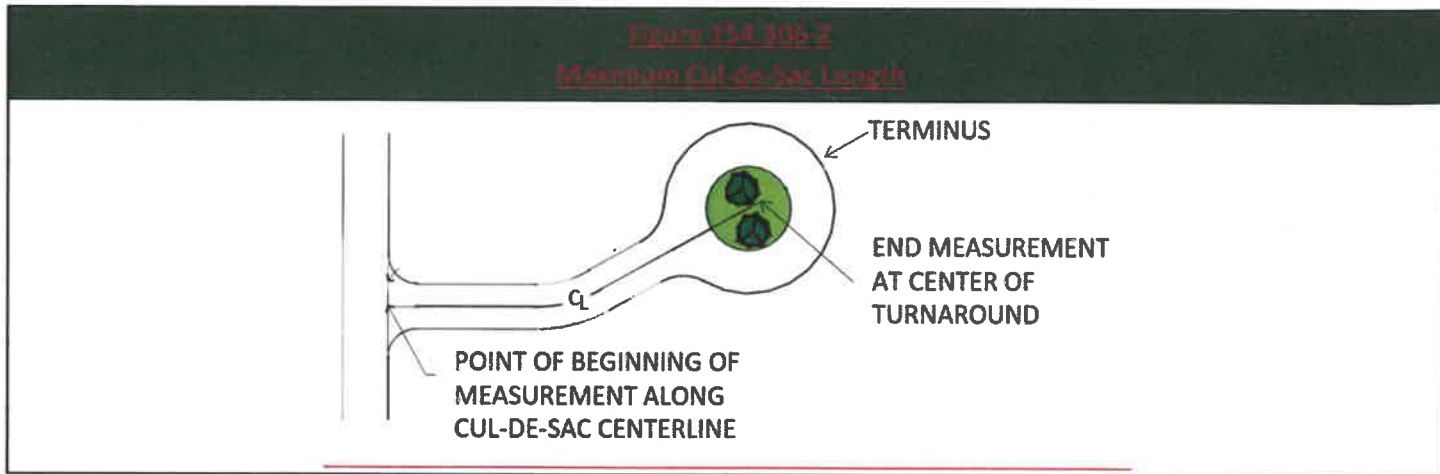


Table Notes:  
 \*Source for the illustrations is the Brazoria County 2020 Thoroughfare Plan.





(C) **Cul-de-Sacs.** A cul-de-sac shall not exceed a maximum length of 800 feet measured from the nearest right-of-way line of the intersecting street, along the centerline of the cul-de-sac, to the center of the turning radius of the turnaround, as depicted in Figure 154.306-2, *Maximum Cul-de-Sac Length*.



**§ 154.307 PAVEMENT.**

- (A) **Roadways.** All roadways shall be paved. Pavements shall be of suitable width for the traffic on the street, and shall meet the width requirements as provided in Table 154.306-1, *Right-of-Way and Street Pavements Widths by Street Classification Type*.
- (B) **Rights-of-Way.** The rights-of-way shall be graded for their full widths to provide suitable finish grades for pavements, sidewalks, and planting strips with adequate surface drainage and convenient access to the lots.
- (C) **Minimum Requirements.** Minimum acceptable pavements shall be:
  - (1) Five-inch reinforced concrete pavement (2500-3500 P.S.I.) with six-inch integral concrete curbs.
  - (2) Asphaltic concrete pavement, four inches of coarse graded binder course, and two inches of fine graded surface course, with a six-inch concrete curb and 18-inch gutter (24 inches overall).

~~('68 Code, § 33-16(E)) (Ord. 472, passed 12-18-56; Am. Ord. 472A, passed 4-15-74, Am. Ord. 472B, passed 12-16-74)~~  
 Penalty, see § 10.99

**§ 154.308 SANITARY SEWER.**

- (A) **Generally.** Sanitary sewers shall be installed to serve each lot in all subdivisions.
- (B) **Requirements.** All subdivisions shall be provided with an approved sewage disposal system to conform to the latest TCEQ (Texas Commission on Environmental Quality) regulations and the City's Standard Construction Specifications.

**§ 154.309 WATER.**

- (A) **Generally.** Water systems shall have a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply and fire protection to all lots and shall conform to the City's water system.
- (B) **Requirements.**
  - (1) *Location.* Where possible, water mains shall be located in the streets and shall be so located as to be accessible without disturbing the pavement.
  - (2) *Fire Hydrants.* Fire hydrants shall be placed on block corners or near the center of the block so all of every lot is within a radius of 500 feet, but preferably within 400 feet of a fire hydrant.





- (3) **Minimum Service.** The system shall be so valved as to provide a minimum number of blocks to be out of service at any one time.

~~(‘68 Code, § 33-16(G)) (Ord. 472, passed 12-18-56; Am. Ord. 472A, passed 4-15-74, Am. Ord. 472B, passed 12-16-74) Penalty, see § 10.99~~

### § 154.310 SIDEWALKS.

- (A) **Required for New Development.** Sidewalks meeting the requirements of this Section are required for the construction of all new subdivisions within the City.
- (B) **Required for Redevelopment.** Sidewalks meeting the requirements of this Section are required be installed on all properties being redeveloped when:
- (1) There is a portion of sidewalk that currently exists on the same block and side of the street as the property being redeveloped by the applicant; and
  - (2) There is sufficient right-of-way available between the edge of the curb or street pavement and the start of a property owner's private property to properly install the sidewalk.
- (C) **Width.** Sidewalks shall be at least four-foot wide.
- (D) **Technical Standards.** Sidewalks shall be:
- (1) Four inches thick; and
  - (2) Concrete of at least ~~2,500-3500~~ P.S.I.
- (C) Distance from Roadway. ~~Sidewalks shall be placed four feet~~
- (1) For New Development. ~~Distance from the backroadway shall be up to the discretion of the curb to provide for a four foot grass strip between the curb and the sidewalk. This distance is measured~~ Applicant.
  - ~~(1)(2)~~ (2) For Redevelopment. ~~Distance from the back edgeroadway shall be consistent with the existing portions of sidewalk that exist on the curb to the front edge of the sidewalk. If the street does not have a curb, then the measurement will be from the back edge of the road to the front edge of the sidewalk.~~ same block.
- (D) **Curb Ramps.** Wheelchair ramps shall be provided at all necessary intersections and as required by the state Department of Licensing and Regulation and the Americans with Disabilities Act.

### § 154.311 ACCESS MANAGEMENT.

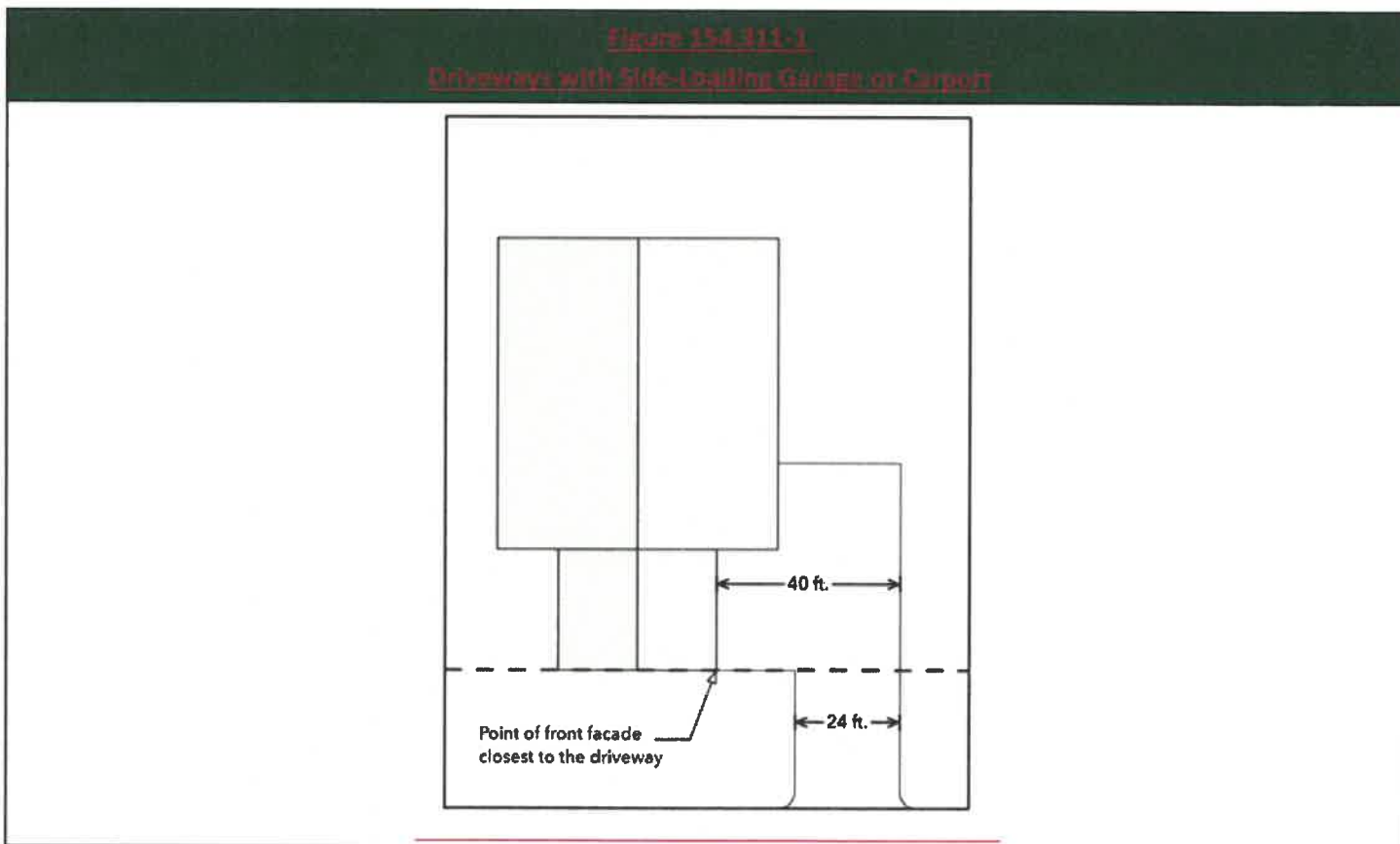
- (A) **Access.**
- (1) **Generally.** New streets within developments shall provide access to all building sites and parcels in the development.
  - (2) **Street Alignment.** Street alignments within the residential subdivisions shall utilize curves, islands, intersections, and/or other methods that allow adequate access but discourage speeding.
- (B) **Residential Driveways.**
- ~~a. Single-Family Detached, Duplex, and Single-Family Attached Dwelling Units. Driveway width shall be maintained between the property line and the garage or carport opening, except that it may be expanded where a turnaround is required by this Chapter. Driveways that provide access to individual single-family detached, duplex, or single-family attached dwelling units shall be a maximum of the following:~~
  - ~~i. A single-width driveway running from the street access to a garage or other parking area shall not utilize more than 15 percent of any front yard, except for front yards with a frontage of less than 70 feet in width, in which case the maximum width of a single driveway shall be 11 feet;~~







- ii. ~~A double-width driveway running from the street access to a garage or other parking area shall not utilize more than 27 percent of any front yard, provided that the maximum width of a driveway shall not exceed 24 feet or 18 feet for lots with a frontage of less than 70 feet;~~
- iii. ~~A triple-width driveway running from the street to a garage or other parking area shall not utilized more than 33 percent of any front yard, provided that the maximum width of a driveway shall not exceed 30 feet in any case, and shall not be permitted for front yards with a frontage width of less than 80 feet; or~~
- iv. ~~Circular driveways shall not utilize more than 30 percent of any front or street side yards with a front of less than 80 feet in width.~~
- b. ~~All Other Uses.~~ Driveways that are not subject to Subsection B.2., above, shall be at least 25 feet wide, but not more than 45 feet wide (at the property line), and configured to direct traffic safely into and out of the parcel proposed for development. Such configuration may require median separation between ingress lanes and egress lanes.
  - (1) Driveways with Front-Loading, Rear-Loading or No Garage or Carports. Residential driveways leading to a front- or rear-loading garage or carport or residential driveways without garages or carports shall have a maximum of a width of 24 feet.
  - (2) Driveways with Side-Loading Garage or Carport. Residential driveways leading to a side-loading garage or carport shall have a maximum width of 24 feet for the portion of the driveway located within the front yard and a maximum width of 40 feet starting behind the front façade of the house at a point that is closest to the driveway, as shown in Figure 154.311-1, Driveways with Side-Loading Garage or Carport.

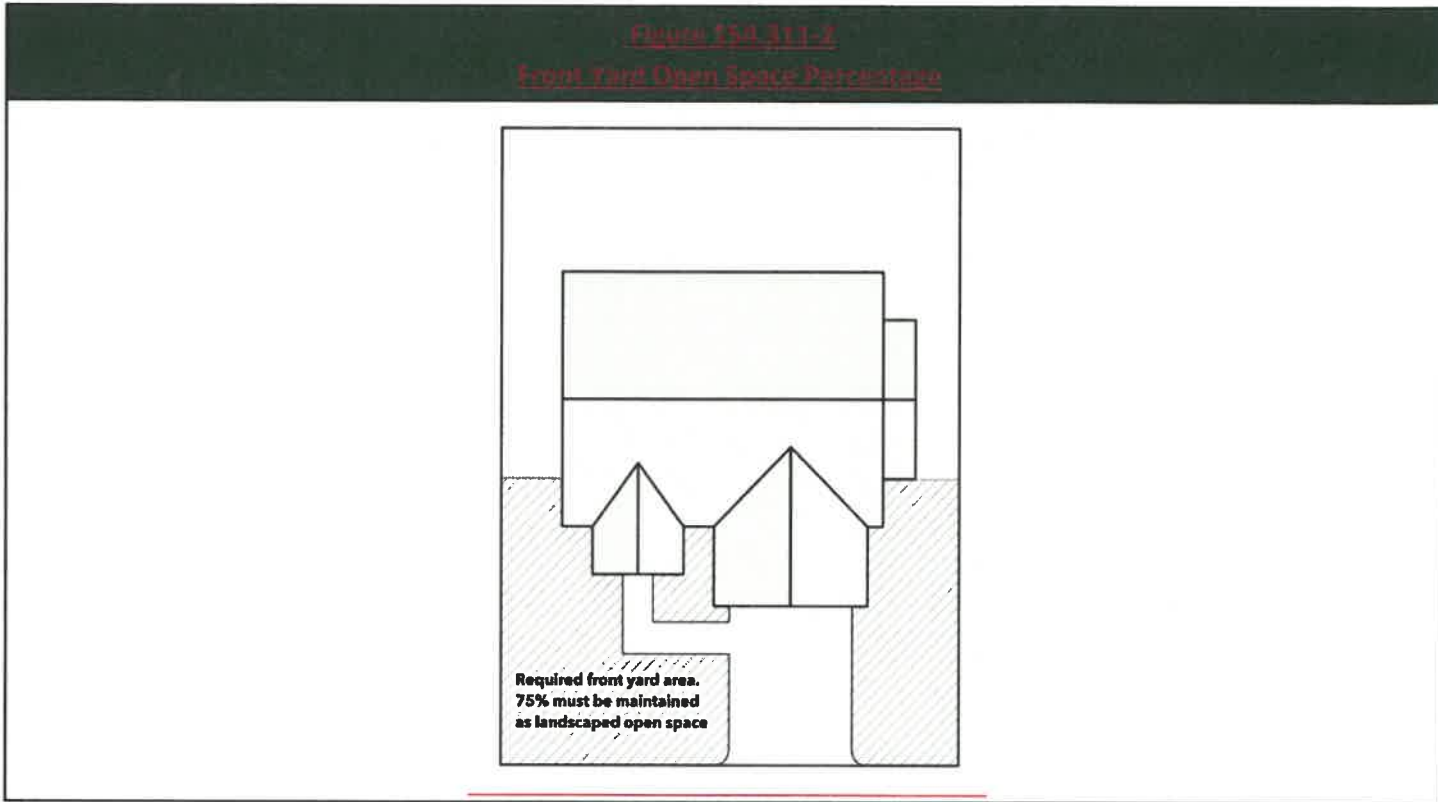


- (3) To Exceed Maximum Width. Driveways may only exceed the maximum width of 24 feet if at least 75 percent of the area located between the front lot line and a line parallel to the front lot line drawn through a point





that is on the side of the principal structure farthest from the front lot line, extending to the edge of the zoning lot, excluding the principal structure, is maintained as landscaped open space. Figure 154.311-2, Front Yard Open Space Percentage.



### **§ 154.312 UTILITY EASEMENTS.**

- (A) **Generally.** During the development approval process, the City may require a variety of easements on private property or lots. These easements may include, but are not limited to the following purposes:
- (1) Pedestrian access;
  - (2) Solid waste removal;
  - (3) Fire protection or hazard mitigation;
  - (4) Access to public utilities or drainage areas;
  - (5) Utilities; and
  - (6) Drainage.
- (B) **Alleys.Easement Size.** Alleys will not be required, but utility easements shall be seven and one-half feet on each side of the rear or side lot lines.
- (C) **Easement Connections.** Easements shall connect with established easements and adjoining property.

### **§ 154.313 MINIMUM LOT AND STRUCTURAL ELEVATIONS.**

- (A) **Issuing Building Permits.** The Building Inspector shall not issue a building permit in any new subdivision areas of the City which building and/or lot fails to comply with the minimum elevations of this Chapter.
- (B) **Lot Elevation.** All lots within any approved subdivision shall be at least three feet above mean sea level.





(C) **Finished Floor Elevation.** The subdivider shall provide in all restrictive covenants that the finished floor elevation of all buildings on any lot shall be at least 24 inches above the highest gutter elevation on streets abutting upon each lot.-

~~(‘68 Code, § 33-16(J)) (Ord. 472, passed 12-18-56; Am. Ord. 472A, passed 4-15-74, Am. Ord. 472B, passed 12-16-74) Penalty, see § 10.99~~

**§ 154.314 FLOOD DAMAGE PREVENTION**

All subdivision proposals shall be consistent with all applicable provisions of **Chapter 153: Flood Damage Prevention.**

**§ 154.315 MEASUREMENTS**

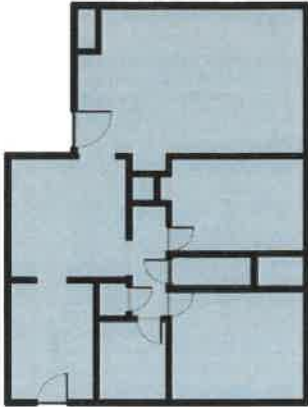
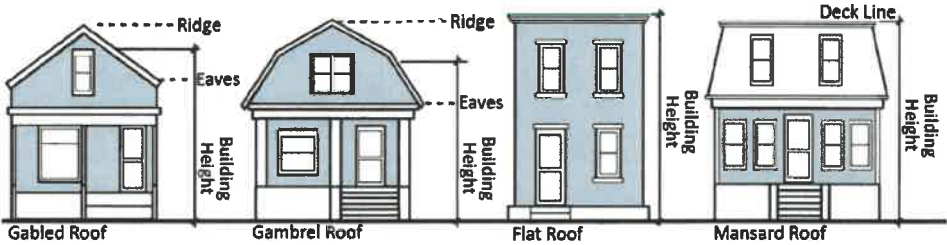
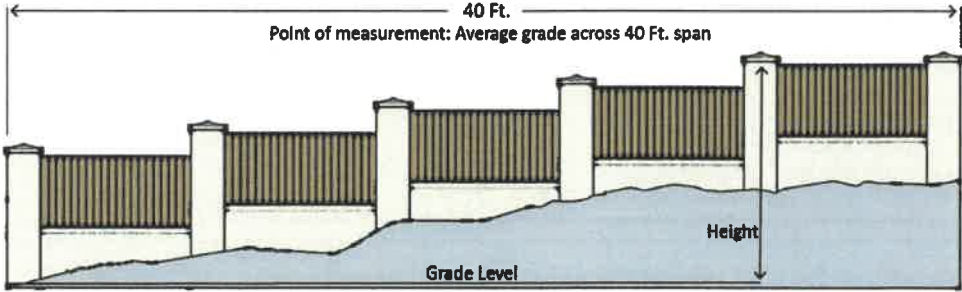
Table 154.315-1, *Measurements*, below, provides the method of measurement for the standards in this Chapter and Chapter 155, *Zoning*.

Table 154.315-1 Measurements		
Measurement	Methodology	Illustration
Building Coverage	The area of a lot covered by any roofed structure, but not paved areas, such as patios.	
Gross Density	The number of dwelling units divided by gross acres.	





Table 154.315-1  
Measurements

Measurement	Methodology	Illustration
<p><b>Gross Floor Area</b></p>	<p>The total area of all the floors of a building, including intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building.</p>	
<p><b>Height</b></p>	<p><b>Buildings:</b> The vertical distance from the grade level of that portion of a parcel covered by the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the average height between eaves and the ridge of a gable, hip or gambrel roof.</p>	
	<p><b>Walls or Fences:</b> The vertical distance from the grade level of that portion of a parcel immediately abutting a wall or fence to the highest point of the wall or fence.</p>	







**Table 154.315-1  
Measurements**

Measurement	Methodology	Illustration
<p><b>Lot Area</b></p>	<p>The total horizontal area included within property lines.</p>	
<p><b>Lot Width</b></p>	<p>For an interior parcel, the horizontal distance between the side property lines, measured at the required front setback line. For a cul-de-sac parcel, the horizontal distance between the side property lines measured at the front setback line.</p>	





Table 154.315-1  
Measurements

Measurement	Methodology	Illustration





Table 154.315-1  
Measurements

Measurement	Methodology	Illustration
<p><u>Setback-Block Length and Depth</u></p>	<p>The horizontal distance of a required open space at grade between the outer wall of a building or structure and the adjoining property lines, unoccupied and unobstructed by any portion of a structure from the ground upward. The front and side setback lines span the entire width of the property. The interior side and exterior side setback lines extend from the required front setback line to the required rear setback line. Block length is measured from exterior lot line to exterior lot line as shown by Line A. Block depth is measured from front lot line to front lot line as shown by Line B.</p>	





Table 154.315-1  
Measurements

Measurement	Methodology	Illustration
Visibility Triangle	<p>A triangular area that includes that portion of public right-of-way and any private property within a triangle formed by a diagonal line extending through points on the two property lines 25-feet from the street corner intersection of the property lines. The vertical dimensions of this triangle are two feet to six and one-half feet above finished grade.</p>	<p>The top diagram shows a street corner with a diagonal line forming a triangle. Dimensions A and B are marked as 25 feet. The bottom diagram shows a tree with dimensions A and B marked as 80 inches and 24 inches respectively.</p>







Table 154.315-1  
Measurements

Measurement	Methodology	Illustration
<p>Block Perimeter</p>	<p>The sum of the lengths of the lot lines bordering the public right of way, not including the alley.</p>	<p>Key</p> <ul style="list-style-type: none"> <li>----- Property Line</li> <li>----- Setback Line</li> <li>■ Buildable Area</li> </ul>

**§ 154.316 VISIBILITY TRIANGLE**

- A. **Generally.** No buildings, structures, fences, walls, and other similar objects shall be erected or placed on a lot in a manner that obstructs or interferes with visibility at any intersection of any street, driveway, or other vehicle access point.
- B. **Exceptions.** Trees and shrubs may be planted in the visibility triangle area provided that the limbs and foliage are trimmed so they are not projecting into the vertical dimensions of the visibility triangle area as illustrated in Figure 154.316-3, *Vertical Dimensions of Visibility Triangle Areas*.
- C. **Visibility Triangle Areas.** The size of the visibility triangle areas are based on the vehicle access type and street classifications found in Brazoria County 2020 Thoroughfare Plan. The standards for each type of area are detailed in Subsection (D) and Subsection (E), below and illustrated in Figures 154.316-1, *Horizontal Dimensions for Road Intersections*, and 154.316-2, *Horizontal Dimensions for Driveway Intersections*.
- D. **Horizontal Dimensions for Road Intersections.**
  - (1) *Intersections with Principal Thoroughfares.* Where one or both of the intersecting roads are principal thoroughfares, the horizontal dimensions of this triangle are measured 25 feet along the property lines from the intersection.
  - (2) *Intersections with Major Collectors and Local Roads.* Where one or both of the intersecting roads are principal thoroughfares, the horizontal dimensions of this triangle are measured 15 feet along the property lines from the intersection.







**Figure 154.316-1**  
**Horizontal Dimensions for Road Intersections**

Intersections with Principal Thoroughfares

**Graphic to be Inserted and Created after City Comfortable with Standard**

Intersections with Major Collectors and Local Roads

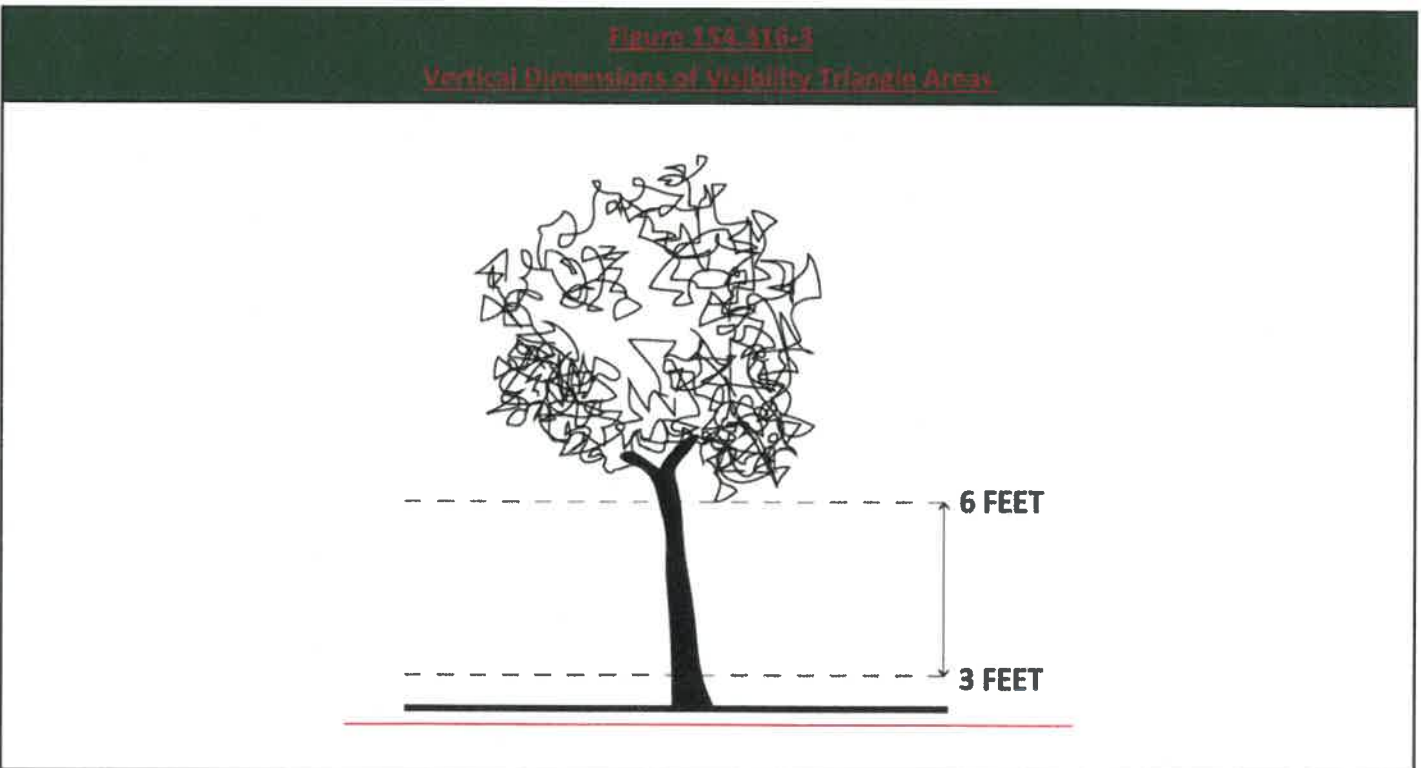
**Graphic to be Inserted and Created after City Comfortable with Standard**

**(E) Horizontal Dimensions for Driveway Intersections.** Where the intersection consists of a right-of-way and a driveway, the horizontal dimensions of this triangle are measured 10 feet along the property lines from the intersection.

**Figure 154.316-2**  
**Horizontal Dimensions for Driveway Intersections**

**Graphic to be Inserted and Created after City Comfortable with Standard**

**(F) Vertical Dimensions.** The vertical dimensions of the visibility triangle are three feet to six feet above finished grade as illustrated in Figure 154.316-3, *Vertical Dimensions of Visibility Triangle Areas*.





## 154.400 APPLICATIONS, REVIEW, AND NOTICE

### § 154.401 PRE-APPLICATION CONFERENCE

- (A) **Purpose.** The purpose of a pre-application conference is to familiarize the applicant with the submittal requirements and review procedures, including all applicable standards and any known constraints, hazards, or special conditions associated with the subject property.
- (B) **Applications Requiring a Pre-Application Conference.** Table 154.106-1, *Summary of Procedures*, denotes the subdivision applications that require a pre-application conference.
- (C) **Submittals.** At or following the pre-application conference, the Administrator may request that the applicant provide additional materials at the time of application submittal as necessary per § 154.502, *Common Decision Criteria*.
- (D) **Disclaimer.** The pre-application conference shall not imply, in whole or in part, any final decision regarding any application as its purpose is informative in nature.

### § 154.402 FILING OF APPLICATION

- (A) **Generally.** Every application for development approval required by this Chapter shall be submitted on a form approved by the responsible official, along with the corresponding application fee.
- (B) **Authorization to Initiate an Application.** Table 154.402-1, *Application Authorization*, denotes those who are authorized to initiate each of the application types.

Application Type	City Council or Planning Commission	Property Owner <sup>1</sup>
Amending and Minor Plats	No	Yes
Preliminary Plats	No	Yes
Final Plats	No	Yes
Replats	No	Yes
Vacating Plat	Yes	Yes
Text Amendment	Yes	Yes
<del>Subdivision</del> -Variance	No	Yes
Appeals	No	Yes

TABLE NOTES:  
 "Yes" = Entity may initiate application | "No" = entity may not initiate application  
<sup>1</sup> Including his or her agent

- (C) **Forms and Fees.** Every application required by this Chapter shall be submitted in a format and in numbers established by the Administrator and shall include a fee as described in § 154.206, *Fees and Charges*.
- (D) **Form Updates.** The Administrator shall promulgate and periodically revise forms for each type of application required by this Chapter.
- (E) **Information Required.** Application forms shall include specific information that is required to process each type of application. The specific information requirements shall be established and periodically revised by the responsible official, and have the purpose of facilitating:
  - (1) The evaluation of applications for compliance with the standards of this Chapter; and
  - (2) The administration of this Chapter.
- (F) **Deadlines.** The Administrator may establish periodic application submittal deadlines.





(G) **Continuing Review Process.** Complete applications shall subsequently undergo the processes established in § 154.403 *Application Completeness*.

### § 154.403 APPLICATION COMPLETENESS

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(A) **Completeness Review.**

- (1) *Administrator Responsibility.* The Administrator shall review all development review submittals for completeness.
- (2) *Meaning of Completeness.* The Administrator shall deem complete a submittal that contains:
  - (a) All of the submittal information required in the application form;
  - (b) Documents or drawings that are prepared and certified by qualified professionals (where such certifications are required);
  - (c) The application fee; and
  - (d) Any additional information that is necessary to demonstrate compliance with all of the applicable requirements of this Chapter.

(B) **Completeness Does Not Equate to Approval.** A determination of completeness does not mean that:

- (1) The contents of the submittal are accurate or that they comply with the standards of this Chapter;
- (2) The application will receive a positive recommendation or final decision from the applicable administrative body; or
- (3) During the review, additional clarification or information will not be needed.

(C) **Timeline for Review.** The completeness review required in subsection (A), shall be accomplished no later than five business days after an applicant submits a potential application.

(D) **Incomplete Applications.**

- (1) When the Administrator determines a submittal to not be complete, the Administrator shall:
  - (a) Notify the applicant in writing with a list of all missing or incomplete items; and
  - (b) Provide 10 business days for the applicant to resubmit the missing or incomplete items.
- (2) If the missing or incomplete items are not submitted within the 10-day period, then the Administrator shall deem the application rejected, shall not accept the application for filing, and shall make the submittal and application fee available to the applicant for retrieval. After the Administrator rejects an application, a new application and fee shall be required if the applicant wishes to apply again.
- (3) Incomplete or rejected applications are not considered "filed" or "submitted" for the purposes of Texas Local Government Code (TLGC) [Chapter 212](#), [TLGC Chapter 245](#), or for any other purpose.

### § 154.404 PUBLIC NOTICE

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(A) **Generally.**

- (1) *Notice by Publication.* When required, shall be provided in accordance with the requirements of the Texas Local Government Code (TLGC).
- (2) *Notice by Mail.* When required, shall be provided to each owner, as indicated by the most recently approved municipal tax roll of real property.

(B) **Applicability.** Table 154-404-1, *Required Notice*, sets out the specific notice required for each type of application where notice is required.







Table 154.404-1 Required Notice		
Type of Application	By Mail	By Publication
Preliminary Plats	Not Required	Required
Final Plats	Not Required	Required
Plat Vacation	Not Required	Required
Amending and Minor Plats	Not Required	<del>Not</del> Required
Replats	Required <sup>1</sup>	Required
Text Amendment	Not Required	Required
<u>Subdivision Variance</u>	<del>Not</del> Required	Required
Appeals	Not Required	Required

Table Notes:  
<sup>1</sup>Required per Texas Local Government Code (TLGC) Sec. 212.015

(C) **Procedural Requirements for Notice.** All notices shall describe the action proposed to be taken and the date, time, and place of the public hearing. In addition, the following requirements apply based on the type of required notice:

(1) Publication Notice.

(a) Notice shall be published in an official newspaper of general circulation in the City as provided by state law at least 10 days prior to the date of the public meeting.

(b) Notice shall appear on the City's website for at least 10 days prior to the date of the public meeting.

(2) *Mailed Notice.*

(a) Written notice shall be sent to all owners of real property which are located within 200 feet of the subject property or within 200 feet of any other abutting property under the same ownership as the subject property.

(b) Measurements shall be taken inclusive of public streets.

(c) Such notice may be served by using the last known address as listed on the City tax roll and depositing the notice, postage paid, with the United States Postal Service (USPS).

(D) **Contents of Notice.** Contents of Notice shall include:

(1) The date, time, and place of the hearing;

(2) Staff contact and phone number, a description, address, or location of the matter to be heard, and a statement that the public is invited to review and comment on the application.

**§ 154.405 STAFF REVIEW**

(A) **Final Decision or Distribution.** After completeness determination, the Administrator shall:

(1) *Review and Comment.* Review the application and provide comments to the applicant, which may include required revisions;

(2) *Review and Decide.* Review and make a final decision on the application; or

(3) *Distribute.* Distribute the application to the appropriate administrative body or outside agency, including, but not limited to, utilities and school districts, for recommendation or final decision.

(B) **Required Revisions.**

(1) *Comments.* During the application review, the Administrator may provide comments from administrative bodies, where applicable, to the applicant. The applicant shall revise and resubmit the application with requested changes.





- (2) *Resubmittal*. Upon receipt of the resubmittal, the Administrator may refer the application to any applicable outside agency again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments, or require the agency's technical expertise for appropriate review.
- (C) **Administrative Recommendation or Decision**. Promptly after submittal of a complete application that addresses the comments provided pursuant to Subsection B above (or, after finding that no revisions are required):
  - (1) *Administrative Applications*. If the application is denoted in Table 154.501-1, *Summary of Procedures*, as an application with a recommendation or final decision by the Administrator, then the Administrator shall approve, conditionally approve, or deny the application, as appropriate.
  - (2) *Other Applications*. If according to § 154.404, *Public Notice*, the application requires a public meeting or public hearing prior to a final decision, then the Administrator shall forward a recommendation to the next administrative body who will consider it for further recommendation or final decision.
- (D) **Common Decision Criteria**. In addition to all other applicable provisions of this Chapter, administrative bodies shall consider the provisions of Table 154.1065-1, *Commons Decision Criteria*, when making a recommendation or a final decision.
- (E) **Continuing Review Process**. Applications requiring a public meeting or hearing shall subsequently undergo the processes established in § 154.404, *Public Notice*.

### § 154.406 STAFF REPORT

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- (A) **Generally**. If a request for subdivision is approved with conditions or disapproved, the Administrator shall provide the applicant a written statement of the reasons for the conditional approval or disapproval.
- (B) **Written Statement of Reasoning**.
  - (1) *Approval with Conditions*. For a request that is approved with conditions, each individual condition shall be clearly articulated in writing, and each condition must:
    - (a) Be directly related to the requirements of the Texas Local Government Code (TLGC) Chapter 212, *Municipal Regulation of Subdivisions and Property Development*;
    - (b) Include a citation to state statute or a municipal ordinance, as the basis for the conditional approval or disapproval, as applicable; and
    - (c) Not be arbitrary.
  - (2) *Disapproval*. For a request that is disapproved, the reason for disapproval shall be clearly articulated in writing and must be based on:
    - (a) Applicable criteria as denoted in Table 154.306-1, *Common Decision Criteria*.
    - (b) All other required criteria enumerated in the specific review procedures within this Chapter.
- (C) **Timing**.
  - (1) *Decision by Administrator*. If the request is approved with conditions or disapproved by the Administrator, the written statement shall be given to the applicant within thirty days from when the request was filed.
  - (2) *Decision by Governing Body*. If the request is approved with conditions or disapproved by a governing body such as the Planning Commission or Board of ~~Adjustment~~Adjustments, the written statement shall be given to the applicant within thirty days from when the decision was made.-

### § 154.407 INACTIVE APPLICATIONS

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- (A) **Generally**. Applicants shall diligently pursue the completion of approved applications. This Section extinguishes applications that become inactive due to applicant inaction.-







**(A)(B) Voiding of Inactive Applications.**

- (1) *Process to Inactivity.* An unapproved application becomes inactive after 45 days from receiving review comments if the applicant fails to completely address the City's comments, unless the Administrator determines that the applicant is actively pursuing action to address such comments. If the Administrator makes such a determination, then the application will become inactive 90 days after the date of receipt of the comments if the applicant fails to completely address the comments.
- (2) *Void.* Inactive applications will automatically expire and become null and void without further notice 30 days after the date when they became inactive if the applicant fails to take action or to request an extension of time.

**(B)(C) Extension of Time.**

- (1) Prior to the expiration of an inactive plat, the application may be extended for up to six months upon written request of the applicant for cause only; and
- (2) If the City amends this Chapter or adopts other regulations during the period of time when the application was inactive, the application shall:
  - (a) Not be subject to compliance to the new regulations until the original application is considered to be voided; and
  - (b) The application shall be subject to the new regulations and ordinances if the period of time to request an extension lapses.
- (3) An inactive application shall expire after a six-month extension lapses and if an extension was not requested.

**(C)(D) Effect of Expiration.** Applications that expire pursuant to this Section are automatically null and void without further notice or action by the City.

**§ 154.408 SUCCESSIVE APPLICATIONS**

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- (A) **Generally.** It is the policy of the City not to hear successive applications for the same approval after an application is denied. The limitations of this Section prevent the consideration of successive applications.
- (B) **Time Required Between Substantially Similar Applications.** The City shall not accept submittal of an application that is substantially similar to an application that was denied within ~~the past six months~~ a one-year period.
- (C) **Appeal.** The Administrator's determination that an application is substantially similar to a denied application is subject to appeal per § 154.510, *Appeals*.





## 154.500 PROCEDURES

### § 154.501 SUMMARY OF PROCEDURES

- (A) **Generally.** Procedures for obtaining approval pursuant to this Chapter are summarized in this Section.
- (B) **Applications and Procedures.** Each application or permit required by this Chapter is spelled out in the below table.

Table 154.501-1 Summary of Procedures						
PC=Planning Commission CC=City Council BOA=Board of <del>Adjustments</del> Admin=Administrator						
Permit/Plan	Required For	Timing	Exceptions	Review Responsibilities		Cross-Reference <sup>1</sup>
				Recommendation	Final Decision	
Amending and Minor Plats	Subdivision of property; land development where only minor changes are necessary	Prior to developing a minor subdivision or making a minor modification to a recorded plat	All other plats	<del>Admin</del> None	<del>PC</del> Admin	§ 154.503
Preliminary Plats <sup>2</sup>	Subdivision of land and prior to submission of detailed construction drawings of all subdivision improvements	Prior to final plat submittal	Minor Plats	Admin	PC	§ 154.504
Final Plats <sup>2</sup>	Subdivision of land and acceptance of public improvements	Prior to recordation and starting development	Minor Plats	PC	CC	§ 154.505
<del>Plat Vacations</del> <del>Replate</del>	<del>The addition of lots or public rights-of-way to a</del> Returning a previously subdivided and recorded plat <del>without prior vacation of land to a single unit of property</del>	N/A	None	<del>PC</del> Admin	<del>CC</del> PC	<del>§ 154.506</del> § 154.507
<del>Replats</del> <del>Vacating Plats</del>	<del>Returning a previously subdivided and</del> The addition of lots or public rights-of-way to a recorded plat of land to a single unit of property <del>without prior vacation</del>	N/A	None	<del>Admin</del> PC	<del>PC</del> CC	<del>§ 154.507</del> § 154.506
Text Amendment	Text additions or changes to this Chapter	Prior to amending Chapter	Non-substantive amendments	PC	CC	§ 154.508
Subdivision Variance	Deviation from the standards of this Chapter	Prior to or concurrent with submittal of a Preliminary Plat	None	<del>PC</del> Admin	<del>PC</del> BOA	§ 154.509
Appeals	Appeals from decisions of the Planning <del>and Zoning</del> Commission	Within 30 days of a decision	None	<del>BOA</del>	<del>CC</del> BOA	§ 154.510

<sup>1</sup> Cross-references are provided for convenience only and do not exempt the application from complying with all applicable standards of this Chapter, any other provision within the City's Code of Ordinances, state law, or federal law.

<sup>2</sup> Only when the Administrator does not approve an amending plat, minor plat, or replat, then the Administrator shall submit the plat to the Planning ~~and Zoning~~ Commission and the procedures of § 154.504, Preliminary Plats, and § 154.505, Final Plats, shall apply.





**§ 154.502 COMMON DECISION CRITERIA**

- (A) **Generally.** In determining whether to approve, approve with conditions or modifications, or deny an application, the applicable review bodies shall consider the basic review criteria denoted in Table 154.502-1, *Common Decision Criteria*, below.
- (B) **Additional Criteria.** Additional decision criteria may apply and are enumerated in the specific review procedures within this Chapter.

Table 154.502-1 Common Decision Criteria				
Common Decision Criteria	Subdivision Plats	Text Amendment	Subdivision Variance	Appeals
The request complies with the applicable standards of this Chapter, the City Code, and any applicable county, state, or federal requirements.	Yes	No	No	No
The request provides for the proper arrangement of streets in relation to existing or proposed streets and conforms to the Brazoria County Thoroughfare Plan for the extension of roads, streets, and public highways within the City, taking into account access to and extension of public utilities.	Yes	No	Yes	No
Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.	Yes	No	Yes	No
The request is consistent with applicable policies of the Strategic Community Plan and applicable utility plans and capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the Strategic Community Plan, the request does not impair the implementation of Strategic Community Plan.	Yes	Yes	Yes	No
The request facilitates the orderly and efficient layout and use of the land.	Yes	No	Yes	No
The request substantially conforms to any associated prior approval for the development, including, but not limited to Preliminary Plats.	Yes	No	No	No
The decision body has considered the recommendation of Staff.	Yes	Yes	Yes	No
The request promotes the purposes of this Chapter as established in § 154.101, <i>Purposes</i> , and in other applicable purpose statements in this Chapter.	Yes	Yes	Yes	No
<b>TABLE NOTES:</b> "Yes" = Common decision criteria applies. "No" = Common decision criteria does not apply.				

**§ 154.503 AMENDING AND MINOR PLATS**

- (A) **Generally.**
  - (1) *Minor Plat.* The purpose of a minor plat is to allow for the ~~administrative~~ approval of:
    - (a) The subdivision of property into four or fewer lots if the subject property fronts on an existing public street with no need to dedicate new public right-of-way or extend public utilities; or
    - (b) The consolidation of four or fewer existing lots.
  - (2) *Amending Plat.* An amending plat is any plat meeting the definition in [Texas Local Government Code \(TLGC\) Section 212.016](#).
- (B) **Submittal Requirements.**
  - (1) *Current Configuration.*
    - (a) ~~Generally.~~ The amending or minor plat shall depict both the current recorded configuration and the proposed configuration of all altered lots and reserves.
    - (b) ~~Current Configuration.~~ The current configuration shall be located on the left side of the amending or minor plat as originally recorded.







- (2) **Proposed Configuration.** The proposed configuration shall be located on the right side of the amending or minor plat and shall depict all information as required for final plats.
- (3) **Reference to Preliminary and Final Plats.** Amending plats and minor plats shall conform to the rules and regulations of § 154.504, *Preliminary Plat*, and § 154.505, *Final Plat*, as applicable.
- (C) **Decision Criteria.** In determining whether to approve, approve with conditions, or deny a minor or amending plat, the Administrator-Planning Commission shall consider applicable criteria in Table 154.502-1, *Common Decision Criteria*, and the following:
  - (1) **Number of Lots.** The minor plat is proposed for the creation or merger of four or fewer lots.
  - (2) **Existing Street.** Each lot in the minor plat has frontage on an existing public street without the need for the creation or extension of a new public street.
  - (3) **Existing Utilities.** Existing public utilities of adequate capacity serve the entirety of the subject property in the minor plat without the need for extension.
  - (4) **TLGC Reference.** The purpose of the amending plat is solely one or more of those listed in TLGC Section 212.016.
- (D) **Public Meeting.** The Commission shall hold a public meeting on the preliminary plat within 30 days from when the application is determined to be complete in compliance with the standards of § 154.403, *Application Completeness*.
- (E) **Planning Commission Action.** The Commission may approve, approve with conditions, or deny a preliminary plat.

## § 154.504 PRELIMINARY PLATS

- (A) **Generally.** Preliminary Plats are for the subdivision of land that is not considered an Amending or Minor Plat per §154.503, *Amending and Minor Plats*, or a Replat per §154.507, *Replat*.
- (A)(B) **Plat Submission.** Preliminary ~~plats~~Plats shall be submitted to the Administrator for presentation to the Planning Commission at least 30 days prior to the meeting at which approval is sought. The following items must be received with the submittal:
  - (1) Full filing fee;
  - (2) The name, address, and contact information of the owner or agent;
  - (3) Letter of transmittal, stating briefly the type of street surfacing, drainage, sanitary facilities, and water supply proposed;
  - (4) Three prints of the plat printed at a scale of 24 x 36 inches and stamped "Preliminary Plat" which meets or exceeds the requirements of Subsection (B), *Plat Contents*; and
  - (5) Supplemental materials as applicable in other sections of this Chapter.
- (B)(C) **Plat Contents.** Such preliminary plat shall be drawn to scale of 100 feet to the inch or larger, and shall show:
  - (1) The proposed name of the subdivision;
  - (2) North point (true or magnetic), scale, and date;
  - (3) The names and contact information of the owner, subdivider, and of the registered professional civil engineer or licensed land surveyor responsible for the survey and design;
  - (4) An accurate location of the subdivision in reference to the real estate records of Brazoria County;
  - (5) A vicinity map showing the relationship of subdivision to major thoroughfares in all directions to a distance of at least one mile;
  - (6) The plat boundaries shall be drawn with heavy lines to indicate the subdivision with overall survey dimensions and bearings. Lines outside the subdivision shall be drawn as dashed lines;
  - (7) The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of land which is unsplit land;





- (8) The legal description of the property proposed to be subdivided, including the name of the survey and abstract number, together with reference to at least one established corner of a nearby recorded subdivision or the nearest public street right-of-way intersection;
- (9) The location, widths, and names of all existing or platted streets, roads, alleys, half-streets, railroad rights-of-way, and easements within the subdivision and immediately adjacent thereto, the location of all existing permanent buildings within the subdivision, and all existing easements and other important features, such as section lines, political subdivision, municipal limit lines, on all sides for a distance of not less than 200 feet;
- (10) Location of pipelines, present physical features on the land including natural and artificial water courses, ditches, ravines, culverts, bridges, present structures and any other features directly pertinent to the land being subdivided, location of existing utilities, showing pipe sizes and capacities of sewer and water mains and drainage facilities;
- (11) True bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat;
- (12) Municipal, County, school district or section lines accurately tied to the lines of the subdivision by distances and bearings;
- (13) Topographic map of the property with contours intervals of 0.5 feet or less, referred to sea level (U.S. Coast and Geodetic Survey) datum;
- (14) The location and approximate width of existing and proposed watercourses, ravines, drainage easements, and topographical elevations; and the boundaries of designated flood zones, as provided in the latest edition of the Federal Insurance Rate Map as published by the Federal Emergency Management Agency. All such information shall be certified by a registered professional land surveyor or a registered professional engineer authorized to do business in the state;
- (15) The names of all proposed streets located within the subdivision and immediately adjacent to said subdivision. If all or part of a street or major thoroughfare runs through the subdivision, the plat shall depict such street, and the plat shall contain a note that such street will be dedicated to the City. Furthermore, the developer shall build such street in accordance with the City's standards established in § 155.406, *Streets and Rights-of-Way*.
- (16) Zoning district classification and land use designation of the land within the subdivision;
- (17) Setback building lines as determined by the applicable zoning district in either § 155.503, *Standards for Residential Development*, or § 155.504, *Standards for Non-Residential Development*; and
- (18) The draft of any protective covenants whereby the subdivider proposes to regulate the use of the land in the subdivision; provided however, that such restrictive covenants, conditions, or limitations shall never be less than the minimum requirements of the City under the provisions of this Chapter and/or under the provisions of CHAPTER 155, *Zoning Code*.

~~(E) Planning Commission Action.~~

~~(D) Decision Criteria. The Planning Commission shall consider criteria in Table 154.502-1, Common Decision Criteria, and other applicable provisions of this Chapter.~~

~~(C)(E) Public Meeting. The Planning Commission shall hold a public meeting on the preliminary plat within 30 days from when the application is determined to be complete in compliance with the standards of § 154.303, Application Completeness.~~

~~(1) Review and Decision. The Planning Commission shall provide public notice, review, and make a determination on the submitted plat per the standards of § 154.030, Applications, Review, and Notice, and Table 154.402-1, Common Decision Criteria.~~

~~(F) Planning Commission Action. The Planning Commission may approve, approve with conditions, or deny a preliminary plat.~~







(G) **Effect of Approval.** A preliminary plat approval authorizes an applicant to file an application for a final plat approval. The approval of the preliminary plat of a subdivision shall not constitute acceptance of the same, but is merely an authorization for the subdivider to proceed with the preparation of the final or recorded plat.

(H) **Expiration and Extension of Approval.**

- (1) *Approval Expiration.* The approval of the preliminary plat of a subdivision shall expire after 120 days, unless the final or record plat has been submitted and recorded as provided in this Chapter.
- (2) *Extension of Approval.* An extension of such period of time may be given at the discretion of the Planning Commission, provided the subdivider has shown that he is proceeding in good faith to complete the work necessary before filing the final or record plat.

~~('68 Code, § 33-25) (Ord. 472, passed 12-18-56)~~

(I) **Plans ~~And~~ Specifications ~~For~~ Improvements.**

- (1) *Plans for Construction.* After approval of the preliminary plat of a subdivision, the subdivider's engineer, who shall be a registered professional civil engineer, shall prepare the necessary plans for the construction of water mains, sanitary sewers, and street paving.
- (2) *City Engineer Approval Required.* No work shall be started or contract awarded until the plans for such work have been approved by the City Engineer and Planning Commission. The City will provide construction engineering and inspection.
- (3) *Copies of Approved Construction Plans.* Three prints and one reproducible print of the approved construction plan shall be furnished to the city.

~~('68 Code, § 33-26) (Ord. 472, passed 12-18-56) Penalty, see § 10.99~~

## **§ 154.505 FINAL PLATS**

(A) **Generally.** Final Plats are to finalize the subdivision of land and acceptance of public improvements after the approval of the Preliminary Plat.

(A)(B) **Plat Submission.** Preliminary plats shall be submitted to the Administrator for presentation to the Planning Commission at least 30 days prior to the meeting at which approval is sought. The following items must be received with the submittal:

- (1) Full filing fee;
- (2) The name, address, and contact information of the owner or agent;
- (3) Plat that conforms to the preliminary plat as approved with any and all changes, directions, and additions imposed by the City through the preliminary platting process;
- (4) Three prints of the plat printed at a scale of 24 x 36 inches and stamped "Final Plat" which meets or exceeds the requirements of this Section and § 154.504, *Preliminary Plats*;
- (5) A set of detailed plans signed by a State of Texas Registered Professional Engineer showing streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details;
- (6) One original final plat with all required changes and proper signatures, prepared and signed by a State of Texas Registered Land Surveyor.
- (7) A certificate of ownership and dedication of all streets, alleys, parks, and playgrounds to the public use forever, shall be executed by all persons, firms, associations, or corporations owning an interest in the property subdivided, resubdivided and platted, and shall be acknowledged in the manner prescribed by state law for conveyances of real property. In the case of lien-holders, they shall execute a subordination agreement, subordinating their liens to all public streets, alleys, parks, school sites and other public areas shown on the plat of such subdivision or resubdivision as being set aside for public use and purpose. The certificate of dedication shall, in addition to the above requirement, contain the following:





- (a) An accurate description of the tract of land subdivided.
  - (b) A statement and express representation that the parties joining in such dedication deed or certificate of dedication are the sole owners of such tract of land.
  - (c) An express dedication to the public for public use forever of the streets, alley, rights-of-way, utility easements, parks, school sites, and other public places shown on the plat attached thereto.
  - (d) A positive reference and identification of the plat of such subdivision by the name of such subdivision, date of plat, and the name of the engineer.
- (8) A waiver of claim for damage occasioned by the establishment of grades or alterations of the surface of any portion of the streets.
  - (9) Certificate showing that all taxes have been paid on the tract to be subdivided, and that no delinquent taxes exist against the property.
  - (10) Certificate of approval to be signed by the City Council.
  - (11) Other data such other certificates, affidavits, endorsements, or dedications as may be required by the Planning Commission for the enforcement of these regulations.

~~{68 Code, § 33-35} {Ord. 472, passed 12-18-56}~~

~~{B}{C}~~ **Special Flood Hazard Requirements.** If any part of the plat lies in a special flood hazard area, then one-foot contour lines shall be shown on the plat and the 100-year flood elevation contour shall be drawn with a very heavy line and designated. The plat shall also show the following statement in print equal in size to the certificates of approval: "Parts of this plat lower than the 100-year flood elevation have a one percent chance each year of being inundated by flooding."

~~{G}{D}~~ **Decision Criteria.** In determining whether to approve, approve with conditions, or deny a final plat, the Planning Commission and City Council shall consider applicable criteria in Table 154.502-1, *Common Decision Criteria*, and provisions within § 154.400, *Applications, Review, and Notice*.

~~{F}~~ **Planning Commission Action.**

~~{D}{E}~~ **Public Meeting.** The Planning Commission shall hold a public meeting on the ~~preliminary~~**final** plat within 30 days from when the application is determined to be complete in compliance with the standards of § 154.403, *Application Completeness*.

~~{E}{F}~~ **Review and Recommendation-Planning Commission Action.** The Planning Commission shall review each final plat application. The Planning Commission shall ~~recommendation~~**recommend** approval of a final plat to the City Council if it is in compliance with this Chapter.

~~{G}~~ **City Council Action.**

~~{1}~~ **Residential Ad Valorem Tax Abatement and Reinvestment Zone.** ~~If the plat is for a residential subdivision, the City Council should make the necessary provisions to allow the purchasers of lots to apply for a residential ad valorem tax abatement and reinvestment zone policy and the guidelines and criteria in force and effect within the City.~~

~~{F}{G}~~ **Review and Decision.** If the Planning Commission recommends final plat approval or if the Planning Commission does not recommend a final plat and the applicant decides to continue with the platting process, then the City Council shall review each plat submitted to it by the Planning Commission. City Council shall approve any plat if it is in compliance with this Chapter.

~~{G}{H}~~ **Plat Finalization.** No final plat shall be approved by the Planning Commission until the City Engineer issues a certificate of improvement. ~~{68 Code, § 33-34} {Ord. 472, passed 12-18-56}~~

~~{H}{I}~~ **Filing with County Clerk.** Prior to being filed with the County Clerk, the final plat shall be approved separately by the Planning Commission and the City Council.

~~{I}{J}~~ **Security Bond (Post-Approval).**





- (1) *City Attorney Approval.* When a security bond has been furnished to the City by the applicant in lieu of any or all required improvements, it shall be delivered to the City Attorney for approval.
- (2) *Contract.* The security bonds shall have an attached copy of the contract for such improvements and such other information necessary to determine the validity and enforceability of such bonds.
- (3) *Written Certification.* When the bond has been examined and approved, the City Attorney shall furnish the Planning Commission with a written certification that the surety bond is valid and enforceable as regards all improvements required by these regulations still incomplete and for which cash deposit has not been made. ~~(68 Code, § 33-27) (Ord. 472, passed 12-18-56),~~

~~(68 Code, § 33-36) (Ord. 1227, passed 12-20-71; Am. Ord. 2002-1965, passed 1-7-02) Penalty, see § 10.99~~

## **§ 154.506 PLAT VACATION**

- (A) ~~**Purpose. The purpose of a**~~**Generally.** A plat vacation is to eliminate a subdivision of property reflected by a prior recorded plat, whereby the subdivided land would return to a single unit of property.
- (B) **Requirements to Vacate.** In accordance with [Texas Local Government Code Section 212.013](#), a recorded plat may be vacated pursuant to the following.
  - (1) *Common Ownership.* The owners of the tract covered by a plat may vacate the plat at any time before any lot in the subdivision is sold.
  - (2) *Separate Ownership.* If lots in the subdivision have been sold, the subdivision, or any part of the subdivision, may be vacated on the application of all the owners of lots in the subdivision with approval obtained in the manner prescribed for the original plat for the subdivision.
  - (3) *When Vacated.* The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
  - (4) *Execution and Recording.* On the execution and recording of the vacating instrument, the vacated plat has no effect.
  - (5) *Utilities.* The relocation and/or abandonment of any utilities shall be the responsibility of the subdivider and shall be provided for concurrently with the vacation procedure. The cost of any such relocation and/or abandonment shall be borne by the subdivider.
- (C) **Government Initiated Plat Vacation.**
  - (1) *Generally.* The Planning Commission may vacate a plat of an approved subdivision when:
    - (a) No lots within the approved plat have been sold within five years from the date that the plat was approved;
    - (b) The City is unable to obtain funds from the subdivider's bonding company with which to complete construction of unfinished and abandoned public improvements, except that the vacation shall apply only to lots owned by the subdivider or its successor; or
    - (c) The plat has been of record for more than five years and the Planning Commission determines that the further resale of lots within the subdivision presents a threat to public health, safety, and general welfare, except that the vacation shall apply only to lots owned by the subdivider or its successors.
  - (2) *Utilities.* The relocation and/or abandonment of any utilities shall be the responsibility of the subdivider and shall be provided for concurrently with the plat vacation. The cost of any such relocation and/or abandonment shall be borne by the subdivider.
- (D) **Public Notice.** See §154.404, Public Notice.
- (E) **Review and Decision Criteria.** The Planning Commission shall consider criteria in Table 154.502-1, Common Decision Criteria, and other applicable provisions of this Chapter.







(F) **Public Meeting.** The Planning Commission shall hold a public meeting on the preliminary plat within 30 days from when the application is determined to be complete in compliance with the standards of § 154.303, *Application Completeness*.

(G) **Planning Commission Action.** The Planning Commission may approve, approve with conditions, or deny a plat vacation.

### § 154.507 REPLAT

~~(D) **Application Required.** Any person who wishes to revise~~ **Generally.** A replat revises a subdivision plat which has been that was previously approved by the City pursuant to § 154.507, *Final Plats*, and that has been filed for record must make an application of recordation with the proposed revised plat County to allow for the Administrator.

~~(B) **Procedure.** Replats may be allowed~~ additions of lots or public rights-of-way without prior vacation of the existing plat according to the applicable standards of Texas Local Government Code Section 212.014 the applicant being required to vacate the original plat.

(C) **Replating Without Vacating Preceding Plat.** In accordance with Texas Local Government Code Section sections 212.014, 212.0145, and 212.015, a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) Is signed and acknowledged by only the owners of the property being replated;
- (2) Is approved, after a public hearing on the matter, if required; and
- (3) Does not attempt to amend or remove any covenants or restrictions.

~~(D) **Utilities.** The relocation and/or abandonment of any utilities shall be the responsibility of the subdivider and shall be provided for concurrently with the replat. The cost of any such relocation and/or abandonment shall be borne by the subdivider.~~

### § 154.508 TEXT AMENDMENT

(A) **Generally.** Requests for amendments to the text of this Chapter may be initiated by the request of the Planning Commission, City Council, or City Manager to amend, supplement, change, modify, or repeal any portion of this Chapter that is not expressly required by Texas or Federal Law.

~~(B) **Planning Commission Action.** The Planning Commission shall review the proposed text amendments and make a recommendation to the City Council on whether to approve or not approve the requirement.~~

(C) **City Council Process.** The City Council shall:

- (1) Receive the written recommendation of the **Planning** Commission and staff regarding the proposed amendment;
- (2) Hold a public hearing prior to taking action on the proposed amendment.
- (3) By majority vote, approve or deny the amendment, or continue the item to a future meeting.

~~(D) **Common Decision Criteria.** In determining whether to approve a text amendment, the City Council shall consider applicable criteria in Table 154.502-1, *Common Decision Criteria*, and the consider the following additional factors (no one factor is controlling and thus requires the City Council to make a specific decision):~~

- (1) *Consistency.* Whether and the extent to which the proposed amendment would conflict with any portion of this Chapter or any of Chapter of the City's Code of Ordinances.
- (2) *Effect on Natural Environment.* Whether and the extent to which the proposed amendment would not result in significantly adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
- (3) *Community Need.* Whether and the extent to which the proposed amendment addresses a demonstrated community need.





(4) *Adopted Planning Documents.* Whether and the extent to which the proposed amendment is compatible with the vision set forth in the City's adopted planning documents.

(E) **Non-Substantive Amendments.** Notwithstanding the other provisions of this Section, if necessary the Administrator may without action by the Planning Commission and/or the City Council may, by resolution:

(1) Correct spelling or punctuation errors:

(2) Cross-reference changes (because another area of City Code has been moved or changed); and

(3) Cross-reference errors; and,

~~a. Correct other matters herein determined by the City Attorney to be non-substantive and not requiring a public notice requirement per either state law or § 154.404, Public Notice.~~

**§ 154.509 SUBDIVISION VARIANCE**

~~(A) **Unnecessary Hardship Standard.** The Planning and Zoning Commission may authorize a variance when an applicant can show that a provision of these regulations:~~

~~(1) Would cause unnecessary hardship if strictly adhered to; and~~

~~(2) Is because of a physical condition peculiar to the land.~~

~~(A) **Generally.** A variance is to provide limited relief from the requirements of this Chapter as described below.~~

~~(A)(B) **Procedural Requirements.**~~

(1) Any variance authorized is required to be entered in writing into the minutes of the ~~Planning and Zoning Commission~~Board of Adjustments (BOA) meeting specifically stating the reason(s) for which the variance was approved.

(2) Not less than two-thirds of the entire membership of the ~~Planning and Zoning Commission~~ BOA must approve the request.

~~(C) **Decision Criteria.** In addition to Table 154.502-1, *Common Decision Criteria*, the BOA shall consider if the applicant can show the need for the variance because:~~

~~(1) Strict adherence to would cause unnecessary hardship; and~~

~~(2) A physical condition that is peculiar to the land.~~

**§ 154.510 APPEALS**

(A) **Generally.**

(1) *Purpose.* The purpose of the appeals process is to provide an opportunity for affected parties to seek review of a decision of a responsible official or the Planning Commission in a timely and inexpensive way.

(2) *Administrator and City Manager Decisions.* All decisions of the Administrator or the City Manager, pertaining to this Chapter, may be appealed to the Board of Adjustments (BOA).

(3) *Planning ~~and Zoning~~ Commission Decisions.* All decisions of the Planning Commission, pertaining to this Chapter may be appealed to the Board of Adjustments (BOA).

~~(B)(A) **Deadline to Appeal.** All appeals must be fully completed and submitted to the City 30 days after an official decision by any City official, committee, or governing body.~~

~~(C)(A) **Content.** The request for appeal shall clearly state each alleged error or ground for protest which the appellant intends to assert. It cannot be amended, supplemented, or modified after the public notice of meeting is posted.~~

~~(D)(A) **Scope of Review.** The Board of Adjustments (BOA) shall review the application in the same manner, using the same approval criteria as the decision maker. However:~~

~~(1) No new evidence shall be presented to the BOA that was not considered by the decision maker; and~~







~~a. No issues shall be reviewed by the BOA that were not described or obviously implied by the notice or request for appeal.~~

~~(E)(B)~~ **Parties to Appeal.**

- (1) Only parties in the action shall have standing to bring an appeal. No appeal by a person who is not a party shall be heard.
- (2) A person or entity is a party if it demonstrates:
  - (a) That final action of the City caused it injury;
  - (b) The injury is different in kind or degree from injury to members of the general public; and
  - (c) The injury can be remedied if the appeal is granted.
- (3) The Applicant is always a party, and shall not be required to demonstrate injury if:
  - (a) The Applicant is appealing an adverse decision or an adverse condition of approval, in which case the Applicant is a Petitioner; or
  - (b) The Applicant's application is the subject of an appeal by another party, in which case the Applicant is a Respondent.
- (4) Any person or entity that owns property within 300 feet of any parcel line of the parcel that is the subject of the appeal shall not be required to demonstrate injury.

(C) **Deadline to Appeal.** All appeals must be fully completed and submitted to the City 30 days after an official decision by any City official, committee, or governing body.

(D) **Content.** The request for appeal shall clearly state each alleged error or ground for protest which the appellant intends to assert. It cannot be amended, supplemented, or modified after the public notice of meeting is posted.

(E) **Transmission of Records.** The decision-maker whose decision is being appealed shall transmit to the BOA all of the documents constituting the record of the appealed action.

(F) **Burden of Proof in Appeals.** The BOA shall presume the appealed final decision to be valid. The appellant shall present sufficient evidence and have the burden to justify a reversal of the decision being appealed.

(G) **Scope of Review.** The Board of Adjustments (BOA) shall review the application in the same manner, using the same approval criteria as the decision-maker. However:

~~(4)(1)~~ No new evidence shall be presented to the BOA that was not considered by the decision-maker; and

~~(5)(2)~~ No issues shall be reviewed by the BOA that were not described or obviously implied by the notice or request for appeal.



State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, March 22, 2021, 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 Brooks Bass:  
Councilman Jeff Pena  
Councilman Jerry Cain  
Councilman Mario Muraira  
Councilman Roy E. Yates

Staff: Tim Kelty, City Manager  
Chris Duncan, City Attorney

**Call to order.**

Mayor called the meeting to order at 5:00 p.m.

Mayor Bass recessed the regular session at 5:05 p.m. and Council entered into Closed Session.

**CLOSED SESSION:**

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), open space program, in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072.

**REGULAR SESSION**

Mayor Bass reconvened regular session at 6:35 P.M.

There was no action taken from executive session.

**Adjourn**

On a motion by Councilman Muraira, seconded by Councilman Pena, with all present voting "Aye", Mayor Bass adjourned the meeting at 6:35 P.M.

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Mayor, Brooks Bass  
City of Freeport, Texas

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City Secretary, Betty Wells  
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, April 19, 2021 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 Brooks Bass:  
Councilman Jeff Pena  
Councilman Jerry Cain  
Councilman Mario Muraira  
Councilman Roy E. Yates

Staff: Tim Kelty, City Manager  
Betty Wells, City Secretary  
Chris Duncan, City Attorney  
Cathy Ezell, Finance Director  
Lance Petty, Public Works Director  
Chris Motley, Freeport Fire Chief  
Ray Garivey, Freeport Police Chief  
Kristi Mercado, Freeport Detective  
Courtland Holman, EDC Director  
Laura Tolar, Special Events Coordinator  
LeAnn Strahan, Destinations Director  
Billy Shoemaker, Director Building/Code  
Detrick Mosley, Freeport Patrol Officer

Visitors: Tommy Pearson  
Nick Irene (Facts)  
Troy Brimage  
Sandra Barnett  
Margaret McMahan  
Nancy Garivey  
Rodney Weems (Sons of American Revolution)

Kenny Hayes  
Ruben Renobato  
Sabrina Brimage  
James Barnett  
Justin Mitchell  
Larry Fansher

Visitors, Via Teleconference: Amanda Petty  
Melissa Ashington (GLO)

Paul Crow

**Call to order.**

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

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Invocation was led by City Manager Tim Kelty, the Pledge was led by Mayor Brooks Bass.

**CITIZENS' COMMENTS:**

Members of the public are allowed to address the City Council at this time, and must include name and address. 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.

Kenny Hayes spoke to council of his opinion of the Pixie House, he said that he does not see the significate value of the Pixie House, and he thinks the City should sell the building. He also said that he knows that there are no rules of City Council serving on other committees, but he said that the President of the EDC is now also a Councilman, he said that this is something that will need to be addressed by City Council.

**PRESENTATIONS/ANNOUNCEMENTS:** Announcements by Mayor, City Council and/or Staff.

Presentation of Employee of the Month for the month of March 2021.

City Manager Tim Kelty, presented the Employee of the Month certificate to Detrick Mosley, for the month of March 2021.

Presentation by Sons of the American Revolution an award of Law Enforcement Commendation Medals.

Rodney Weems with the Sons of the American Revolution, presented a medal to Freeport Police Chief Ray Garivey and Freeport Detective Kristi Mercado.

Presentation of the annual audit by Whitley Penn

Christopher Breaux with Whitley Penn, presented to council the annual audit report ending the fiscal year of September 30, 2020. He indicated that their audit was considered a "clean" audit resulting in no material findings or concerns.

City Manager Tim Kelty spoke to council about the CARES Act funds the city received last year. He said that there is another round of related federal funding that city's will be receiving from the American Rescue Plan. Mr. Kelty said that this is in the amount of \$2.646 million. He said that it will come in two separate payments, first being in the next few months and the remainder next year.

Presentation of second quarter investment report.

Finance Director Cathy Ezell presented the second quarter investment report to council.



Presentation of the Police Department Annual Traffic Contact Report for the year of 2020.

Freeport Police Chief, Ray Garivey presented to council the Police Department Annual Traffic Contact Report for the year of 2020.

Chief Garivey read a public notice giving information on the vaccination site, by UTMB. This will be a local sight available on April 24, 2021 at Brazosport High School, in the old gym.

Presentation report on code enforcement of junk car ordinance within the City.

Building/Code Director Billy Shoemaker presented to council the report on code enforcement of junk car ordinance within the City. The status of code cases from the last 12 months is; 87 vehicles are compliant, 13 cases are pending in court, 71 cases are in progress, and there are 22 new cases.

Mayor Bass asked what do you do if the owner gets an antique license for the vehicle? Mr. Shoemaker said that there is not much that can be done under the current ordinance.

Councilman Cain asked if there is anything that can be done on cars that just sit for over a year, with expired tags, but get a current tag and still sit inoperable, he asked if there is a way these cases can be tracked? Billy Shoemaker said that this will be criminal issue and would have to go through the Police Department.

Councilman Yates asked how many cars are allowed in a backyard? Billy Shoemaker said that there is no limit.

City Attorney Chris Duncan said that we can do an ordinance that makes these inoperable cars as a nuisance.

**COUNCIL REGULAR AGENDA:**

Consideration and possible action on the approval of City Council meeting minutes from April 5, 2021.

Councilman Muraira said that he would like his comment added to the minutes about the citizens opposing the repairs to the Pixie House.

On a motion by Councilman Muraira, and seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved the meeting minutes from April 5, 2021, with the addition requested by Council Muraira to add "that the citizens are opposed to the repairs to the Pixie House."

Consideration and possible action regarding the rejection of an offer on a property held in trust.

Laura Tolar, Special Events Coordinator presented to council possible action regarding the rejection of an offer on a property held in trust. She said the city received an offer on property that is held in trust. She said that the offer is half of the value, she said that this is a 25-foot lot with no liens.

Mayor Bass asked if the offer is below the value listed by the County? Ms. Tolar said yes.

Ms. Tolar said that staff recommends rejection of the offer.

Councilman Yates asked how long the city has owned the property. Ms. Tolar said that it is not owned by the City but is in a trust that owes the city for back taxes. She said that taxes have not been paid since 1996.

On a motion by Councilman Pena, seconded by Councilman Cain, with a 4-1 vote Council approved the rejection of an offer on a property held in trust. Councilman Yates voted “Ney”

Consideration and possible action on Resolution No. 2021-2681: A Resolution by The City Council of The City of Freeport, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; and Providing for Other Matters Incidental Thereto.

Finance Director, Cathy Ezell presented to council Resolution No. 2021-2681: A Resolution by the City Council of the City of Freeport, Texas, Authorizing Publication of Notice of Intent to issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; and Providing for Other Matters Incidental Thereto. She said that this is for sanitary sewer and water improvements only. Ms. Ezell said that staff is recommending \$8.5 million in bonds, she said that this is the full cost to the repair of the sewer plant.

Mayor Bass asked about the 12 percent rate increase from last year. He asked if we do the 9 percent increase this year to the utility rate, will this fully fund these figures? Ms. Ezell said yes, without the increase no.

Councilman Muraira asked if we will be doing a nine percent increase this year to the utility rate? City Manager Tim Kelty said based on the rate study yes, we will have to do this in order to stay in line with the rate study to do everything that is proposed.

Councilman Pena asked if the Federal Funds can be used for the capacity of debt we want to take out? Ms. Ezell said it will depend on what council wants to do with these funds, and we aren't sure of what we can spend these funds on. We are still waiting on the Federal Government to say what we can use them on.

Mayor Bass asked what the urgency of doing this today? Tim Kelty said there is a 60-day process in this. During that time, we will size the bond issue according to our needs, but based on this resolution it cannot exceed the \$8.5 million. The actual amount would go down if we are approved to receive the second grant. Mr. Kelty also said that final action regarding the Bond would be considered by Council at a later meeting regarding the actual issuance.

Mayor Bass asked can we pay for this with the previously approved 12% increase? Ms. Ezell said no.

On a motion by Councilman Pena, and seconded by Councilman Yates, with all present voting “Aye” 5-0 Council unanimously approved Resolution No. 2021-2681: A Resolution by the City Council of The City of Freeport, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; and Providing for Other Matters Incidental Thereto.

Consideration of a Resolution No. 2021-2683 appointing Members to the Freeport Economic Development Board.

Mayor Bass presented Resolution No. 2021-2683 appointing a Member to the Freeport Economic Development Board. He said that there are two vacancies on the Freeport EDC Board.

Mayor Bass made a motion to appoint Margaret McMahan to the Freeport EDC Board seconded by Councilman Yates, with a 4-1 vote Council approved Resolution No. 2021-2683 appointing Members to the Freeport Economic Development Board, for the remaining term of Board Member Marinell Music, that ends on May 31, 2021. Councilman Cain voted “Ney”

Councilman Cain made a motion to appoint David McGinty to the Freeport EDC Board, seconded by Councilman Muraira with all present voting “Aye” 5-0 Council unanimously approved Resolution No. 2021-2683 appointing Members to the Freeport Economic Development Board, for the remaining term of Board Member Trey Sullivan, that will end May 31, 2022.

Mayor Bass said that he appreciates all the people that volunteer and want to serve on the committees with the city, he said that with last couple council meetings more people have applied. He said that there are several people who are serving on several committees. Mayor Bass said that he will be looking into this, he said that he doesn’t know that we need people serving on more than one committee when there is interest of others wanting to serve on these boards.

Consideration and possible action authorizing the continued participation in the Cooperation Agreement between the City of Freeport and Brazoria County in regard to HUD funding, and authorizing amendment to the current agreement.

City Manager Tim Kelty presented to council possible action authorizing the continued participation in the Cooperation Agreement between the City of Freeport and Brazoria County in regard to HUD funding, and authorizing amendment to the current agreement. Mr. Kelty said that in 2009 the city entered into an agreement with the county to receive HUD Funding. He said that the agreement before council will extend the agreement for three years.

On a motion by Councilman Cain, and seconded by Councilman Muraira, with all present voting “Aye” 5-0 Council unanimously approved authorizing the continued participation in the Cooperation Agreement between the City of Freeport and Brazoria County in regard to HUD funding, and authorizing amendment to the current agreement.

Consideration and possible action approving Resolution No. 2021-2684 adjusting the Master Fee Schedule for Freeport Recreation Membership fees.

Destinations Director, LeAnn Strahan presented to council Resolution No. 2021-2684 adjusting the Master Fee Schedule for Freeport Recreation Membership fees. Ms. Strahan said that the recreation supervisor approached her about modifying the membership fees to the recreation center. She said that fitness chains are offering low price memberships, as well as other city’s that offer more amenities. She said that staff recommends lowering the prices for savings to the citizens and youth of the city.

Councilman Pena asked how many current members the rec center has that are residents of the city, and he asked what the total revenue is for these memberships?

Ms. Strahan said that there are 89 members, and 9 are not residents, she said that she does not have the numbers for the revenue.

Councilman Pena said we may want to consider making some investments into our rec center.

On a motion by Councilman Pena, and seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2021-2684 adjusting the Master Fee Schedule for Freeport Recreation Membership fees.

## **WORK SESSION:**

Councilman Cain said that we have talked about the trash service and the issues with the bulk trash pickup. He said that today he noticed that the bulk trash has been picked up. He said that on the corner of 4<sup>th</sup> Street and Velasco there was a huge pile over the weekend, and today it is gone. He said that he is not seeing any debris on the side of the road, he said that someone is finally doing their job,

Councilman Muraira asked for an update on the Incode Software, he said understands that this is where the Code worksheets will be coming from. Mr. Kelty said that there are several modules for this upgrade and they have started with Finance. He said that there is Court, Utility Billing, Code and Payroll. He said that he has asked the Code be expedited. Councilman Muraira said that he would like to see if we can make the heavy trash pickup flyer be clearer on the pickup dates, he said that this is hard to understand. He said that residents are confused that the trash will be picked up on the three days of being allowed to set the trash out. He also spoke about the press release online, he said that people just skim through it, he asked if we can do an actual flyer? Mr. Kelty said that we can do something on social media, Mr. Muraira said maybe a video or something more creative to get people's attention. Councilman Muraira asked about the progress on the ballfield lights, and the pier? Mr. Kelty said that the funding for the lights, the pier and the roof at the pavilion was approved by the EDC last week. Public Works Director, Lance Petty said that the PO's were issued on Friday, he said that he has ordered the lights and brackets this morning, and Penny's Electric will be the one to install once everything comes in. Mr. Petty said that the fishing pier will begin in about two weeks, and it will take the contractor about ten days to complete the project. Councilman Muraira asked Mr. Petty about the status on the library. Mr. Petty said that all is complete except for the large room where the books are kept, and the carpeting needs to be installed. He said that the contractor is going to pick up the carpet from Houston so they can get that installed this week. Councilman Muraira asked if the county has said anything about when the books and computers will be moved back in. Mr. Petty said he met with the county, and he said that they are not in a hurry to move back in. He said they will be meeting with them again, to see what furniture they want moved back in, and they will get the shelves installed once the carpet has been installed. Councilman Muraira said that he had a complaint about 2<sup>nd</sup> Street and Beech, he said that there is a dip and asked if we can get asphalt on the road to smooth it out. Mr. Petty said that it can be done. Councilman Muraira asked Chief Garivey why the PD had three officers leave the PD? Chief Garivey said it has to do with the pay study. Chief Garivey said that he has three other officers applying elsewhere also, he said it will be a total of six when it's all done. Councilman Muraira asked if they are first line officers? Chief Garivey said yes and one is a Sargent of 19 years. Councilman Muraira said with what was approved they were suppose to be impacted, and they still left. Chief Garivey said it also comes down to morale. Councilman Muraira asked what could we have done different, he said even if what the Mayor proposed this still would not of fixed this. Chief Garivey said what the Mayor proposed would have helped out a lot. He said that it would have helped out with the morale. Chief Garivey said even being just three percent it would have helped out the other group. Councilman Muraira said that the three



officers left because of the pay. He said that in his opinion all departments need the raises, not just two departments, he said that it needs to be spread out. He said that he understands Chief Garivey point. Councilman Muraira said that council needs to stay consistent, he said one example is the Pixie House, he said that the citizens have spoken and said that they are not for the repairs to the Pixie House, and council is still discussing it. He said that we need to remain consistent.

Councilman Yates said that he had asked Chief Garivey for numbers of employees at the Police Department a few weeks ago, and he had received this information. He said that he wanted to compare the numbers of officers by population in Freeport to the numbers of the other cities. He asked if any other officers have left since he got the numbers.

Councilman Pena asked Chief Garivey of the three officers that left, where did they go? Chief Garivey said that two went to the County and one to Oyster Creek. Councilman Pena said that we need to look at our incentives to keep the Police Officers here. Councilman Pena said that the new pizzeria downtown had a real good weekend. Councilman Pena spoke of the lighting downtown, the lighting on Brazosport Boulevard, Velasco & 2<sup>nd</sup> Street and Velasco and Ave A. The lights at Oak Street to Park, he said that these are still without light. He spoke of the line of sight in downtown he said the hedges need to be trimmed down, as well as Cherry and 2<sup>nd</sup>. He asked about the sidewalk project from the boat ramp to Velasco. Councilman Pena said that the Mexican Heritage will be at the Museum the first week of May. Councilman Pena asked if Riverplace could be modified for the use of Wi-Fi for the summer school students.

City Manager Tim Kelty said that he would like to recognize Lance Petty and the Public Works Department for all of their hard work. He said that Councilman Muraira, Lance Petty and himself met with Councilman Muraira, Brenda George and Gina Adams and the Little league officials, about the ball diamonds. He said that they had a long list of items that they would like to be done at the ball diamonds with about 9 items highlighted as priorities. Less than a week later Kelty asked Mr. Petty's about the EDC funding some of those priority items. Mr. petty responded that eight of the priority items had already been completed from the list.

Mayor Bass said to express his appreciation to Mr. Petty and the Maintenance Crew for all of their hard work. He also said let's try to get these vaccines used. He said that he thinks it is important on opening up our society and our community.

#### Update on reports / concerns from Department heads

Open session was closed at 8:13 pm and Council entered into Executive Session.

#### **CLOSED SESSION:**

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), open space program, in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072.

#### **REGULAR SESSION**

Mayor Bass reconvened regular session at 8:48 P.M.

There was no action taken from executive session.

Adjourn

On a motion by Councilman Muraira, seconded by Councilman Yates, with all present voting "Aye", Mayor Bass adjourned the meeting at 8:48 P.M.

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Mayor, Brooks Bass  
City of Freeport, Texas

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City Secretary, Betty Wells  
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, April 26, 2021, 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 Brooks Bass:  
Councilman Jeff Pena  
Councilman Jerry Cain  
Councilman Mario Muraira  
Councilman Roy E. Yates

Staff: Tim Kelty, City Manager  
Betty Wells, City Secretary  
Chris Duncan, City Attorney

Visitors:  
Ruben Renobato

**Call to order.**

Mayor Bass called the meeting to order at 5:30 p.m.

Mayor Bass recessed the regular session at 5:35 p.m. and Council entered into Closed Session.

**CLOSED SESSION:**

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), open space program, in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072.

**REGULAR SESSION**

Mayor Bass reconvened regular session at 6:27 P.M.

There was no action taken from executive session.

**Adjourn**

On a motion by Councilman Cain, seconded by Councilman Pena, with all present voting "Aye", Mayor Bass adjourned the meeting at 6:28 P.M.

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Mayor, Brooks Bass  
City of Freeport, Texas

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City Secretary, Betty Wells  
City of Freeport, Texas



## City Council Agenda Item # 4

**Title:** Consideration of Engagement Letter to Conduct audit for FY2020-2021.

**Date:** May 3, 2021

**From:** Cathy Ezell, Finance Director

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**Staff Recommendation:**

To approve Engagement Letter to Conduct the FY2020-2021 Audit.

**Item Summary:**

The timing of next year's audit will be scheduled for performance and completion as follows:

Document internal control and preliminary tests	July 2021
Perform year-end internal control testing and substantive audit procedures	January 2022
Issue audit report	March 2022

**Background Information:**

The City of Freeport is required to conduct an annual audit each year. The engagement letter is for the auditing of the Fiscal Year 2020-2021.

**Special Considerations:** N/A

**Financial Impact:** The fee for the audit services will be based on the amount of time required and the difficulty of the work involved which is estimated to be \$45,000 – the same amount as last year. Funding is available under Professional Services for the interim review – funding for the final audit will be included in the FY2020-2021 Budget.

**Board or 3<sup>rd</sup> Party recommendation:** N/A

**Supporting Documentation:**

– Engagement Letter from Whitley Penn



April 27, 2021

To the Honorable Mayor, Members of  
City Council and City Administrator  
City of Freeport, Texas

The following represents our understanding of the services we will provide City of Freeport Texas (the "City").

You have requested that we audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City, as of September 30, 2021, and for the year then ended and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audit will be conducted with the objective of our expressing an opinion on each opinion unit.

Accounting principles generally accepted in the United States of America require that required supplementary information (RSI) be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

- 1) Management's discussion and analysis
- 2) Budgetary comparison information
- 3) Required pension supplementary information
- 4) Required other post-employment benefit supplementary information

Supplementary information other than RSI will accompany the City's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

- 1) Combining and individual fund statements and schedules

Also, the document we submit to you will include the following other additional information that will not be subjected to the auditing procedures applied in our audit of the financial statements:

- 1) Introductory section
- 2) Statistical section

### **The Objective of an Audit**

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in accordance with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

### **General Audit Procedures**

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS). Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

### **Internal Control Audit Procedures**

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS.

In making our risk assessments, we consider internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

### **Compliance with Laws and Regulations**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

### Management Responsibilities

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements; and
- c. To provide us with:
  - i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation, and other matters;
  - ii. Additional information that we may request from management for the purpose of the audit; and
  - iii. Unrestricted access to persons within the City from whom we determine it necessary to obtain audit evidence.
- d. For including the auditor's report in any document containing financial statements that indicates that such financial statements have been audited by the City's auditor;
- e. For identifying and ensuring that the City complies with the laws and regulations applicable to its activities; and
- f. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited financial statements, or if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or support for any other transactions we select for testing.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

## Reporting

We will issue a written report upon completion of our audit of the City's basic financial statements. Our report will be addressed to the governing body of the City. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

## Timing and Fees

The timing of our audit will be scheduled for performance and completion as follows:

Document internal control and preliminary tests	July 2021
Perform year-end internal control testing and substantive audit procedures	January 2022
Issue audit report	March 2022

Christopher Breaux, CPA is the engagement partner for the audit services specified in this letter. His responsibilities include supervising Whitley Penn, LLP's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fee for the audit services will be based on the amount of time required and the difficulty of the work involved which we estimate to be \$45,000.

Our invoices for these fees will be rendered each month as work progresses and are payable on presentation and payment is due in Brazoria County. You agree to pay reasonable attorney fees and collection costs incurred relating to collection of fees for services performed under the terms of this engagement. In accordance with Whitley Penn, LLP policy, work may be suspended if your account becomes 30 days or more past due and will not resume until your account is paid in full. In addition, invoices not paid in full by the last day of the month will be assessed interest at a rate of one percent per month. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been complete even if we have not issued our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination. Our final auditors' report will be released upon final payment of any outstanding invoices.

You may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with you concerning the scope of the additional services and the estimated fees. We also may issue a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement letter.

We would like to make the following comments regarding the fee estimates:

- 1) Our fee estimates have not considered the effects of any changes to auditing standards and accounting principles, which may be promulgated by the AICPA, Congress, or any other regulatory body in the future and are unknown to us at this time. If significant additional time is necessary resulting in increased fees, we will endeavor to notify you of any such circumstances as they are assessed.
- 2) The City's personnel is responsible for the preparation of all items requested in the Prepared by Client ("PBC") listing and received by the date requested. Any delays caused by not preparing the items when requested may result in additional fees, as well as the possibility of postponing our fieldwork. The PBC listing will be provided to you during the planning process of the engagement.
- 3) Time incurred for audit adjustments identified during our audit and the related additional testing required has not been considered in our fee estimates. Prior to performing any additional testing, we will notify you of the exceptions and obtain approval for any additional fees which may be incurred.
- 4) Our fee estimates are based on all general ledger sub ledgers being reconciled to the general ledger balance and any adjustment necessary should be recorded to the general ledger prior to our fieldwork start date.

The ethics of our profession prohibit the rendering of professional services where the fee for such services is contingent, or has the appearance of being contingent, upon the results of such services. Accordingly, it is important that our bills be paid promptly when received. If a situation arises in which it may appear that our independence would be questioned because of significant unpaid bills, we may be prohibited from issuing our auditors' report.

In the unlikely event that differences concerning our services or fees should arise that are not resolved by mutual agreement, to facilitate judicial resolution and save time and expense of both parties, the City and Whitley Penn, LLP agree not to demand a trial by jury in any action, proceeding or counterclaim arising out of or relating to our services and fees for this engagement. Any controversy, dispute, or questions arising out of or in connection with this agreement or our engagement shall be determined by arbitration conducted in accordance with the rules of the American Arbitration Association, and any decision rendered by the American Arbitration Association shall be binding on both parties to this agreement. The costs of any arbitration shall be borne equally by the parties. Any and all claims in arbitration relating to or arising out of this contract/agreement shall be governed by the laws of the State of Texas and to the extent any issue regarding the arbitration is submitted to a court, including the appointment of arbitrators or confirmation of an award, the District courts in Brazoria County shall have exclusive jurisdiction. Any action arising out of this agreement or the services provided shall be initiated within two years of the service provided.

This letter replaces and supersedes any previous proposals, correspondence and understanding, whether written or oral. The agreements contained in this engagement letter shall survive the completion or termination of this engagement.

To ensure that Whitley Penn, LLP's independence is not impaired under the AICPA Code of Professional Conduct, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.

#### **Other Matters**

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.



The audit documentation for this engagement is the property of Whitley Penn, LLP and constitutes confidential information. However, we may be requested to make certain audit documentation available to various regulators pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision Whitley Penn, LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the applicable regulator. The regulator may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies. We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

With respect to any nonattest services we perform, the City's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities. Nonattest services include the preparation of the financial statements based on the City-provided trial balance and assistance with government-wide journal entries based on City-provided documentation.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

At the conclusion of our audit engagement, we will communicate to those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the City's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

To the Honorable Mayor, Members of  
City Council and City Administrator  
Page 7

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,

*Whitley Penn LLP*

\*\*\*\*\*

RESPONSE:

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of City of Freeport, Texas by:

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

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

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

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

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

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



## Report on the Firm's System of Quality Control

July 19, 2018

To the Partners of Whitley Penn LLP and  
the National Peer Review Committee.

We have reviewed the system of quality control for the accounting and auditing practice of Whitley Penn LLP (the firm) applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended April 30, 2018. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary). The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

### Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

### Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

### Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act, audits of employee benefit plans, audits performed under FDICIA, an audit of a broker-dealer, and examination of service organization (SOC 1 engagement).

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

### Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Whitley Penn LLP applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended April 30, 2018, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Whitley Penn LLP has received a peer review rating of *pass*.

*Olsen Thielen & Co., Ltd.*

Olsen Thielen & Co., Ltd.



## City Council Agenda Item # 5

**Title: Public Hearing:** Discuss and take action on Replat property described as LOTS 38, 39 and the East Half of Lot 37, Block 2 of Riverside Terrace Subdivision Recorded in Volume 5, Page 288 of the Brazoria County Plat Records in the J.F. Fields Survey Abstract 62 City of Freeport Brazoria County Texas November 2020, submitted by Peggy Yates known as PPY Properties.

**Date:** May 3, 2021

**From:** Billywayne Shoemaker, Building Official

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**Staff Recommendation:**

Conduct the Public Hearing and consider the replat of the lot, located in the City of Freeport.

**Item Summary:**

The property owner is making this formal request to have the City subdivide and replat their property located at 1903 N Ave H: Lots 38, 39 and the East Half of Lot 37, Block 2 of Riverside Terrace Subdivision Recorded in Volume 5, Page 288 of the Brazoria County Plat Records in the J.F. Fields Survey Abstract 62 City of Freeport Brazoria County Texas November 2020, submitted by Peggy Yates known as PPY Properties.

**Background Information:**

Currently the lot is 125 feet in width developed with a Single-Family Home and detached garage. This originally went to the Plan Commission as a subdivision plat separating the west 35.5 feet of the property with the detached garage from the remaining 89.5 feet with the single-family home. This created a non-conforming and undevelopable lot on Avenue H in the City of Freeport. It was non-conforming because it created a lot less than the required 50 feet in width, and which included an accessory structure without a primary structure. The applicants stated intent was to sell the lot with the home to a private individual and retain the garage for storage, which is a non-conforming use.

The Plan Commission was advised by the City Attorney that they could not legally vote to approve a non-conforming plat. Notice of Public Hearing was published in the Brazosport Facts and mailed to applicable property owners. No one for the public

spoke in favor or in opposition to the requested plat at the plan commission public hearing. The plan commission voted to recommend against the approval.

**Special Considerations:**

Subsequently, the property owner is seeking to revise the plat request. The new request separates the west 50 feet of the property with the garage from the remaining 75 feet with the house. As of this time it has yet to be determined whether this can be done in consideration of the house location and the set-backs, but this information will be provided from the Surveyor prior to council consideration.

This property is located in the City Limits.

**Financial Impact:**

None

**Board or 3<sup>rd</sup> Party recommendation:**

The Planning and Zoning board held public hearing and voted AGAINST the requested replat on April 27, 2021.

**Supporting Documentation:** Map and Plat.







## City Council Agenda Item # 6

**Title:** Consideration and possible action on an Ordinance No. 2021-2628 Prohibiting the Parking of Nuisance Vehicles.

**Date:** May 3, 2021

**From:** Tim Kelty, City Manager

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**Staff Recommendation:** Staff recommends that council approve the proposed ordinance.

**Item Summary:** This proposed ordinance allows the city through its code enforcement department to address vehicles parked in people's yards in the grass. It declares such vehicles as a nuisance, and as such unlawful.

This ordinance would apply to any vehicle (Car, Boat, trailer or RV), running or otherwise, from being parked on private property on an unimproved surface (in the grass), visible from the public street or public right-of-way for longer than 24 hours. It would not apply to a vehicle that is screened from the public right-of-way and which cannot be determined whether or not it is parked on an improved surface.

**Background Information**

This has been a problem for a long time, and this proposed new ordinance was identified at the last council meeting as a tool to allow staff to combat it.

**Special Considerations:** None.

**Financial Impact:** None

**Board or 3<sup>rd</sup> Party recommendation:** None

**Supporting Documentation:** Ordinance.

**ORDINANCE NO. 2021-2628**

**AN ORDINANCE AMENDING CHAPTER 72, OF THE CODE OF ORDINANCES OF THE CITY OF FREEPORT, TEXAS, STOPPING, STANDING AND PARKING PROHIBITED IN CERTAIN PLACES, ADDING SECTION 72.15; PROHIBITING PARKING OF NUISANCE VEHICLES; CONTAINING A PREAMBLE AND FINDINGS OF FACT; MAKING IT AN OFFENSE FOR VIOLATION OF THIS ORDINANCE; CONTAINING A PENALTY CLAUSE AND THAT EACH AND EVERY OCCURRENCE SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.**

**WHEREAS**, items (2) and (13) Subsection (a) of Section 542.202 of the Texas Transportation Code empowers municipalities, as local authorities, to regulate the stopping, standing or parking of vehicles with respect to streets and highways under their jurisdiction and in the reasonable exercise of its police power; and

**WHEREAS**, the City Council of the City of Freeport, Texas, has determined that the adoption of this ordinance is necessary to the health, safety, and general welfare of the inhabitants of said City and the members of the general public; and

**WHEREAS**, the City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

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

**First**, the findings and recitations set out in the preamble to this ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

**Second**, Chapter 72, of the Code of Ordinances of the City is hereby amended and Section 72.15 is added which shall read as follows:

**Sec. 72.15 Nuisance Vehicles.**

(A) "Nuisance Vehicle" is defined as any motor vehicle, all-terrain vehicle, personal watercraft, boat, camper, or trailer that is:

1. wrecked, dismantled, or partially dismantled, or discarded or unattended on jack stand or block or other means or

2. in a condition with two or more flat tires for 14 days or more, or is missing two or more wheels for 14 days or more; or
3. used primarily for storage and remains unmoved for 14 days or more; or
4. a habitat for rats, mice, snakes, or other pests; or
5. is substantially disfigured, damaged. Rusted or disintegrated; or
6. inoperable and has remained inoperable for more than thirty (30) consecutive days; or
7. is parked for longer than 24 consecutive hours on an unimproved surface and is visible from the public street or right-of-way.

(B) It shall be unlawful for any person in charge of, owning or operating a vehicle to allow, permit to park or store a nuisance vehicle on their property or upon the public right of way abutting their property, or for any person or occupant or owner of such property allow, permit to park or store at any time any vehicle or any nuisance vehicle.

(C) Any person violating this section shall be guilty of a misdemeanor and upon conviction therefor, shall be fined not to exceed \$500 each day any such violation continues or occurs shall constituted a separate offense.

**Third Severance Clause.** In the event any part, sentence, phrase or section of this ordinance is found to be unlawful, void or inoperative by the final judgment of a court of competent jurisdiction such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions shall remain in full force and effect.

**Fourth, Effective Date.** This ordinance shall take effect and be in force immediately upon its passage and publication of its descriptive caption twice in the Brazosport Facts.

**READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.**

\_\_\_\_\_  
**Brooks Bass, Mayor,  
 City of Freeport, Texas**

**ATTEST:**

**APPROVED AS TO FORM ONLY:**

\_\_\_\_\_  
**Betty Wells, City Clerk,  
 City of Freeport, Texas**

\_\_\_\_\_  
**Christopher Duncan, City Attorney,  
 City of Freeport, Texas**



## City Council Agenda Item # 7

**Title:** Consideration of approving Resolution No. 2021-2685 appointing qualified persons to fill the remaining term for two vacancies on the Freeport Senior Citizens Board.

**Date:** May 3, 2021

**From:** Tim Kelty, City Manager

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**Staff Recommendation:**

Staff recommends selection of individuals and approval of the proposed resolution to appoint qualified persons to the Freeport Senior Citizens Board.

**Item Summary:**

The Freeport Senior Citizens Board has two vacancies from Carol Rangel and Martha Westbrook, these terms are due to expire on May 31, 2021. These appointments would be to complete the remainder of these terms and would be up for consideration of reappointment, to a new 2-year term at that time. At the time this memo was prepared the city had received applications from, Pamela Douglas, and Sandra Potts Childress.

**Background Information:**

The Freeport Senior Citizen Board is an active board in Freeport appointed by the City Council. Current membership on the board includes Ona Johnson, Sammy T. Moore, Jane Hawkins, Mary Talbert and Valerie Crosby.

**Special Considerations:**

**Financial Impact:**

N/A

**Board or 3<sup>rd</sup> Party recommendation:**

N/A

**Supporting Documentation:** Resolution



RESOLUTION NO. 2021-2685

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON(S) TO THE FREEPORT SENIOR CITIZENS BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the term of office of the CAROL RANGEL and MARTHA WESTBROOK Board Members of the Freeport Senior Citizen Board of the City of Freeport, Texas ("the City") has not expired, but said board members are unable to complete the appointed term;

WHEREAS, the term of appointments of the above-board members CAROL RANGEL and MARTHA WESTBROOK terminates on May 31, 2021;

WHEREAS, the above members CAROL RANGEL and MARTHA WESTBROOK holds a position which expires in odd numbered years;

WHEREAS, the City Council of the City desires to appoint the below named qualified person(s) as member(s) of said board of members.

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

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified person(s) to the Freeport Senior Citizen Board of the City for the remaining portion of a term of two (2) years which expires on May 31, 2021, and until a successor for such person shall have been appointed and qualified, to-wit.

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SECTION TWO (2): DUTIES

The above named appointee shall perform all of the duties imposed on members of the Freeport Senior Citizen Board of the City by law.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, appointee shall take the Oath of Office as required by law.

READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST: \_\_\_\_\_  
Betty Wells, City Secretary  
City of Freeport, Texas



## City Council Agenda Item # 8

**Title:** Consideration and possible action regarding high Utility Bill of New Jerusalem Baptist Church on Skinner Street.

**Date:** May 3, 2021

**From:** Tim Kelty, City Manager

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**Staff Recommendation:** Staff recommends that Council Consider reducing the outstanding Utility Bill currently owed by the Church.

**Item Summary:** The New Jerusalem Baptist Church located at 1615 Skinner Street in Freeport is currently faced with a utility bill of over \$15,500. In the past they have most commonly been a minimum water user, meaning they would use less than 2,000 gallons per month and pay the minimum bill .

The reason their bill is so high is that they had a faulty toilet that ran continuously over several months. Because the Church was shut down and services were not being held the leak went unnoticed. Additionally, last year amid the Pandemic, like many water customers that faced financial hardships, they failed to pay their utility bill for several months in a row. As a result, during that time rather than shut customers' water off during the pandemic, the city put a hold on their accounts and discontinued monthly billing until the accounts were reactivated and past due amounts were paid.

It is unrealistic to hope this non-profit entity will be able to climb out of such a significant financial hole, so the request has been made to make accommodations in regard to their bill.

**Background Information**

As a minimum-user water customer the Church's monthly bill would have been \$76.34 per month for the last 7 months if they had not had a leak. That totals \$534.38. Had they been aware of the leak and repaired it after the first month they would have paid \$848.65 for that month of high usage. Together that comes to \$1,383.03.

This is not a unique situation as far as water leaks and resulting high water bills. However, for a customer with a normal minimum bill to have an outstanding balance of more than \$15,000 is unprecedented as far as I am aware.

**Special Considerations:** With Council Authorization. I would like to require, at a minimum, the church to pay the \$534.38 immediately. And enter into an agreement to

pay \$100 per month on top of their regular monthly utility bill for the next 9 months, and at the end of that time period, forgive the remainder of the bill outstanding.

**Financial Impact:** This would result in an uncollected debt of \$14,082

**Board or 3<sup>rd</sup> Party recommendation:** None

**Supporting Documentation:** None