



**AGENDA  
REGULAR MEETING  
FREEPORT CITY COUNCIL  
MONDAY, OCTOBER 3, 2022 at 6:00 P.M.**

**Mayor:**  
Brooks Bass

**Council Members:**  
Jeff Pena  
Jerry Cain  
Mario Muraira  
Troy Brimage

**City Manager:**  
Timothy Kelty

**THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, THE 3<sup>RD</sup> DAY OF OCTOBER, 2022, AT 6:00 P.M., AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS**

**This meeting will be live streamed via Facebook Live and may be accessed on the City of Freeport Facebook page: <https://www.facebook.com/freeporttexas>**

**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 by Brett Bowles for Freeport Municipal Golf Course Club House. **(Kelty, Dybala)**
2. Presentation for the Food Service Awards for local restaurants. **(Roman)**

**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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.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 September 19, 2022. **(Wells)**
4. Consideration and possible action of road closures on October 27, 2022 for the ISD. **(Gillchriest)**

**COUNCIL BUSINESS – REGULAR SESSION:**

5. **Public Hearing:** Public Hearing and possible action on Ordinance regarding amendment to the Zoning Ordinance permitting by right residential use in the Downtown (DT) Zone. **(Roman)**
6. **Public Hearing:** Public Hearing for consideration and possible action regarding the proposed replat of Lot 1 Block 703 City of Velasco a replat of all of Lots 1-8 and part of Lots 9 & 10, Block 703, Town of Velasco Located in the City of Freeport and being out of the S.T. Angier Survey, Abstract No. 8, Brazoria County, Texas. **(Roman)**
7. Consideration and possible action approving the sewer line replacement in the Alley of 8<sup>th</sup> and 9<sup>th</sup>, at Yaupon and Dixie. **(Petty)**
8. Discussion regarding amending the City Personnel Policy regarding the Federally designated holidays of Juneteenth and Columbus Day **(Fisher)**
9. Consideration and possible action on the recommendation by the City Manager for the new Police Chief for the City of Freeport. **(Kelty)**
10. Discuss and Take Possible Action to investigate and collect the unpaid \$45,000 by Braztex LLC to the City of Freeport for property located at Caldwell Street under Ordinance 2013-2034. **(Pena/Muraira)**

**WORK SESSION:**

11. **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 Brimage 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:**

- 12. Executive Session regarding a.) (Deliberations about Real Property) East End, b.) (Personnel Matters) Review of proposals in consideration of appointment of City Attorney, c.) (Consultation with Attorney) potential litigation in accordance with Texas Government Code Annotated, Chapter 551, Sections 551.071, 551.072 and 551.074.

**COUNCIL BUSINESS – REGULAR SESSION:**

- 13. Take any action resulting from Executive Session.

**ADJOURNMENT:**

- 14. 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).

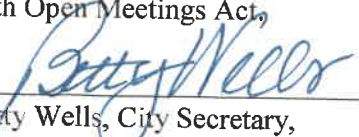
The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations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

---

**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.

---

**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 # 2

**Title:** Presentation of Food Service Excellence Awards

**Date:** October 3, 2022

**From:** Kacey Roman, Director of Building and Code

---

**Staff Recommendation:**

Recommend to recognize Food Establishments with a Food Service award.

**Item Summary:**

In an effort to recognize the hard work of our local Restaurants, we have developed a “Food Service Excellence Award.” All Health Establishments that achieve an A+ rating, which is a Health Inspection Score of 97 or above will receive an Award to be displayed in their establishment. The following will be recognized:

Buc-ee's #8	100
Memorial Child Care	99
Maria’s Kitchen	98
Billy's Donuts	98
Brazosport Cares	98
Can Do Nutrition	98

**Brazosport ISD**

Freeport Elementary	100
Velasco Elementary	100
Freeport Intermediate	99
Lanier Middle School	99

**Background Information:**

**Special Considerations:**

n/a

**Financial Impact:**

No financial impact.

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

n/a

**Supporting Documentation:**

n/a

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, September 19, 2022 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 Troy Brimage

Staff:

- Lance Petty, Assistant City Manager
- Betty Wells, City Secretary
- David Olson, Interim City Attorney
- Cathy Ezell, Finance Director
- Kacey Roman, Building Official
- Clarisa Molina, Administrative Assistant
- Chris Motley, Freeport Fire Chief
- Toby Cohen, IT Manager
- Danny Gillchriest Interim Police Chief
- Jose Feliciano, Freeport Municipal Golf Course
- Brian Dybala, Director Freeport Municipal Golf Course
- Wade Dillion, Freeport Historical Museum

Visitors:

Shonda Marshall	Sabrina Brimage
Desiree Pearson	Tommy Pearson
Manning Rollerson	George Matamoros
Billy Toomer	Sam Reyna
Karla Clark	Kenny Hayes
Ruben Renobato	Sandra Loeza
James Carter	Larry Fansher
Mingo Marquez	

**Call to order.**

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

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Invocation was a moment of silence and Pledge was led by Mayor Bass.

**CITIZENS' COMMENTS:**

Manning Rollerson said he was approached with a petition for the removal of Ward D Councilman. He said that he would like to know the about the Interlocal Agreement with Freeport and the East End, he said in every closed session there is discussion on the East End. He spoke about his Public Information Request that is being sent to the Attorney General Office. He said it takes too long to get these.

Larry Fansher said on December 6, 2021 the city entered into a with Agreement AmeriWaste for solid waste. Mr. Fansher said flyers were sent out to residents and businesses letting all know what will and will not be picked up. But there was no information given on the roll off dumpsters, and the mandatory use of Wastemasters for the roll offs, he said this is the failure of the City. He said that any citation issued and any fines that may have been given, need to be waived.

Sam Reyna 2002 N Ave G, spoke about Section 20, #1 of the AmeriWaste Agreement. He said “shall” is mandatory per the agreement. He spoke about the list of contractors that AmeriWaste “shall” submit. He said this is mandatory, he asked if AmeriWaste submitted any list to the City?

Shonda Marshall 135 Brazos Landing, spoke of the Holiday Schedule that was passed at the last meeting. She said she would like to see this list amended to add the Juneteenth Holiday.

Karla Clark spoke of the demand letter that was sent to Councilman Brimage. She said he is under investigation for taking the money, and not paying the money to the City. She said she sent in a PIR, that has been answered. She said there was information that was left off of the demand letter, that she believes is an additional \$45,000. She said it has been two months and we have heard nothing. She hopes the city will get this money back for the tax payers. She said there needs to be full disclosure.

Melanie Oldham 922 West 5, said there is a recall petition for Councilman Ward A. She said Ms. Clark needs to not listen to one or two people, but look at the facts. Ms. Oldham spoke of her service on the EDC. She said that she has been only three minutes to speak at any EDC Meeting. Ms. Oldham said there is some problems that need to be worked out on the Sub Committees. She spoke about the issues with the Grants being given through the EDC. She said these grants need to be restructured.

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

Presentation by EDC President Mingo Marquez on the Grants given by the Freeport EDC.

EDC President Mingo Marquez presented to council the Grants given by the Freeport EDC.

Presentation of Employee of the Month, for the Month of August.

Assistant City Manager Lance Petty, presented the Employee of the Month of August, to Jose Felicano.

#### **CONSENT AGENDA**

Consideration and possible action on the approval of City Council meeting minutes from September 6, and September 12, 2022.

Consideration and possible action for the approval of road closures for Fall Market Days on Saturday October 29, and Saturday November 12, 2022.

Consideration and possible action on the approval of road closures for the Ghost Walk on October 29, 2022 from 6:00pm-8:00pm

A motion was made to approve the consent agenda by Councilman Brimage, seconded by Councilman Cain. With all present voting "Aye" 5-0 council unanimously approved the Consent Agenda.

### **COUNCIL REGULAR AGENDA**

#### **Consideration and possible action approving the EDC Budget for Fiscal Year 2022/2023.**

Melanie Oldham said three quarter of the people that applied for the EDC Grants were 100 % deserving of these. But the ones that she questions are Mr. Beacroft, he owns Outriggers, and Port Café and the tenants applied for the Grants for these buildings. She spoke on the EDC Budget, she wants to know why the professional fund in zero?

Freeport EDC President, Mingo Marquez and Freeport EDC Treasurer, Sandra Loeza presented to Council the EDC Budget for Fiscal Year 2022/2023.

There was discussion on Executive Director Position and pay, Professional Services, EDC owned buildings and lots, Fish Market, the Beach Sign. Mayor Bass asked when was the last audit on the EDC Books? Ms. Ezell said it is conducted at the same time as the City's audit.

Karla Clark asked if there is a limit of how often a business may apply a grant? Mr. Marquez said yes there is limit, and financial cap. Ms. Clark asked why the water usage is so high on unoccupied buildings? Mr. Marquez said the water bill is a minimum, there is no water usage.

A motion was made to approve the EDC Budget for Fiscal Year 2022/2023 by Councilman Cain, seconded by Councilman Pena. With all present voting, 4-1 council approved the EDC Budget for Fiscal Year 2022/2023. Councilman Brimage voted "Nay".

#### **Consideration and possible action approving the City Manager to sign a one-year contract extension for depository services with Texas Gulf Bank.**

Finance Director Cathy Ezell presented to council the possible approving of the City Manager to sign a one-year contract extension for depository services with Texas Gulf Bank. She said in 2019 the City entered into a two-year contract with Texas Gulf Bank. She said we extended the contract last year, and this will be the second extension. All fees are staying the same.

A motion was made to approve the City Manager to sign a one-year contract extension for depository services with Texas Gulf Bank, by Councilman Pena, seconded by Councilman Muraira. With all present voting "Aye" 5-0 council unanimously approved the City Manager to sign a one-year contract extension for depository services with Texas Gulf Bank.

#### **Consideration and possible action approving FEMA American Firefighter Grant for training, in the amount of \$113,953.**

Freeport Fire Chief Chris Motley presented to council the possible action approving FEMA American Firefighter Grant for training, in the amount of \$113,953. He said this is the Grant we applied for in January. He said it pays for tuition and reimbursement of salaries of employees at training. Chief Motley said staff is recommending to approve the acceptance of this grant. Ten percent of it is required to match the portion. These funds are available within our existing budget.

A motion was made to approve the FEMA American Firefighter Grant for training, in the amount of \$113,953, by Councilman Brimage, seconded by Councilman Cain. With all present voting "Aye" 5-0 council unanimously approved the FEMA American Firefighter Grant for training, in the amount of \$113,953.

Consideration and possible action on designation of City Representative to HGAC General Assembly.

Assistant City Manager Lance Petty presented to council the designation of City Representative to HGAC General Assembly. He said last year Councilman Pena was appointed as the Representative and Councilman Cain was presented as an Alternate. Mr. Petty said both have said they are willing to continue to serve.

A motion was made to approve the designation of City Representative to HGAC General Assembly, by Councilman Brimage, seconded by Councilman Muraira. With all present voting "Aye" 5-0 council unanimously approved appointing Councilman Pena as the Representative, and Councilman Cain as the Alternate.

Consideration and possible action approving the proposal from Bickerstaff for the redistricting of the Wards in the City of Freeport.

Assistant City Manger Lance Petty presented to council the possible action approving the proposal from Bickerstaff for the redistricting of the Wards in the City of Freeport. Mr. Petty said this will be about a three-month process. It will involve significant council consideration and public input. The estimated cost is \$41,060. Staff recommends approving this proposal.

A motion was made to approve the proposal from Bickerstaff for the redistricting of the Wards in the City of Freeport, by Councilman Brimage, seconded by Councilman Cain. With all present voting "Aye" 5-0 council unanimously approved the proposal from Bickerstaff for the redistricting of the Wards in the City of Freeport.

Consideration and possible action to ratify cost for materials for County Asphalt Program.

Assistant City Manager Lance Petty presented to council the possible action to ratify cost for materials for County Asphalt Program. He said there was a cost increase in the amount of \$19,843.23. Mr. Petty said what this is, is to authorize the Mayor to sign off on the cost difference.

Councilman Cain asked if we have a say in which roads are done first? Mr. Petty said we can line up with County which roads are done.

A motion was made to approve the possible action to ratify cost for materials for County Asphalt Program, by Councilman Brimage, seconded by Councilman Pena. With all present voting "Aye" 5-0 council unanimously approved the action to ratify cost for materials for County Asphalt Program.

**WORK SESSION:**

Councilman Pena said the Texas Navy Day that was held at the Museum was a huge success. He thanked Mr. Petty and his crew for doing the annual maintenance on the palms and keeping the streets clean. Councilman Pena asked if we can do a press release for a Port update to the community. Councilman Pena said he would like for council to be copied in the PIR. He spoke of the roll off dumpsters, and he said he would like to have a meeting with AmeriWaste to get this section of the contract corrected. He



said he would like to amend the holiday schedule to include Juneteenth since it is a National Holiday. He asked Mr. Petty if we can get started on the Christmas lights downtown next week.

Councilman Cain had no comments.

Councilman Muraira congratulated Assistant City Manager Lance Petty on his new role. He commended the EDC PowerPoint. He said it really shows what the EDC has been doing to support local businesses. Councilman Muraira spoke of the roll offs and social media. He asked the public to come to the meetings and voice their concerns, to not do it on social media. He spoke about Velasco Drainage, he said he was sent some pictures of the ditches, at Hwy 36, Magnolia and Cedar he said they look really good. He gave props to Lance and props to Velasco Drainage.

Councilman Brimage had no comments.

Assistant City Manager Lance Petty said Union Pacific should be done on this Friday, and 2<sup>nd</sup> Street should be opened back up. He reminded everyone of the Homecoming Parade and the Bond Fire, this Thursday beginning at 5:30.

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

Finance Director Cathy Ezell said she received the first draw for both projects for the sewage and drainage, from Grant Works. She said they are still working on the environmental and the engineering. She said we are still in the beginning process.

Councilman Pena congratulated the Employee of the Month, Mr. Felicano. Councilman Pena asked if we have updated maps of the streets for sewer lines? He asked if the PD will have response with the BISD, he asked what is our response protocol? Interim Police Chief Gillchriest said there were officers inside the school and on campus, three days out of the week.

#### **CLOSED SESSION:**

Open Session was closed at 7:28 PM.

Mayor Bass asked if Mr. Petty, and Betty Wells, to be included in Executive Session.

Executive Session was closed at 7:54 PM

No action was taken from Executive Session.

#### Adjourn

On a motion by Councilman Cain, seconded by Councilman Pena, with 5-0 vote, Mayor Bass adjourned the meeting at 7:54 P.M.

---

Mayor, Brooks Bass  
City of Freeport, Texas

---

City Secretary, Betty Wells  
City of Freeport, Texas



## City Council Agenda Item # 4

**Title:** Consideration and possible action of the request for the road closure of ABC Construction Exhibition.

**Date:** October 3, 2022

**From:** Captain Gilchrist

---

**Staff Recommendation:**

Staff recommends Council authorizing this road closure requested by the ISD, for student safety.

**Item Summary:**

The ABC Texas Gulf Coast Associated Builders and Contractors are requesting permission to close off a portion of ABC Avenue on Thursday, October 27, 2022 from approx. 8:30am-2:30pm for the ABC Construction Exhibition.

The section of roadway requested to be closed is approximately 500 foot running North of the entrance to All American Screening and just South of the Safety Council Training Facility. The roadway between the ABC Contractors building, and their Warehouse. For the busses to park and access for the students to walk to and from the exhibit safely. The closure will not affect the flow of traffic to the citizens or public access.

They are expecting about 400 students from 12 high schools to attend the event. Where students will have hands on, activities to learn about the crafts, and skills used in industrial construction. Which drives our local industry. There will have around 25 companies hosting activities near their warehouse area, and will host lunch and a presentation in their main building. In order to ensure safe passing between buildings and unloading/loading of buses, they are requesting to block off the portion of ABC Avenue that runs parallel to North Velasco Blvd.

**Background Information:**

The Construction Exhibition is hosted to area High Schools to attend the event where students will have hands on activities to learn about the crafts and skills used in industrial construction that drives our local industry.

**Special Considerations:**

**Financial Impact:**

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

**Supporting Documentation:** Letter from ABC Construction



ABC Texas Gulf Coast  
1002 ABC Avenue  
Freeport, TX 77541

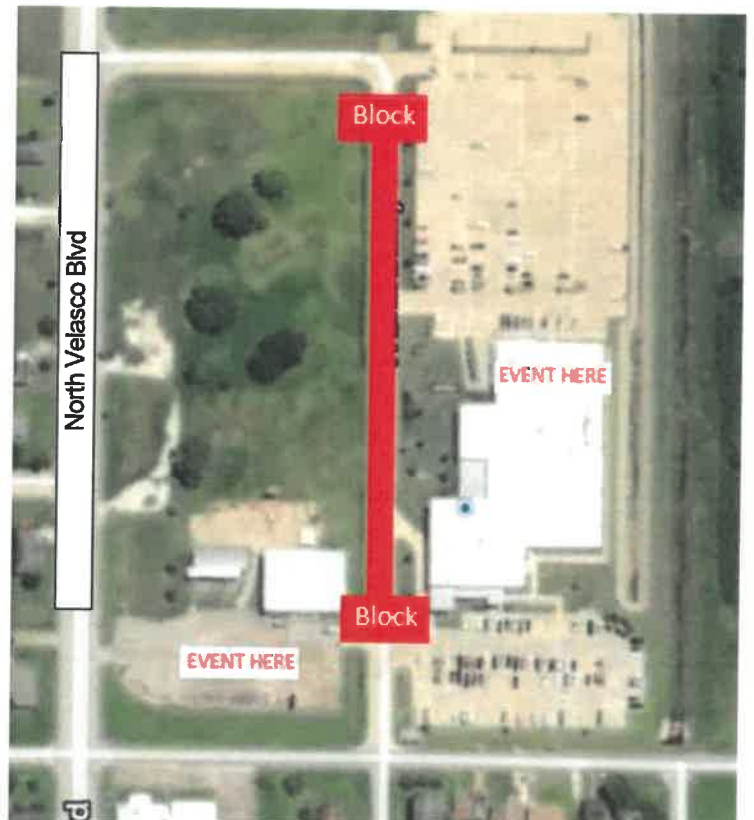
September 22, 2022

Dear Captain Gillchriest,

ABC Texas Gulf Coast is hosting the ABC Construction Exhibition on Thursday, October 27<sup>th</sup> at our warehouse area and in our large meeting room. We are expecting about 400 high school students from 12 different schools as well as an additional 150 volunteers and school staff. We would like permission to block off a portion of ABC Avenue that runs between the 2 sides of our property. This will allow students to pass back and forth safely as well as load and unload the buses.

If additional information is needed please let me know.

Theresa Cravey  
ABC Director of Education  
1002 ABC Avenue  
Freeport, TX 77541  
[tcravey@abctxgulfcoast.org](mailto:tcravey@abctxgulfcoast.org)  
979-824-7365





## City Council Agenda Item # 5

**Title:** Public Hearing: Discuss and take possible action on an Ordinance amending The City of Freeport’s Zoning Ordinance by amending Sections 155.401 – Land Use Table, Specifically Table 155.401-1, Permitted Uses by District, by adding all “Household Living” Residential Uses as “Specific Use” (SYMBOL “S”) to the Downtown District (SYMBOL “DT”); and Section 155.901(E)(3) Effect of Destruction; Containing a Preamble; Containing a Severance Clause.

**Date:** October 3, 2022

**From:** Kacey Roman, Director Building and Code

---

**Staff Recommendation:** Staff recommends Council consider and take action on the proposed Ordinance modifying the Zoning Ordinance and Nonconformities

**Item Summary:** This ordinance change would allow residential type construction in the downtown area only with a Specific Use Permit. The revisions proposed would protect existing residential homes in the event of catastrophic damage, and Mr. Pena would be able to proceed with his proposed project pending the approval of a specific use permit approved by the Planning and Zoning Commission

**Background Information:** The current ordinance 155.402 states that in the Downtown Zone, Lofts shall only be located on second floor and above. Residential use of ground-floor is prohibited. Jeff Pena would like to construct Lofts in the Downtown area on the ground floor, and is currently prohibited per ordinance. He is requesting an ordinance change that would allow for the development on the ground floor for Downtown Loft short term rentals.

There are also several existing homeowners in the Downtown Zone who are concerned that they will not be able to rebuild their residences if a hurricane damages their property more than 50%.

The current zone is DT-Downtown Zone which restricts ground-floor residential development.

155.901 NONCONFORMITIES states that a building loses its nonconforming status if it is damaged more than 50%.

On September 13, 2022, Planning and Zoning voted to approve any/all residential construction in the Downtown Zone.

At the P&Z meeting on September 27, several citizens including the Chairman of the Freeport Historical Commission and Mainstreet Advisory Board spoke against allowing residential in the downtown zone, which would affect our Main Street Committees and vision of the City Strategic Plan. The Mainstreet advisory board has voted to recommend making no change to the current downtown ordinance.

Two ordinance options were presented to the Planning and Zoning Commission; one to allow unrestricted residential development in the downtown zone, and one with an alternative suggestion to allow Specific Use Permits for residential development and remove the probation of redevelopment for existing residential use if destroyed in the Downtown Zone.

Under the terms recommended by Mr. Olson, both the existing residential use in the downtown would be protected in the event of catastrophic damage, and Mr. Pena would be able to proceed with his proposed project with the approval of a specific use permit approved by the Planning and Zoning Commission.

Planning and Zoning voted to approve the second option allowing for residential with Specific Use Permits, and modifying the nonconforming section of the ordinance.

**Special Considerations:** None

**Financial Impact:** None

**Board or 3<sup>rd</sup> Party recommendation:** Planning and Zoning Voted to Approve the ordinance change on September 27, 2022. The Mainstreet Advisory Board voted at their meeting in objection to the change.

**Supporting Documentation:** Ordinance recommended by Planning and Zoning.

**ORDINANCE NO. 2022-2676**

**AN ORDINANCE AMENDING THE CITY OF FREEPORT'S ZONING ORDINANCE BY AMENDING SECTIONS 155.401 – LAND USE TABLE, SPECIFICALLY TABLE 155.401-1, PERMITTED USES BY DISTRICT, BY ADDING ALL “HOUSEHOLD LIVING” RESIDENTIAL USES AS “SPECIFIC USE” (SYMBOL “S”) TO THE DOWNTOWN DISTRICT (SYMBOL “DT”); AND BY AMENDING SECTION 155.901(E)(3) EFFECT OF DESTRUCTION TO EXCEPT RESIDENTIAL STRUCTURES PERMITTED IN THE DOWNTOWN DISTRICT FROM THIS PROVISION; CONTAINING A PREAMBLE; CONTAINING A SEVERANCE CLAUSE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AND PROPERLY PUBLISHED FOR HEARING AS REQUIRED BY LAW 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**, the City of Freeport (the “City”) is undergoing an increased level of development and redevelopment of individual parcels of property within the Downtown District of the City;

**WHEREAS**, the City Council seeks to assure orderly development;

**WHEREAS**, the City may establish by ordinance, general rules and regulations governing the zoning of land within its corporate limits in order to promote the health, safety, and general welfare of the City and to promote the safe, orderly and healthful development of the City; and

**WHEREAS**, the City Council has determined, based upon the findings stated above, that the regulations established by this Ordinance are necessary for the good government, peace and order the City; and

**WHEREAS**, 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:**

**Section 1.** 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.

**Section 2.** Section 155.401 – Land Use Table of the Code of Ordinances of the City is hereby amended by adding a “Specific Use” or “S” designation subject to approval as described in 155.1107, Specific use Permit, to all “Household Living” uses provided for in the Downtown District or “DT,” specifically by adding same to Table 155.401-1, Permitting Uses by District.

**Section 3** Section 155.901(E)(3) is hereby amended as follows:

“(3) *Effect of Destruction.* Should such structure, other than residential structures permitted in the downtown in the Downtown District, be destroyed by any means to an extent of more than fifty percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with provisions of this Chapter.”

**Section 4.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgement or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

**Section 5.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.



**Section 5.** This Ordinance shall take effect and be in force from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts.

**READ, PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_

Brooks Bass, Mayor

**ATTEST:**

\_\_\_\_\_

Betty Wells, City Secretary

**APPROVED AS TO FORM ONLY:**

\_\_\_\_\_

David W. Olson, Interim City Attorney



## City Council Agenda Item # 6

**Title:** Public Hearing for consideration and possible action regarding the proposed replat of Lot 1 Block 703 City of Velasco a replat of all of Lots 1-8 and part of Lots 9 & 10, Block 703, Town of Velasco Located in the City of Freeport and being out of the S.T. Angier Survey, Abstract No. 8, Brazoria County, Texas

**Date:** October 3, 2022

**From:** Kacey Roman, Director of Building and Code

---

**Staff Recommendation:**

Recommendation to Approve Replat.

**Item Summary:**

This property is inside of the Freeport City Limits, located at 905 N. Brazosport Blvd.

**Background Information:**

The owner plans to replat and combine Lots 1 through 8 and parts of Lots 9 & 10 into one lot for Commercial Development purposes.

**Special Considerations:**

n/a

**Financial Impact:**

This is the old Western Auto Property, which is going to be demolished. This replat is being requested by the developers of Starbucks.

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

Planning and Zoning Commission voted to approve the replat on September 27, 2022.

**Supporting Documentation:**

See attached.

**LEGEND**

- (C-14) CONTROLLING MONUMENT
- (C-14) CONTROLLING MONUMENT
- PROPERTY LINE
- STREET LINE
- STREET LINE

**NOTES**

1. Replat platform for this plat is based on the State Plane Coordinate System, North American Datum of 1983 (NAD 83). The plat is based on the Survey of 1983, which is shown as recorded in Public Survey 4554, Dallas County, Texas, and is subject to any future adjustment.
2. The purpose of this plat is to combine all of Lots 1 through 8 and parts of Lots 9 & 10 in Block 703 into one lot for development purposes.
3. There are no changes to the plat as shown in the plat.

**BLOCK 703  
CITY OF VELASCO  
(VOL. 32, PG. 15)  
MCDONALD'S CORPORATION  
(FILE No. 842510-27338)**

**LOT 1, BLOCK 703  
REPLAT OF LOT 1, BLOCK 703  
CITY OF VELASCO**

905 N BRAZOSPORT, LLC  
(INST. NO. 2022018904)  
27,820 SF  
(0.639 AC)  
ZONED C-1  
RETAIL COMMERCIAL

**N. BRAZOSPORT BOULEVARD**  
(A VARIABLE WIDTH RIGHT-OF-WAY)

122' R.O.W.  
122' R.O.W.

122' R.O.W.  
122' R.O.W.

122' R.O.W.  
122' R.O.W.

122' R.O.W.  
122' R.O.W.

**AVENUE D**  
(A 70'-0" WIDE RIGHT-OF-WAY)

VERONICA CARRIZALES  
(INST. NO. 2021061577)

DE BEO REAL ESTATE, LLC  
(INST. NO. 2022010443)

**BLOCK 704  
CITY OF VELASCO  
(VOL. 32, PG. 15)**



**VICINITY MAP  
(NOT TO SCALE)**

THE STATE OF TEXAS  
COUNTY OF BRAZOSPORT

KNOW ALL MEN BY THESE PRESENTS  
THAT I, JASON R. GABRIEL, REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY AND THAT THERE ARE NO EXCESSIVE OR DEFICIENT AREAS IN THIS REPLAT. DATE SURVEYED: SEPTEMBER 23, 2022.

WHEREAS OUR HANDS IN THE CITY OF \_\_\_\_\_ COUNTY, TEXAS  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022

JASON R. GABRIEL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 02102

THE STATE OF TEXAS  
COUNTY OF BRAZOSPORT, TEXAS

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_

JASON R. GABRIEL, REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY AND THAT THERE ARE NO EXCESSIVE OR DEFICIENT AREAS IN THIS REPLAT. DATE SURVEYED: SEPTEMBER 23, 2022.

JASON R. GABRIEL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 02102

THIS IS TO CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF BRAZOSPORT, TEXAS HAS REVIEWED THE ABOVE AND FINDS THAT THE REPLAT IS IN ACCORDANCE WITH THE CITY CHARTER AND THE CITY CODE.

APPROVED BY THE CITY COUNCIL OF THE CITY OF BRAZOSPORT, BRAZOSPORT COUNTY, TEXAS ON  
THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022

JAYKOR \_\_\_\_\_  
COUNCILMEMBER, WARD C

BOONCHAMARTI, WARD A \_\_\_\_\_  
COUNCILMEMBER, WARD B

COUNCILMEMBER, WARD B \_\_\_\_\_  
CITY CLERK

CHAMBERSON \_\_\_\_\_  
MEMBER

ADAMS \_\_\_\_\_  
MEMBER

WEBER \_\_\_\_\_  
MEMBER

APPROVED BY THE CITY COUNCIL OF THE CITY OF BRAZOSPORT, BRAZOSPORT COUNTY, TEXAS ON  
THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022

JAYKOR \_\_\_\_\_  
COUNCILMEMBER, WARD C

BOONCHAMARTI, WARD A \_\_\_\_\_  
COUNCILMEMBER, WARD B

COUNCILMEMBER, WARD B \_\_\_\_\_  
CITY CLERK

CHAMBERSON \_\_\_\_\_  
MEMBER

ADAMS \_\_\_\_\_  
MEMBER

WEBER \_\_\_\_\_  
MEMBER

**Pacheco Koch**  
ENGINEERING, P.C.  
11025 STATE HIGHWAY 248  
SUITE 350  
HOUSTON, TEXAS 77078  
281-883-0703  
CONTACT: JASON GABRIEL, PLS

OWNER:  
905 N BRAZOSPORT, LLC  
3003 WEST ALABAMA STREET  
HOUSTON, TEXAS 77056  
713-773-5573

CONTACT: J. MODERHOUT, MANAGER  
PACHECO KOCH, A WESTWOOD COMPANY  
11025 STATE HIGHWAY 248, SUITE 350  
HOUSTON, TEXAS 77078  
281-883-0703  
CONTACT: JASON GABRIEL, PLS

**SHEET 1 OF 1  
REPLAT  
REPLAT OF LOT 1  
BLOCK 703,  
CITY OF VELASCO**

A REPLAT OF ALL OF LOTS 1-8  
AND PART OF LOTS 9 & 10, BLOCK 703,  
CITY OF VELASCO, TEXAS,  
LOCATED IN THE CITY OF BRAZOSPORT  
AND BEING OUT OF THE  
S.T. ANGER SURVEY, ABSTRACT NO. 8,  
BRAZOSPORT COUNTY, TEXAS

DATE: 09/23/2022 10:45 AM  
DRAWN BY: JRG  
CHECKED BY: JRG  
SCALE: AS SHOWN  
SHEET NO. 1 OF 1



## **City Council Agenda Item # 7**

**Title:** Sanitary Sewer Line Replacement

**Date:** 10/3/2022

**From:** Lance Petty, Director of Public Works

---

**Staff Recommendation:**

Staff recommends council authorize the installation of sanitary sewer line to Easy Construction.

**Item Summary:**

This request is for approval of the sanitary sewer line replacement in the alley between 8<sup>th</sup> and 9<sup>th</sup> street from Yaupon to Dixie in the amount of \$89,800.00. This approval is for labor only. The City will furnish materials.

**Background Information:**

On June 2, 2022 the City published an RFP for a sanitary sewer line replacement in the alley between 8<sup>th</sup> and 9<sup>th</sup> from Yaupon to Dixie. The city received one (1) bid that was rejected and elected to re bid. On July 30, 2022 the City re bid the project and on August 4, 2022 and received 3 bids. The bids received were in the amounts of \$166,603 Texas Pride, \$268,824 Millennium Industrial, and \$341,600 Houston Heavy for labor and material. With the price differences in the bidding process, the City contacted an additional contractor for a bid on labor only to complete the project. The City received a bid in the amount of \$89,800 for installation only of said project. Below is a breakdown of all bidder's labor only costs:

**Easy Construction - \$89,800.00**

**Texas Pride - \$93,600.00**

**Millennium Industrial - \$94,558.00**

**Houston Heavy Civil - \$138,600.00**

The City will provide materials for the project at a cost of \$27,302.01

**Special Considerations:**

If approved, the completion of proposed replacement of the sanitary sewer line will improve the collection system prior to this years Interlocal road repair of this alley.

**Financial Impact:**

The proposed cost for replacement will be from the 2020 bond

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

This proposal has been reviewed by staff

**Supporting Documentation:**

Bid documents

# Construction Bid Form

## Owner Information

Name City of Freeport Tx  
Address 200 W. 2nd Street  
City, State ZIP Freeport Tx 77541  
Phone 979-233-4241  
Email lpetty@freeport.tx.us  
Project name Sewer Line Replacement (alley  
between 8th and 9th from Yaupon to  
Dixie

## Contractor Information

Company Easy Construction  
Name Isaias Martinez  
Address 8500 N Stemmons Freeway Suite  
1005E  
City, State ZIP Dallas Tx 75247  
Phone 214-289-4798  
Email ieasy74@yahoo.com  
Completion date 10/28/2022

## Scope of Work

Project includes: mobilization and labor to install 950ft of 8" sanitary sewer pipe, 728 ft of 4" sanitary service lines, (2) manholes, compaction of excavated areas, Plug and seal of existing abandoned lines, and mandrel testing.

## Not Included

Materials to be furnished by the City of Freeport

## Proposal

Easy Construction propose to install the above scope of work, to be completed by 10/28/2022 for the Total amount of \$89,800.00

Isaias Martinez  
Submitted by (Company Representative)

9/15/2022  
Date

## City Acceptance

\_\_\_\_\_  
(City representative)

\_\_\_\_\_  
Date







## City Council Agenda Item # 8

**Title:** Discussion regarding amending the City Personnel Policy regarding the Federally designated holidays of Juneteenth and Columbus Day.

**Date:** October 3, 2022

**From:** Donna Fisher, Human Resources Director

---

**Staff Recommendation:**

Staff recommends council discuss the Employee Holiday schedule, in consideration of Juneteenth and Columbus Day (Indigenous Peoples' Day).

**Item Summary:**

The current holiday policy includes 13.5 paid holidays, see attached list. It was brought up, by members of the public at the last council meeting that there are two Federal Holidays that the City does not observe, Juneteenth and Columbus Day (Indigenous Peoples' Day). Specific opposition was voiced to the City's failure to observe Juneteenth. Staff request discussion by council regarding this issue and the possible change, either adding or substituting days in this regard.

**Background Information:**

This item was prepared at the request of Council. The holiday policy was last revised on November 5, 2018.

**Financial Impact:** N/A

**Supporting Documentation:**

Current Holiday list.



### **8.03 Holidays**

All personnel with probationary or regular status are entitled to holidays designated by the City Council each year.

The holidays usually observed are:

New Year's Eve (half day)  
New Year's Day  
Martin Luther King Day  
President's Day  
Good Friday  
Memorial Day  
Juneteenth  
Independence Day  
Labor Day  
Columbus Day (Indigenous Peoples' Day)  
Veteran's Day  
Thanksgiving Day (2)  
Christmas Eve  
Christmas Day  
Birthday Observation Day

Total of one hundred twenty-four (124) hours per year.

All holidays shall be paid at the time of occurrence (exception: Fire/EMS). If an employee works on a holiday, that employee will be paid their overtime rate for the hours that they work on that holiday (Up to eight hours). \*\*Note: (Sick/Bereavement policies apply with all pay policies).

Holidays may not be accumulated nor be carried over into the following calendar year without authorization of the City Manager. In addition, no compensation will be made for holidays that have not occurred.

Employees who are absent on a scheduled workday, before or after a holiday, may be required by their Department Director to submit a written statement from a physician attesting to their illness.



## City Council Agenda Item # 9

**Title:** Consideration and possible action on the recommendation of the city manager on the appointment of a new Police Chief for the City of Freeport.

**Date:** 10/3/2022

**From:** Tim Kelty, City Manager

---

**Staff Recommendation:**

The City Manager requests council approve the recommendation to appoint Jennifer Erlanson-Howell as the Police Chief of the City of Freeport.

**Item Summary:**

Section 4.02(a) of the City Charter states, the Chief of Police shall be appointed by the City Manager, with the approval of the City Council, for an indefinite term.

Following a very thorough and comprehensive search and vetting process, the City Manager seeks City Council approval to appoint Jennifer Earlanson-Howell as the next Chief of Police for the City of Freeport

**Background Information:**

Ms. Howell has a law enforcement career of more than 20 years, and currently serves as the Assistant Chief for the City of Lacy Lakeview, Texas. She has earned a Masters degree in Criminal Justice Leadership and Management from Sam Houston State University. She has also completed and received certifications from both the Texas LEMIT Command College, and the FBI National Academy.

Ms. Howell was one of 21 applications received for the position.

A review Committee was assembled by the City manager that included himself, Mayor Bass, Freeport Fire Chief Chris Motley, Freeport Police Lieutenant Corey Brinkman, Clute and Lake Jackson Chiefs of Police- James Fitch and Paul Kibodeaux, and Freeport resident and active community member Pastor Brenda George.

The Committee met and reviewed all applications received and selected eight candidates to interview. Interviews were conducted on August 24<sup>th</sup>, 25<sup>th</sup>, and 26<sup>th</sup>. Each candidate interviewed was scored by each member of the committee. The scores were tabulated and the top 3 candidates were selected for a second interview. The final

interviews were conducted on September 8<sup>th</sup>. The committee was unanimous in its recommendation of Ms. Howell as then next Freeport Police Chief.

A Comprehensive Background Check was done of Ms. Howell by SGR, which included Criminal, Financial, References, Social Media, and published media. No concerns were found during this process only positive feedback was received from contact and survey of known associates. A physical visit was made to the City and County of her previous law enforcement experience, and Personnel files were reviewed, No disciplinary action was recorded in any of her files, but list of accommodations and certifications was confirmed. The City also received a copy of her Psych Evaluation.

**Special Considerations:**

The question of relocation to the city was raised during the interview process, and Ms. Howell indicated her intentions to do so. The offer of employment will include that requirement within a reasonable amount of time.

If approved Ms. Howell will provide 30-days notice to her current employer.

**Financial Impact:**

This is included in the upcoming budget.

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

Ms. Howell is unanimously recommended for appointment by both the Committee and City Manager.

**Supporting Documentation:**

Cover letter and resume

*Jennifer L. Erlanson-Howell*

---

[REDACTED]

City of Freeport  
200 W. 2<sup>nd</sup> St.  
Freeport, Tx 77541

Re: Chief of Police

Please accept the attached confidential resume for the position of Chief of Police for the City of Freeport. Having served as second in command for the Lacy Lakeview Police Department for over 10 years, I have shown dedication and dependability utilizing progressive leadership principles. I am confident that my knowledge, experience, and well-rounded career will prove to be an asset to the City of Freeport and the Executive Team. I am prepared to serve as the Chief of Police for the City of Freeport.

My experience in the criminal justice field spans 20 years and consist of a wide variety of assignments including an administrative role in the court system, corrections, patrol, investigations, supervising in various capacities, administrative lieutenant and now as assistant chief of police. I have a proven record of accomplishment in training and mentoring subordinates in all areas of police operations. I am an Instructor with the Texas Commission on Law Enforcement (TCOLE) and utilize this certification to instruct all levels of law enforcement. I also have served as the Emergency Management Coordinator for my current city.

As a goal driven individual, I obtained my Bachelor and Master degrees online while working full time and volunteering. I desired to continue my progression and training with TCOLE law enforcement classes as well. As a part of that, I completed the Texas FBINA Leadership Command College, Texas Police Chief Association Developing Leaders for Texas Law Enforcement, the Law Enforcement Management Institute of Texas Leadership Command College, and the FBI National Academy.

I know it is also important to cultivate the professional growth and development of our personnel to develop the future leaders in policing. As training trends continue to develop, I would strive to work towards ensuring personnel continue to receive not only mandated training, but also mentorship within the agency. If selected, as the Chief of Police of Freeport, I would recognize that our employees are our greatest asset and the backbone of a great city.

I look forward to discussing this opportunity. Thank you for your time and consideration.

Sincerely,

  
Jennifer L. Erlanson-Howell

**GOAL:**

Seeking an executive position to challenge myself in the criminal justice field and to utilize my experience to provide the community and staff progressive leadership, through quality service while seeking contribution from the department.

**EXPERIENCE:**

- ◆ **2005 – Current: *Lacy Lakeview Police Department, Lacy Lakeview, Texas***  
Started as a patrol officer performing routine patrol and working investigations, field training officer; promoted to detective, working personal and property; promoted to corporal, oversee investigations and officers; promoted to sergeant; promoted to lieutenant. Presently assistant chief of police and emergency management coordinator. Current role serves as second in command. Some detailed duties include:
  - Oversee backgrounds, personnel hiring, terminations, complaints, and disciplinary action.
  - Administrator of TCOLE records and personnel files.
  - Implemented measures to track and manage field training program and continuing training.
  - Facilitated with the development and maintaining policies for TPCA recognized agency.
  - Entered into various interlocal agreements for mutual aid and radio system.
  - Oversee department budget of \$2.3 million, maintain and develop needs annually.
  - Coordinate National Night Out annually and other community events.
  - Supervise investigations, patrol, perform internal affairs, grant applications and records.
  - Oversee dispatch, records and assist with CJIS and TCIC audits.
  - Previously interim chief.
  - Emergency Management Coordinator for the city overseeing radio system as system administrator, emergency siren system, update, maintain preparation and planning protocols.
  - Serve on the McLennan County EMS Board of Directors as representative for the city.
  - Have managed a radio system transition, a dispatch console system transition and EMS transition for the city.
  
- ◆ **2011 - Current: *Texas Municipal Police Association (TMPA), Austin, Texas***  
TCOLE Instructor for Sexual Assault Family Violence investigator course (SAFVIC), for Human Trafficking course; previously Advance Child Abuse instructor.
  
- ◆ **2011 - 2013: *Temple College, Temple, Texas***  
Teaching criminal justice lecture courses, web enhanced courses, and hybrid courses as an adjunct instructor; as needed each semester.
  
- ◆ **2003 – 2004: *McLennan County Sheriff Office, Waco, Texas***  
Assigned as a correctional officer/jailer. Provided care, control and custody of inmates, documented events; cross trained releasing which included determining inmates risk level and housing; and property which included overseeing all incoming and outgoing property of inmates.
  
- ◆ **2002 – 2003: *McLennan County District Clerk Office, Waco, Texas***  
Assigned as a Deputy Clerk. Process case files, assisted courts and outside agencies.
  
- ◆ **1992 – 2002: Previous employer list available upon request.**

**EDUCATION:**

- ◆ *University of Virginia – Charlottesville, Virginia*  
Graduate Certificate - Criminal Justice (obtained through FBINA), June 2018
- ◆ *Sam Houston State University - Huntsville, Texas*  
Master of Science - Criminal Justice Leadership and Management, August 2011  
Master of Arts – Public Administration (incomplete)
- ◆ *Midwestern State University - Wichita Falls, Texas*  
Bachelor of Applied Arts and Science - Criminal Justice, May 2009  
Suma Cum Laude; Alpha Chi National Honor Society
- ◆ *McLennan Community College - Waco, Texas*  
Associates of Arts – Criminal Justice, December 2006  
Phi Theta Kappa National Honor Society
- ◆ *Temple College – Temple, Texas*  
Police Academy, August 2004  
Phi Theta Kappa National Honor Society

**CERTIFICATIONS/LICENSE/ACCOMPLISHMENTS:**

- ◆ Master Peace Officer
- ◆ Special Investigator
- ◆ Field Training Officer
- ◆ Texas Commission on Law Enforcement (TCOLE) State Instructor
- ◆ Sexual Assault Family Violence Investigator Course (SAFVIC) State Instructor
- ◆ SAFVIC Human Trafficking State Instructor
- ◆ Previous Jailer license
- ◆ Completed numerous FEMA Emergency Management Trainings
- ◆ Completed Texas FBINA Leadership Command College 2013
- ◆ Completed Texas Police Chief Association Developing Leaders for Texas Law Enforcement 2013
- ◆ Completed LEMIT Leadership Command College 2015, Class 74
- ◆ Completed FBI National Academy 2018, Class 272
- ◆ Received numerous departmental awards and recognition through TMPA SAFVIC program

**VOLUNTEER WORK:**

- ◆ 2005 – 2020      McLennan County CASA (County Court Appointed Special Advocate)  
Board of Directors; Advocate for Children
- ◆ 2010 – 2014      Bluebonnet Equine Rescue Society  
Investigator, Foster Home
- ◆ 2005 – 2007      Lacy Lakeview Volunteer Fire Department  
Volunteer Fire Fighter

**REFERENCES:**

- ◆ Dennis Stapleton  
Director of McLennan Community College Academy  
Retired Chief of Police Lacy Lakeview  
[REDACTED]
- ◆ John Truehitt  
Retired FBI  
Retired Chief of Police Lacy Lakeview  
[REDACTED]
- ◆ Ronnie Price  
Chief of Police  
Connally Independent School District  
[REDACTED]
- ◆ Carrie West  
Chief of Police  
City of Willow Park  
[REDACTED]
- ◆ Tom Dickson  
Retired TABC Lieutenant  
Chief of Police  
City of Lorena  
[REDACTED]
- ◆ Ray Black  
Attorney at Law  
[REDACTED]
- ◆ Carrie Tatum  
Retired Child Advocate  
[REDACTED]
- ◆ Brooke Hinojosa  
Program Service Specialist  
SAFVIC and TxIPS  
[REDACTED]



## City Council Agenda Item # 10

**Title:** Compliance with Ordinance 2013-2034

**Date:** October 3, 2022

**From:** Councilmen Jeff Pena Ward A & Mario Muraira Ward C

---

**Recommendation:**

Recommendation is to authorize City Attorney to perform an investigation into the compliance of this Ordinance by Braztex, LLC and to take any necessary action to collect payment from Braztex, LLC.

**Item Summary:**

Ordinance 2013-2034 Authorized the Sale of land of Caldwell street between Front Street and Levy to Braztex LLC on April 2013. Ordinance authorized the execution of a Special Warranty Deed, conveying the street to Braztex LLC in exchange for \$45,000.00 the value as determined by the attached appraisal. No record of payment made by Braztex LLC.

**Background Information:**

Prior investigation by outside counsel has determined that Braztex LLC and Councilman Brimage illegally received funds and received deeds to city property without making payment. This is another possible example of Braztex LLC receiving city property without payment. This transaction was discovered by a citizen that presented the evidence to council at the last meeting. The council should respond to its citizens and verify.

**Special Considerations:**

Appraisal value attached from 2013 however the current Market Value is significantly higher.

**Financial Impact:**

\$45,000 collected should far exceed the cost to recover. Payment should include collection fees.

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

**Supporting Documentation:** Provided



# THE CITY OF



# FREEPORT

200 West Second St • Freeport, TX 77541

979.233.3526 • Fax 979.233.8867

Brooks Bass  
Mayor

Tim Kelly  
City Manager

Karla Clark  
Bridge Harbor  
Freeport, Texas 77541

Dear Ms. Clark,

Per your open records request received in my office on August 29, 2022.

- 1.) Documents to sell or abandon the right of way on DEZAVALA ST at Front St  
Together please with all checks or proof of payment

**The City of Freeport has no records responsive to your request**

- \* 2.) Ordinance No.2013-2034, to sell Right of Way for CALDWELL St.  
Together please with all checks or proof of Payment

**Please see the attached Ordinance 2013-2034.**

**The City of Freeport has no records responsive to your request, this is in regards to the second part of this request.**

- 3.) Resolution 2014-2439, Sale of levee/waterfront in front of 16 house  
development. Together please with all checks and proof of payment. (21,000)

**The City of Freeport has no records responsive to your request, this is in regard to the second part of this request.**

- 4.) Ordinance 2016-2116, to abandon the right of way for Front St. to Troy,  
where the unpaved right of way of Front Street went through the lots he  
wanted to build his house. Together with all checks of proof of payment.

**Please see the attached Ordinance 2016-2116.**

**The City of Freeport has no records responsive to your request, this is in regard to the second part of this request.**



Ord. # 2013-2034

LAND APPRAISAL REPORT

Summary Appraisal Report

File No. 9122

Borrower N/A City Freeport Property Address Caldwell Street ROW Census Tract 6643.00 Map Reference KM 911 U  
 County Brazoria State Tx Zip Code 77541  
 Legal Description 70 ft. Caldwell Street Right-Of-Way between South Front Street and Levee  
 Sale Price \$ N/A Date of Sale N/A Loan Term N/A yrs. Property Rights Appraised  Fee  Leasehold  De Minimis PUD  
 Actual Real Estate Taxes \$ N/A (yr) Loan charges to be paid by seller \$ N/A Other sales concessions N/A  
 Lender/Client City of Freeport Address 200 West 2nd Street, Freeport, Tx 77541  
 Occupant N/A Appraiser Joseph A. Fischer Instructions to Appraiser

Location  Urban  Suburban  Rural  
 Built Up  Over 75%  25% to 75%  Under 25%  
 Growth Rate  Fully Dev.  Rapid  Steady  Slow  
 Property Values  Increasing  Stable  Declining  
 Demand/Supply  Shortage  In Balance  Oversupply  
 Marketing Time  Under 3 Mos.  4-6 Mos.  Over 6 Mos.  
 Present Land Use  80% 1 Family  3% 2-4 Family  2% Apts.  0% Condo  6% Commercial  
 Change in Present Land Use  0% Industrial  9% Vacant  
 Not Likely  Likely (\*)  Taking Place (\*)  
 (\*) From To  
 Predominant Occupancy  Owner  Tenant  10 % Vacant  
 Single Family Price Range \$ 10,000 to \$ 150,000 Predominant Value \$ 40,000  
 Single Family Age 55 yrs. to 75 yrs. Predominant Age 65 yrs.

Employment Stability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreational Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police and Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): Freeport is one of four small towns (population 13,000) making up the "Brazosport" area 60 miles south of Houston. The immediate neighborhood is a mixture of residential and commercial. Employment centers, shopping and all levels of public schools are within ten miles.

Dimensions 69' x 124.44' x 69' x 130' = 8,778 Sq. Ft. or Acres  Corner Lot  
 Zoning classification None Present Improvements  do  do not conform to zoning regulations  
 Highest and best use  Present use  Other (specify) \_\_\_\_\_  
 Public  Other (Describe) \_\_\_\_\_  
 Elec.  Gas  Water  San. Sewer  Underground Elect. & Tel.  
 OFF SITE IMPROVEMENTS  
 Street Access  Public  Private  
 Surface Asphalt Maintenance  Public  Private  
 Storm Sewer  Curb/Gutter  Sidewalk  Street Lights  
 Topo Level Typical Shape Basically rectangular  
 View Residential/River Drainage Appears adequate  
 Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): The site is in flood zone "X" per FIA map 48039C 0780 I dated November 17, 1993. Property is not zoned. Surrounding land use is residential. Highest and best use is residential.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

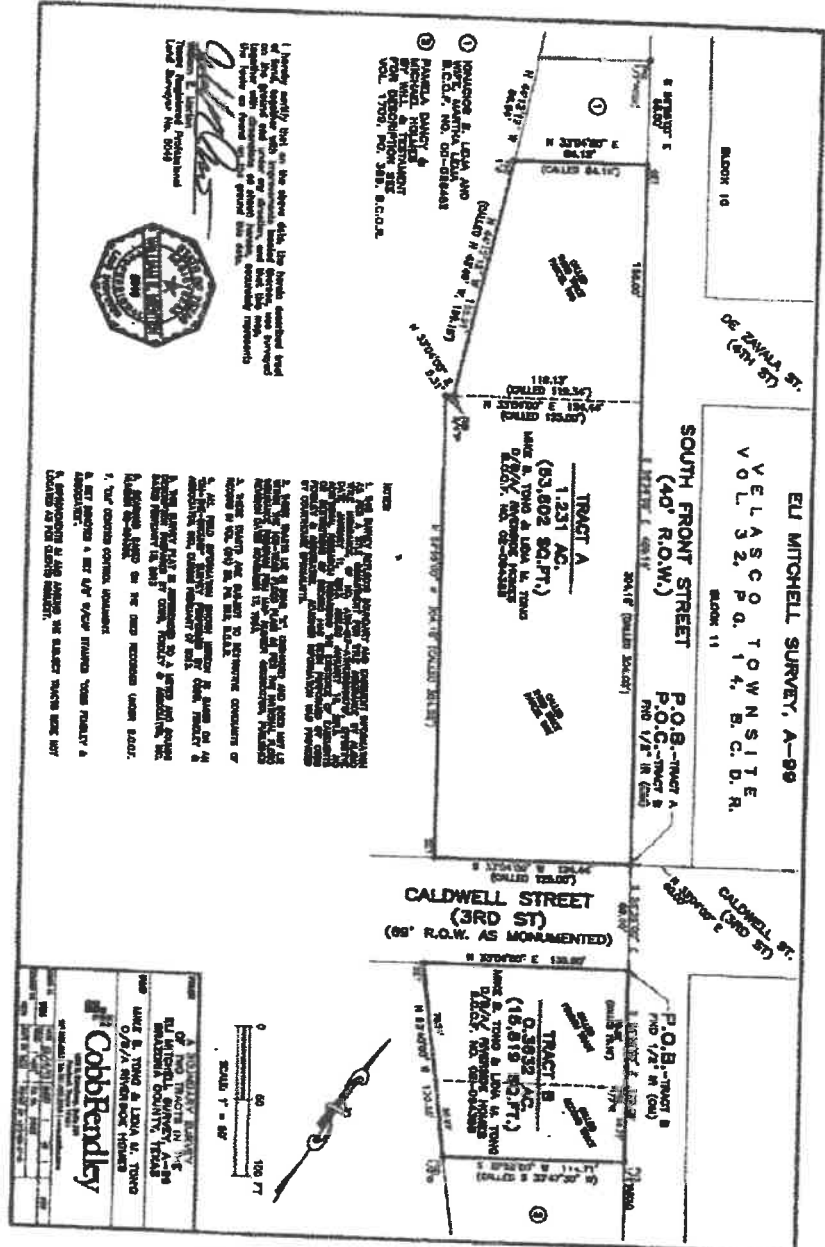
ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	Caldwell Street ROW Freeport	Division Street Freeport	5 Mystery Harbor Ln Freeport, TX 77541	1 Mystery Harbor Ln Freeport, TX 77541
Proximity to Subject		0.34 miles N	0.56 miles NW	0.68 miles NW
Sales Price	\$ N/A	\$ 60,000	\$ 195,000	\$ 195,000
Price FF		\$ 600	\$ 1,127	\$ 1,005
Date Source	Field Insp./Survey	Brazoria MLS #L31017C	Houston MLS #3086349	Brazoria Co MLS #L63281A
Date of Sale and Time Adjustment	DESCRIPTION	DESCRIPTION +/- \$ Adjust	DESCRIPTION +/- \$ Adjust	DESCRIPTION +/- \$ Adjust
Location	Urban	Urban	Urban	Current List
Site/View	8,778 SF	18,700 SF	41,774 SF	Urban
View	69 FF on River	100 FF on River	173 FF on River Dock & Lift	69,826 SF 194 FF on River
Sales or Financing Concessions	N/A	Cash to seller	Cash to seller	Cash to seller
Net Adj. (Total)		\$ 0	\$ -260	\$ -130
Indicated Value of Subject		Net % \$ 600	Net % \$ 864	Net % \$ 875

Comments on Market Data: Research of the market did not reveal a recent river front lot sale. Sales 1 and 2 were the most recent available. Comparable 3 is a current listing of a river front lot. Sale 2 was improved with a dock and boat lift. Analysis of the market indicates prices increased about 20% from 2006 to early 2008 when the recession began, then have declined by approximately 20%. Thus, Sale 2 is adjusted downward 20% for date of sale. This is not a universal price decline. Generally, only the top 5% experiencing this decline. Sale 1 has upward adjustment from 2006 to 2008 followed by a downward adjustment resulting in no change. Comparable 3 is adjusted downward 13% for the difference between list and sale prices for vacant land. Sales 4-6 are more recent sales on the nearby competing waterways of the San Bernard River and Bastrop Bayou.  
 Final Reconciliation: The indicated values have an unusually large range. This is primarily due to the lack of historical sales data to buyers and sellers. In this case, the properties surrounding the subject site are and many in disrepair. This would indicate the lower end of the indicated value range is the most accurate. Hence, the estimated value for the subject site is \$650 PFF.  
 I ESTIMATE THE MARKET VALUE, AS BEING, OF SUBJECT PROPERTY AS OF April 7 2013 to be \$ 45,000

Joseph A. Fischer  
 Appraiser(s)  Did  Did Not Physically Inspect Property  
 Review Appraiser (if applicable)

Subject Site

Lender/Client	City of Freeport	County	Brazoria	State	Tx	Zip Code	77541
Property Address	Caldwell Street ROW						
City	Freeport						
Lender	City of Freeport						



Copies for 11/21/15  
3-24-15



I, the undersigned, James Rendley, a duly Licensed Professional Surveyor in the State of Texas, do hereby certify that on the above date, the herein described land was surveyed and the boundaries thereon were established by the use of the best and most accurate methods and instruments available, and that the same are true and correct according to the best of my knowledge and belief, and that I am a duly Licensed Professional Surveyor in the State of Texas, No. 12345.

**NOTES:**

1. THIS SURVEY WAS MADE FOR THE CITY OF FREEPORT, TEXAS, AND THE CITY ENGINEER HAS REVIEWED AND APPROVED THE SAME.
2. THE TRACTS ARE BEING SURVEYED FOR THE CITY OF FREEPORT, TEXAS, AND THE CITY ENGINEER HAS REVIEWED AND APPROVED THE SAME.
3. THE TRACTS ARE BEING SURVEYED FOR THE CITY OF FREEPORT, TEXAS, AND THE CITY ENGINEER HAS REVIEWED AND APPROVED THE SAME.
4. THE TRACTS ARE BEING SURVEYED FOR THE CITY OF FREEPORT, TEXAS, AND THE CITY ENGINEER HAS REVIEWED AND APPROVED THE SAME.
5. THE TRACTS ARE BEING SURVEYED FOR THE CITY OF FREEPORT, TEXAS, AND THE CITY ENGINEER HAS REVIEWED AND APPROVED THE SAME.

**CobbRendley**  
James Rendley  
Professional Surveyor  
No. 12345  
State of Texas

7766 ft<sup>2</sup>      45,000      = 5.79/ft<sup>2</sup>

# CALDWELL

ORDINANCE NO. 2013-2034

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, VACATING, ABANDONING AND CLOSING A PORTION OF THE DEDICATED STREET KNOWN AS CALDWELL STREET, BETWEEN 200 AND 300 BLOCKS OF SOUTH FRONT STREET, RESERVING ALL NECESSARY EASEMENTS FOR MAINTAINING AND UTILIZING EXISTING UTILITY LINES, CABLES, POLES AND MAINS AND THOSE THAT MAY BE NEEDED IN THE FUTURE IN THE PORTION OF THE STREET HEREBY CLOSED; AUTHORIZING THE MAYOR OR, IN HIS ABSENCE, THE MAYOR PRO-TEMP, TO EXECUTE A SPECIAL WARRANTY DEED CONVEYING, SUBJECT TO SUCH RESERVATION, SUCH VACATED PORTION OF SAID STREET TO BRAZTEX DEVELOPMENT, LLC, THE ABUTTING PROPERTY OWNER, FOR THE FAIR MARKET VALUE THEREOF DETERMINED BY THE APPRAISAL ATTACHED HERETO IN ACCORDANCE WITH SECTION 272.001 OF THE LOCAL GOVERNMENT CODE; FINDING THAT SUCH CLOSING IS IN THE PUBLIC INTEREST AND THAT IT WILL BENEFIT THE PUBLIC; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, BRAZTEX DEVELOPMENT, LLC, a Texas Limited Liability Company hereinafter "the Applicant," is the sole owner of all property abutting upon the hereinafter described portion of the public street within the incorporated limits of the City of Freeport, in Brazoria County, Texas, hereinafter sometimes "the City", known as Caldwell Street; and,

WHEREAS, said street is a dedicated as a public street on the map or plat of the Velasco Townsite on file in Volume 32, page 14 of the Deed Records of Brazoria County, Texas; and,

WHEREAS, the Applicant has petitioned the City Council of the City of Freeport to vacate, abandon and close such portion of said street and to convey the same to Applicant; and,

WHEREAS, the vacating and closing of such portion of said street would not deny access to a public street from any other property within the City of Freeport; and,



WHEREAS, the vacating, abandoning and closing of such portion of said street would be in the public interest and would benefit the public by allowing the improvement of such property, placing such property on the tax roll of the City and eliminating the obligation of the City to maintain the same; and,

WHEREAS, an appraisal of such portion of said street determining the fair market value thereof, a copy of such appraisal being attached hereto and incorporated herein by reference, and the City Council of the City of Freeport finds that, pursuant to Section 272.001 of the Local Government Code, such appraisal is conclusive of the fair market value thereof.

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

First, the City Council of the City of Freeport, Texas, finds and declares that the findings of fact and conclusions of law set forth in the preamble to this ordinance are true and correct.

Second, the following described portion of Caldwell Street, a dedicated public street within the Velasco Townsite of the City of Freeport, in Brazoria County, Texas, is hereby declared to be vacated, abandoned and closed as a public right-of-way, to-wit:

BEGINNING at a ½" iron rod set at the southwesterly corner of the intersection of South Front Street and Caldwell Street;

THENCE, South 33 degrees 04 seconds West 124.44 minutes along the westerly boundary line of Caldwell Street to a point for corner;

THENCE, South 56 degrees 56 minutes 00 seconds East to a point for corner in the easterly right-of-way line of Caldwell Street located South 33 degrees 04 seconds 00 seconds West 130.00 feet south of the southeasterly corner of said intersection;

Thence North 33 degrees 04 seconds 00 degrees East  
a distance of 130.00 feet to the southeasterly  
corner of said intersection and a point for corner'

Thence South 56 degrees 56 minutes 00 seconds East  
to the southwesterly corner of said intersection and  
the Place of Beginning.

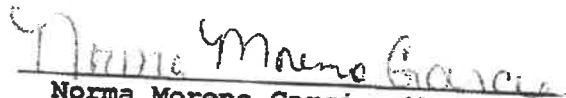
Provided, however, the City of Freeport hereby reserves all necessary easements for utility lines, cables, poles and mains presently in use or that may be required in the future by the City or the public utility companies operating within the City, including but not being limited to the Southwestern Bell Telephone Co. conduit under the Old Brazos River Chanel adjacent to the westerly boundary line of Caldwell Street. Provided further, with the consent of the City Manager and the appropriate officials of all affected public utility companies, the easement reserved herein may be released by the Mayor, or in his absence, the Mayor Pro-Temp if all lines, cables, poles and mains are relocated to another duly established easement at the expense of the Applicant.

Third, the Mayor or, in his absence, the Mayor Pro-Temp, is hereby authorized to execute and acknowledge and the City Clerk to attest a Special Warranty Deed conveying the above described portion of the right-of-way of the Caldwell Street right-of-way to Applicant, reserving therein an easement for all necessary easements for utility lines, cables, poles and mains presently in use or that may be required in the future, upon the payment by the Applicant to the City of Freeport of the fair market value therefor indicated by the above mentioned appraisal.


Fourth, in the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

Fifth, this ordinance shall take effect and be in force from and after the above mentioned appraisal has been received and a copy thereof attached to this ordinance by the City Secretary.

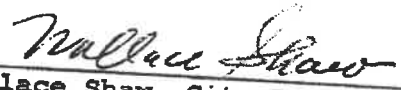
READ, PASSED AND ADOPTED this 1st day of April, 2013.

  
Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

  
Delia Munoz, City Secretary  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

  
Wallace Shaw, City Attorney  
City of Freeport, Texas

C:\Freeport.CtySell\CaldwellSt-AbandonPt-Ord

SPECIAL WARRANTY DEED

The CITY OF FREEPORT, TEXAS, a municipal corporation lying and situated in Brazoria County, Texas, hereinafter called GRANTOR, duly organized and existing as such under and by virtue of the Constitution and Laws of the State of Texas and its Home Rule Charter, for the valuable consideration hereinafter specified, has GRANTED, SOLD and CONVEYED and by these presents do GRANT, SELL and CONVEY unto BRAZTEX DEVELOPMENT, LLC, a Texas Limited Liability Company with a place of business in the City of Freeport, in BRAZORIA County, Texas, herein-after called GRANTEE, the following described real property lying and situated in the County of Brazoria and State of Texas, to-wit:

BEGINNING at a ." iron rod set at the southwesterly corner of the intersection of South Front Street and Caldwell Street;

THENCE, South 33 degrees 04 seconds West 124.44 minutes along the westerly boundary line of Caldwell Street to a point for corner;

THENCE, South 56 degrees 56 minutes 00 seconds East to a point for corner in the easterly right-of-way line of Caldwell Street located South 33 degrees 04 seconds 00 seconds West 130.00 feet south of the southeasterly corner of said intersection;

Thence North 33 degrees 04 seconds 00 degrees East a distance of 130.00 feet to the southeasterly corner of said intersection and a point for corner.

Thence South 56 degrees 56 minutes 00 seconds East to the southwesterly corner of said intersection and the Place of Beginning.

This conveyance is made and accepted subject to any and all valid and subsisting easements, rights-of-way, conditions, exceptions, reservations, restrictions, covenants and other encumbrances properly of record affecting the title to the above described property.



Notwithstanding any provision herein to the contrary, Grantor makes no warranty of any nature or kind, whether statutory, express or implied, with respect to the physical condition of the above-described property, and by the acceptance of this deed, Grantee accepts such property "AS IS", "WHERE IS", "WITH ALL FAULTS" and without any representations or warranties by Grantor (except the warranty of title expressly set forth above).

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto GRANTEE, its successors and assigns, forever, SAVE AND EXCEPT, there is hereby reserved unto Grantor, its successors and assigns, all necessary easements in, under, upon and across the above described property hereby conveyed for all utility lines, cables, poles and mains presently in use or that may be required by Grantor in the future]; and Grantor does hereby bind itself, its successors and assigns, to Warrant and Forever Defend all and singular the said premises unto Grantee, its heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through and under Grantor but not otherwise.

The consideration for this conveyance is the following:

First, the sum of Ten and no/100 (\$10.00) Dollars and other good and valuable consideration to Grantor cash in hand paid by Grantee, the receipt of which is hereby acknowledged.

Second, the assumption by Grantee of any taxes assessed against such premises for the 2013 tax year and all subsequent years.

EXECUTED this 1st day of April, 2013.

THE CITY OF FREEPORT, TEXAS

By Norma Moreno Garcia  
Norma Moreno Garcia, Its Mayor

ATTEST:

Delia Munoz  
Delia Munoz, Its City Secretary

THE STATE OF TEXAS X

COUNTY OF BRAZORIA X

This instrument was acknowledged before me on the 1st day of April, 2013, by NORMA MORENO GARCIA, as Mayor of the City of Freeport, Texas.

Darla Autrey  
Notary Public, State of Texas

MAILING ADDRESS OF GRANTEE  
AND AFTER RECORDING RETURN TO:

Braztex Development, LLC  
1624 North Brazosport Blvd.  
Freeport, TX 77541



C/Freeport.CtySell/Caldwell St-Abandon Pt-SWD

Ord 2013 - 2034

**FROM:**

Joseph A. Fischer & Co., Inc.  
54 White Oak Ct.  
Lake Jackson, Tx 77566

Telephone Number: 979-297-8344

Fax Number: 979-285-9582

**TO:**

City of Freeport  
200 West 2nd Street  
Freeport, Tx 77541

Telephone Number:  
Alternate Number:

Fax Number:  
E-Mail:

P.O. No. 106365

**INVOICE**

**INVOICE NUMBER**

9122

**DATE**

April 8, 2013

**REFERENCE**

Internal Order #:

Lender Case #:

Client File #:

Main File # on form: 9122

Other File # on form:

Federal Tax ID: 76-0084842

Employer ID:

**DESCRIPTION**

Lender: City of Freeport  
Purchaser/Borrower: N/A  
Property Address: Caldwell Street ROW  
City: Freeport  
County: Brazoria  
Legal Description: 70 ft. Caldwell Street Right-Of-Way between South Front Street and Levee

Client: City of Freeport  
State: Tx  
Zip: 77541

**FEEs**

DESCRIPTION	AMOUNT
Appraisal Services Rendered	350.00

**SUBTOTAL** 350.00

**PAYMENTS**

Check #:	Date:	Description:

**AMOUNT**

**SUBTOTAL**

**TOTAL DUE**

**APPRAISAL OF REAL PROPERTY**

**LOCATED AT:**

Caldwell Street ROW  
ft. Caldwell Street Right-Of-Way between South Front Street and Lev  
Freeport, Tx 77541

**FOR:**

City of Freeport  
200 West 2nd Street  
Freeport, Tx 77541

**AS OF:**

April 7, 2013

**BY:**

Joseph A. Fischer

Joseph A. Fischer & Co., Inc.  
54 White Oak Ct.  
Lake Jackson, Texas 77566

**LAND APPRAISAL REPORT**

**Summary Appraisal Report**

File No. 9122

Borrower N/A Property Address Caldwell Street ROW Census Tract 6643.00 Map Reference KM 911 U  
 City Freeport County Brazoria State Tx Zip Code 77541  
 Legal Description 70 ft. Caldwell Street Right-Of-Way between South Front Street and Levee  
 Sale Price \$ N/A Date of Sale N/A Loan Term N/A yrs. Property Rights Appraised  Fee  Leasehold  De Minimis PUD  
 Actual Real Estate Taxes \$ N/A (yr) Loan charges to be paid by seller \$ N/A Other sales concessions N/A  
 Lender/Client City of Freeport Address 200 West 2nd Street, Freeport, Tx 77541  
 Occupant N/A Appraiser Joseph A. Fischer Instructions to Appraiser \_\_\_\_\_

Location	<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Employment Stability <input type="checkbox"/> Good <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Fair <input type="checkbox"/> Poor Convenience to Employment <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Convenience to Shopping <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Convenience to Schools <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Adequacy of Public Transportation <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Recreational Facilities <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Adequacy of Utilities <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Property Compatibility <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Protection from Detrimental Conditions <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Police and Fire Protection <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> General Appearance of Properties <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Appeal to Market <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Built Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%	
Growth Rate	<input checked="" type="checkbox"/> Fully Dev.	<input type="checkbox"/> Rapid	<input type="checkbox"/> Steady	
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Slow	
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Declining	
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	<input type="checkbox"/> Oversupply	
Present Land Use	<input checked="" type="checkbox"/> 80% 1 Family	<input type="checkbox"/> 3% 2-4 Family	<input type="checkbox"/> 2% Apts.	
	<input type="checkbox"/> 0% Industrial	<input type="checkbox"/> 9% Vacant	<input type="checkbox"/> 0% Condo	
	<input type="checkbox"/> 6% Commercial			
Change in Present Land Use	<input checked="" type="checkbox"/> Not Likely	<input type="checkbox"/> Likely (*)	<input type="checkbox"/> Taking Place (*)	
Predominant Occupancy	(*) From _____ To _____			
Single Family Price Range	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> 10 % Vacant			
Single Family Age	\$ <u>10,000</u> to \$ <u>150,000</u> Predominant Value \$ <u>40,000</u>			
	<u>55</u> yrs. to <u>75</u> yrs. Predominant Age <u>65</u> yrs.			

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): Freeport is one of four small towns (population 13,000) making up the "Brazosport" area 60 miles south of Houston. The immediate neighborhood is a mixture of residential and commercial. Employment centers, shopping and all levels of public schools are within ten miles.

Dimensions 69' x 124.44' x 69' x 130' = 8,778 Sq. Ft. or Acres  Corner Lot  
 Zoning classification None Present Improvements  do  do not conform to zoning regulations  
 Highest and best use  Present use  Other (specify) \_\_\_\_\_  
 Public  Other (Describe) \_\_\_\_\_  
 Elec.  Gas  Water  San. Sewer  Underground Elect. & Tel.

OFF SITE IMPROVEMENTS  
 Street Access  Public  Private  
 Surface Asphalt  
 Maintenance  Public  Private  
 Storm Sewer  Curb/Gutter  Street Lights  
 Sidewalk

Topo Level \_\_\_\_\_  
 Size Typical  
 Shape Basically rectangular  
 View Residential/River  
 Drainage Appears adequate

Is the property located in a HUD identified Special Flood Hazard Area?  No  Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): The site is in flood zone "X" per FIA map 48039C 0780 I dated November 17, 1993. Property is not zoned. Surrounding land use is residential. Highest and best use is residential.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	<u>Caldwell Street ROW Freeport</u>	<u>Division Street Freeport</u>	<u>5 Mystery Harbor Ln Freeport, TX 77541</u>	<u>1 Mystery Harbor Ln Freeport, TX 77541</u>
Proximity to Subject		<u>0.34 miles N</u>	<u>0.56 miles NW</u>	<u>0.68 miles NW</u>
Sales Price	\$ <u>N/A</u>	\$ <u>60,000</u>	\$ <u>195,000</u>	\$ <u>195,000</u>
Price FF	\$ _____	\$ <u>600</u>	\$ <u>1,127</u>	\$ <u>1,005</u>
Data Source	<u>Field Insp./Survey</u>	<u>Brazoria MLS #L31017C</u>	<u>Houston MLS #3066349</u>	<u>Brazoria Co MLS #L53281A</u>
Date of Sale and Time Adjustment	<u>N/A</u>	<u>07/06</u>	<u>03/08</u>	<u>03/08</u>
Location	<u>Urban</u>	<u>Urban</u>	<u>Urban</u>	<u>Current List</u>
Site/View	<u>8,778 SF</u>	<u>18,700 SF</u>	<u>41,774 SF</u>	<u>69,826 SF</u>
View	<u>69 FF on River</u>	<u>100 FF on River</u>	<u>173 FF on River Dock &amp; Lift</u>	<u>194 FF on River</u>
Sales or Financing Concessions	<u>N/A</u>	<u>Cash to seller</u>	<u>Cash to seller</u>	<u>Cash to seller</u>
Net Adj. (Total)		<input type="checkbox"/> + <input type="checkbox"/> - \$ <u>0</u>	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ <u>-260</u>	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ <u>-130</u>
Indicated Value of Subject		Net % \$ <u>600</u>	Net % \$ <u>864</u>	Net % \$ <u>875</u>

Comments on Market Data: Research of the market did not reveal a recent river front lot sale. Sales 1 and 2 were the most recent available. Comparable 3 is a current listing of a river front lot. Sale 2 was improved with a dock and boat lift. Analysis of the market indicates prices increased about 20% from 2006 to early 2008 when the recession began, then have declined by approximately 20%. Thus, Sale 2 is adjusted downward 20% for date of sale. This is not a universal price decline. Generally, only the top 5% experiencing this decline. Sale 1 has upward adjustment from 2006 to 2008 followed by a downward adjustment resulting in no change. Comparable 3 is adjusted downward 13% for the difference between list and sale prices for vacant land. Sales 4-6 are more recent sales on the nearby competing waterways of the San Bernard River and Bastrop Bayou.

Final Reconciliation: The indicated values have an unusually large range. This is primarily due to the lack of historical sales data to buyers and sellers. In this case, the properties surrounding the subject site are and many in disrepair. This would indicate the lower end of the indicated value range is the most accurate. Hence, the estimated value for the subject site is \$650 PFF.

I ESTIMATE THE MARKET VALUE, AS DEMAND, OF SUBJECT PROPERTY AS OF April 7 2013 to be \$ 45,000

Appraiser(s) Joseph A. Fischer Review Appraiser (if applicable)  Did  Did Not Physically Inspect Property

(Y2K)



**FIRREA / USPAP ADDENDUM**

Lender/Client City of Freeport File No. 9122  
 Property Address Caldwell Street ROW  
 City Freeport County Brazoria State Tx Zip Code 77541  
 Lender City of Freeport

**Purpose**  
 The purpose of this appraisal is to estimate market value for a possible sale.

**Scope of Work**  
 A field review of the subject property was made April 7, 2013 for the purpose of gathering information relevant to the property's value. The field review was limited to readily observable components only. Physical characteristics of the lot was obtained from a survey. Research for comparable sales included the appraiser's files and MLS. The compiled data was analyzed using the traditional direct sale comparison approach to value. Since the property is vacant land, the cost and income approaches were not applicable.

**Intended Use / Intended User**  
 Intended Use: Possible sale.

Intended User(s): City of Freeport.

**History of Property**  
 Current listing information: None.

Prior sale: Research did not reveal a sale of the subject property or prior sale of any comparable within the past three years.

**Exposure Time / Marketing Time**  
 See comments below.

**Personal (non-realty) Transfers**  
 None.

**Additional Comments**

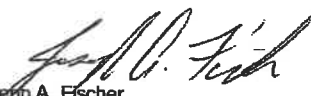
**Exposure Time/Marketing Time -**

Exposure Time/Marketing Time - Reasonable Exposure Time - The period of time necessary to sell a property is referred to as the marketing time and occurs after the effective date of the appraisal. Exposure time occurs prior to the effective date of the appraisal and is the estimated time the subject property would have been exposed to the market prior to the hypothetical sale of the property on the effective date. Reasonable exposure time for the subject property is the same as the typical marketing time for the defined subject neighborhood on page 1 unless otherwise noted and assumes the property is properly priced and marketed in a professional manner.

A look back time frame is used to research market conditions, comparable sales, rents, etc. Value is estimated by establishing the trend of the past and forecasting how, or if, that trend will continue in the immediate future. In this case, the market was researched for comparables over the past seven years.

**Certification Supplement**

1. This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or an approval of a loan.
2. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result or the occurrence of a subsequent event.
3. I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three year period immediately preceding acceptance of this assignment.

Appraiser:   
 Signed Date: April 12, 2013  
 Certification or License #: 1320173-G  
 Certification or License State: Tx Expires: 03/31/2013  
 Effective Date of Appraisal:

Supervisory Appraiser: \_\_\_\_\_  
 Signed Date: \_\_\_\_\_  
 Certification or License #: \_\_\_\_\_  
 Certification or License State: \_\_\_\_\_ Expires: \_\_\_\_\_  
 Inspection of Subject:  Did Not  Exterior Only  Interior and Exterior

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\* Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgement.

## STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

**CONTINGENT AND LIMITING CONDITIONS:** The appraiser's certification that appears in the appraisal report is subject to the following conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
10. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.




**APPRAISER'S CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and limiting conditions specified in this form.
4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have personally inspected the interior and exterior areas of the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

**SUPERVISORY APPRAISER'S CERTIFICATION:** If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

**ADDRESS OF PROPERTY APPRAISED:** Caldwell Street ROW, Freeport, Tx 77541

**APPRAISER:**

Signature:   
 Name: Joseph A. Fischer  
 Date Signed: April 12, 2013  
 State Certification #: 1320173-G  
 or State License #: \_\_\_\_\_  
 State: Tx  
 Expiration Date of Certification or License: 03/31/2013

**SUPERVISORY APPRAISER (only if required):**

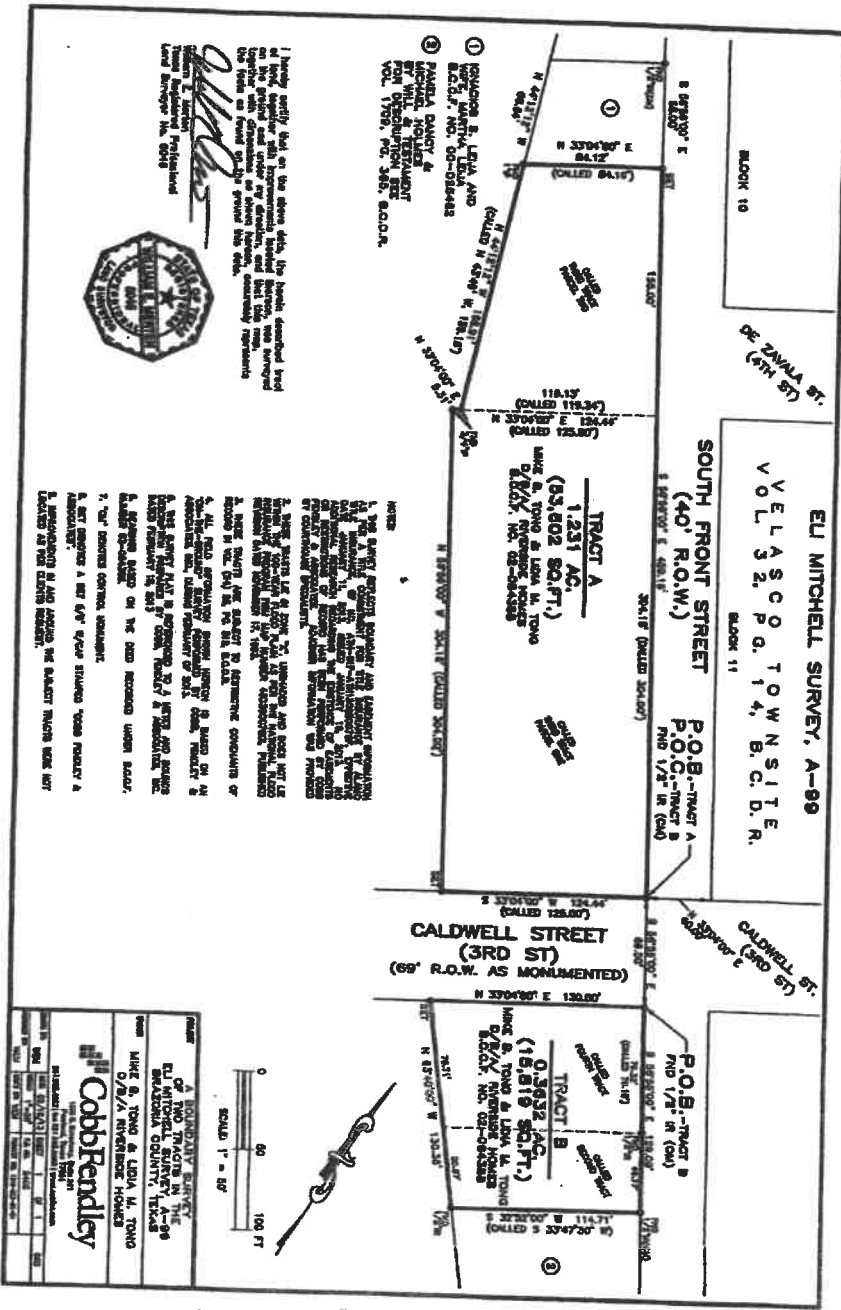
Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Date Signed: \_\_\_\_\_  
 State Certification #: \_\_\_\_\_  
 or State License #: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Expiration Date of Certification or License: \_\_\_\_\_

Did  Did Not Inspect Property

**Subject Site**

Lender/Client	City of Freeport		
Property Address	Caldwell Street ROW		
City	Freeport	County	Brazoria
Lender	City of Freeport	State	Tx
		Zip Code	77541

*Copy for 10/28/15  
3-28-15*

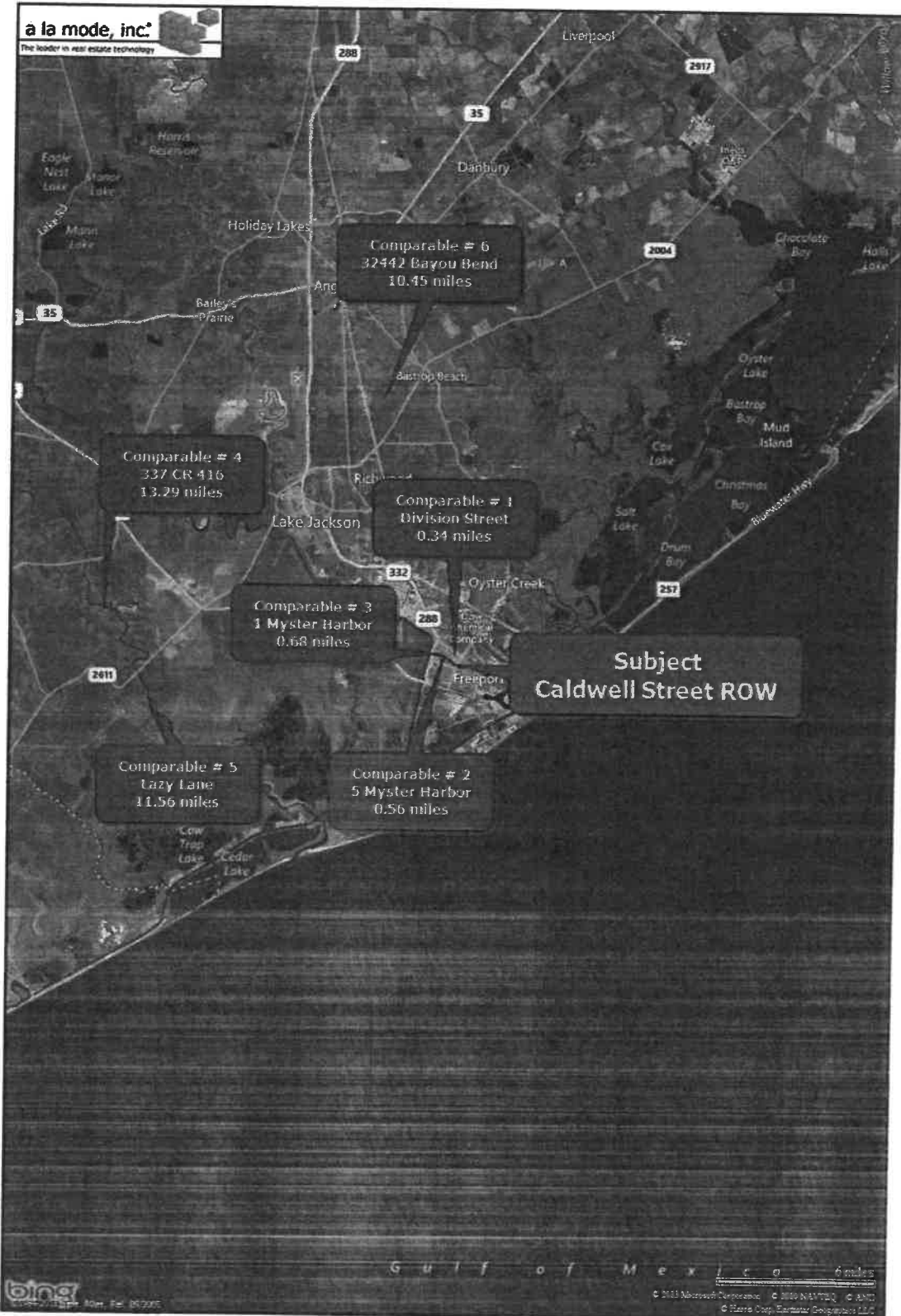


$7766 \text{ ft}^2$

$\frac{45,000}{7766} = 5.79/\text{ft}^2$

### Comparable Sales Map

Lender/Client	City of Freeport			
Property Address	Caldwell Street ROW			
City	Freeport	County	Brazoria	State Tx Zip Code 77541
Lender	City of Freeport			



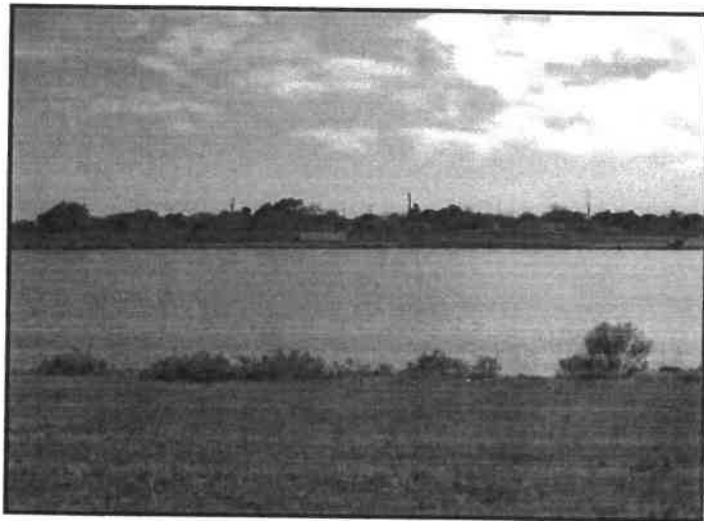
### Subject Photo Page

Lender/Client	City of Freeport						
Property Address	Caldwell Street ROW						
City	Freeport	County	Brazoria	State	Tx	Zip Code	77541
Lender	City of Freeport						



#### Front View

Caldwell Street ROW  
Sales Price N/A  
Gross Living Area  
Total Rooms  
Total Bedrooms  
Total Bathrooms  
Location Urban  
View 8,778 SF  
Site  
Quality  
Age



#### River View



#### View from Levee

## Subject Photo Page

Lender/Client	City of Freeport			
Property Address	Caldwell Street ROW			
City	Freeport	County	Brazoria	State Tx      Zip Code 77541
Lender	City of Freeport			



### South Front Street

**Caldwell Street ROW**  
 Sales Price      N/A  
 Gross Living Area  
 Total Rooms  
 Total Bedrooms  
 Total Bathrooms  
 Location      Urban  
 View      8,778 SF  
 Site  
 Quality  
 Age