

City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, MARCH 15TH, 2010, 6:00 P.M.
FREEPORT, TEXAS

AGENDA FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the March 1st, 2010 Council Minutes.
Pg. 255-258
5. Attending citizens and their business.
6. **Proclamation:** Designating the month of April as "Fair Housing Month".
Pg. 259-260
7. **Proclamation:** Designating May as Motorcycle Safety and Awareness Month.
Pg. 260-b
8. Consideration of approving Ordinance No. 2010-2243 adopting as, Chapter 54 of the Code of Ordinances of said City, the regulations for storm water quality.
Pg. 261-285-b
9. Consideration of approving a request from the Riverfest Committee to sell alcohol, have a public dance, erect fencing, and have fireworks display for Riverfest on April 23rd thru 24th, 2010 held at the Freeport Municipal Park.
Pg. 286
10. Consideration of approving a request from St. Mary's Festival to sell alcohol, have a public dance for St. Mary's Festival held on May 15th thru 16th, 2010 held at the Freeport Municipal Park. Pg. 287
11. Consideration of selling Block 183, Lot 8, Freeport Townsite, known as 1719-1721 West 8th Street to Habitat for Humanity, Tax Id. 4201- 1860-000.
Pg. 288-295-b

12. Consideration of approving a date for a Joint Public Hearing with the Planning Commission to consider allowing RV Parks by a Specific Use Permit in any District except R-1, R-2, R-3, W-1 and W-1R; and granting a permit to Johnny Shipman. Pg. 296
13. Consideration of approving the closing, abandoning and selling portions of East 6th Street and East Park Avenue. Pg. 297-303
14. Consideration of approving a request from Dan Tarver – Economic Development Corporation to place a temporary trailer for office use on the levee adjacent to 202 East 2nd Street, during completion of the Marina project, subject to the approval of the Velasco Drainage District. Pg. 304

Work Session:

- A. Acknowledge and award the participants of the Freeport's Fire Department First Annual Youth Fire Hydrant Painting Contest.

Adjourn

NOTE: ITEMS NOT NECESSARY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE COUNCIL, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS AS LISTED.

This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code). In compliance with the American with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours to the meetings. Please contact the City Secretary office at 979-233-3526.

I, Delia Muñoz, City Secretary, for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 W. 2nd Street, Freeport, Texas, March 12th, 2010 at or before 5:00 a.m.

Delia Munoz, City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday, March 1st, 2010 at 6:00 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council:	Larry L. McDonald	
	Clan A. Cameron	
	James W. Philips – absent	
	Ron Wise – absent	
	Norma M. Garcia	
Planning Commission	Eric Hayes	Alonzo Martinez
	Reuben Cuellar	Edward T. Garcia
	Diane Williams	Joyce Adkins
Staff:	Jeff Pynes, City Manager	
	Gilbert Arispe, Administrative Asst.	
	Wallace Shaw, City Attorney	
	Delia Munoz, City Secretary	
	Nat Hickey, Property Manager	
	Tyrone R. Morrow, Chief of Police	
	Larry Fansher, Parks Director	
Visitors:	Rosa McDonald	Jim Pirrung
	Larry Shaefer	Judy Shaefer

Call to order.

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

Invocation.

Councilman Cameron offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of approving the February 16th, 2010 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved the February 16th, 2010 Council Meeting.

Attending citizens and their business.

There were none.

Public Hearing: The City Council and the Planning Commission of said City will conduct a joint public hearing to consider the following proposed amendments to the Comprehensive Zoning Ordinance of said City, codified as Chapter 155 of the Code of Ordinances thereof; (1) amend the definition of Recreational Vehicle Park contained in Section 155.002 of said ordinances to provide that, when permitted by a specific use permit, the number of recreational vehicles allowed in such park shall be specified in such permit and (2) to amend Section 155.060 (E) (1) to allow, by Specific Use Permit, a Recreational Vehicle Park in any zoning district except the R-1 and R-2 Single Family Residential Districts.

Their being a quorum with the Planning Commission, Mayor McDonald opened the Public Hearing at 6:02 p.m. Mayor McDonald asked for comments from audience.

Diane Williams, Chairman of the Planning Commission stated that the Planning Commission had not reviewed all the items on the Public Hearing Notice and requested the Public Hearing be reagendaed.

Mr. Pirrung asked if W-1R and W-2R was considered. There being no further comments or questions, Mayor McDonald closed the Public Hearing at 6:06 p.m.

It was Council's consensus to reagendaed this item.

Consideration of approving Ordinance No. 2010-2242 amending Section 120.20 of the Code of Ordinances of said City to allow Recreational Vehicles Parks by Specific Use Permit in any zoning district except R-1 and R-2 Single-Family Residential Districts, amending the definition of Recreational Vehicle Parks contained in Section 155.002 of said Code of Ordinances to provide that, when permitted by a Specific Use Permit, the number of recreational vehicles allowed in such park shall be specified in such permit, and amending Division (E) (1) of Section 155.060 of the Code of Ordinances of said City to provide for the issuance of specific use permits for the location of Recreational Vehicle Parks in any zoning district except R-1 and R-2 Single-Family Residential Districts.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved to reagenda this item.

Mayor McDonald recessed to River Place and reconvened the agenda at 6: 18 p.m. for the following items on the agenda:

Mayor McDonald recognizes the Fraternal Order of Eagles # 3111 for their contributions.

Mayor McDonald presented a plaque of appreciation to Worthy President, Don Ince, and members.

Mayor McDonald recognizes the Freeport League for their contributions.

Mayor McDonald presented a plaque of appreciation to President Sandra Wood-Wicki and members.

Mayor McDonald recognizes the Freeport Host Lions Club for their contributions.

Mayor McDonald presented a plaque of appreciation to President Ron Martin and members.

Mayor McDonald recognizes the Veterans of Foreign Wars, Post 4341 for their contributions to the City.

Mayor McDonald presented a plaque of appreciation to Commander Edward Garcia and members.

Acknowledge and award the participates of the City of Freeport first annual Youth Art Display.

Teachers, participants, parents, sponsors and families were present.

The award ceremony and council meeting was held at River Place community building. All participants of the First Annual Youth Art Display & Competition received a certificate for submitting artwork to the competition. Awards for each category are 1st Place - \$500.00, 2nd Place - \$250.00, 3rd Place - 150.00, 4th Place - \$100.00, Community Favorite - \$250.00.

Elementary Division: 1st Place Chance Barrow Jane Long
2nd Place Angel Green Jane Long
3rd Place Luis Perez Fleming
4th Place Daniel Medrano Fleming

Intermediate Division: 1st Place Paige Silguero Lanier Middle School
2nd Place Sarah Cortez Freeport Intermediate School
3rd Place Karina Deleon Freeport Intermediate School
4th Place Joanne Suniga Freeport Intermediate School

High School Division: 1st Place Rene Alanis Brazosport High School
2nd Place Caitlynn Graham Brazosport High School
3rd Place Michelle Contreras Brazosport High School
4th Place Julie Martinez Brazosport High School

Community Favorite: Elementary Eric Rostro Fleming
Intermediate Lucas Hernandez Freeport Intermediate
High School Michelle Contreras Brazosport High School

Adjourn:

On a motion by Councilwoman Garcia, seconded by Councilman Cameron, with all present voting “aye”, the meeting was adjourned at 6: 53 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor

PUBLIC NOTICE

HOUSING DISCRIMINATION IS PROHIBITED BY LAW

Fair Housing is a National Policy of the United States. It's the law, and it's your right. To promote fair housing practices, the City of Freeport has passed a Fair Housing Proclamation designating the month of April 2010 as Fair Housing Month.

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

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

PROCLAMATION

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

WHEREAS, the City of Freeport affirm atively supports federal objectives related to Fair Housing and Equal Opportunity.

NOW, THEREFORE, I Larry L. McDonald , Mayor of the City of Freeport , Texas, do hereby proclaim the month of April, 2010 as:

“FAIR HOUSING MONTH”

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

IN WITNESS WHEROF, I have hereunto set my hand and caused the Seal of the City of Freeport, Texas to be affixed this the 15th day of March , 2010.

Mayor



*A PROCLAMATION OF THE CITY OF FREEPORT, TEXAS
DESIGNATING MAY AS MOTORCYCLE SAFETY AND AWARENESS
MONTH IN THE CITY OF FREEPORT, TEXAS*

WHEREAS, today' society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclist are roughly unprotected and much more likely to be injured or killed in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this county; and

WHEREAS, urging all of our community to become aware of the inherent danger involved in operating a motorcycle and give the operator the respect on the road they deserve;

NOW THEREFORE, I, Larry L. McDonald, by virtue of the authority vested in me as Mayor, of the City of Freeport, in the State of Texas, do hereby proclaim the month of May, 2010 as:

MOTORCYCLE SAFETY AND AWARENESS MONTH, in Freeport, Texas:

*Larry L. McDonald
Mayor of Freeport. Texas*

*Delia Munoz
City Secretary*

ORDINANCE NO. 2010-2243

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; ADOPTING AS, CHAPTER 54 OF THE CODE OF ORDINANCES OF SAID CITY, THE REGULATIONS FOR STORM WATER QUALITY SET FORTH IN EXHIBIT "A" ATTACHED THERETO, WHICH CONTAIN OBJECTIVES, DEFINITIONS, AND REGULATIONS FOR STORM WATER MANAGEMENT, DECLARING A NUISANCE AND PROVIDING FOR THE ABATEMENT THEREOF, PROVIDING FOR CIVIL ENFORCEMENT AND CRIMINAL PENALTIES, AND PROVIDING FOR THE ASSESSMENT OF FEES; PROVIDING THAT ANY PERSON VIOLATING SAID CODE, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 10.99 OF SAID CODE OF ORDINANCES; PROVIDING THAT EACH DAY ANY SUCH VIOLATION CONTINUES AND EACH PART OF ANY DAY ANY SUCH VIOLATION OCCURS SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Freeport, Texas, ("the City") is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Sections 51.072, 54.001, 54.004, 217.042 and Chapter 551 of the Local Government Code of Texas and Sections 2.01, 2.02 and Item(u) of Section 3.07 of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined and do here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City.

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

First, the regulations governing storm water quality set forth in Exhibit A are incorporated herein by referenced and adopted as Chapter 54 of the Code of Ordinances of the City.

Second, any person violating the Code of Ordinances of the City of Freeport, Texas, as amended by this ordinance, shall be guilty of a misdemeanor and upon conviction therefor assessed a fine as prescribed in Section 10.99 of said Code; and each day such violation continues and each part of any day any such violation occurs shall constitute a separate offense.

Third, this ordinance is cumulative of and in addition to all other ordinances of the City on the same subject and all such ordinances are hereby expressly saved from repeal. Provided however, where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Fourth, no offense committed and no fine, forfeiture or penalty incurred prior to the effective date of this ordinance is to be affected by the adoption of this ordinance but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this ordinance had not been adopted.

Fifth, 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.

Sixth, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Seventh, 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, the official newspaper of the City.


READ, PASSED AND ADOPTED this _____ day of _____, 2010.

Larry McDonald, Sr., Mayor,
City of Freeport, Texas

ATTEST:

Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:



Wallace Shaw, City Attorney,
City of Freeport, Texas

C:\Freeport.Ord\Storm Water Quality-Ord

EXHIBIT "A"

CHAPTER 54: MS4/SWPPP ORDINANCE FOR THE CITY OF FREEPORT

TABLE OF CONTENTS

DIVISION 1. GENERALLY	1
DIVISION 2. STORM WATER SYSTEM	8
DIVISION 3. CONSTRUCTION STORM WATER MANAGEMENT	9
DIVISION 4. CIVIL ENFORCEMENT	15
DIVISION 5. CRIMINAL PENALTIES	17
DIVISION 6. FEES	18

DIVISION I. GENERALLY

Sec. 54.01. Objectives.

The objectives of this chapter are as follows:

- (1) To maintain and improve the quality of surface water within the city;
- (2) To prevent or reduce the discharge of contaminated storm water runoff from construction and residential sites into the municipal separate storm sewer system (MS4) and surface waters within the city;
- (3) To facilitate compliance with federal and state rules and regulations by owners, operators, contractors, and subcontractors of construction sites and commercial facilities within the city;
- (4) To enable the city to comply with all federal and state laws and regulations applicable to storm water discharges.

Sec. 54.02. Administration.

The director of public works and the director's authorized representatives are authorized to administer, implement, and enforce the provisions of this chapter.

Sec. 54.03. Submission of documents.

All persons required by federal or state regulations or this chapter to submit documents, pertaining to discharges of storm water or accidental discharges into the local MS4, shall submit all applicable documents to the following mailing address:

City Manager
City of Freeport
200 West Second St.
Freeport, TX 77541

Sec. 54.04. Definitions.

As used in this chapter:

Agricultural storm water runoff. Any storm water runoff from orchards, cultivated crops, pastures, range lands, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR § 122.23 or discharges from concentrated aquatic production facilities as defined in 40 CFR § 122.24.

Best management practice or BMP. Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, and other management practices to prevent the pollution of the MS4 and waters in the state. Best management practices also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage areas.

City. The City of Freeport, Texas, or any authorized person acting in its behalf.

Commencement of construction activities. The initial disturbance of soils associated with clearing, grading or excavation activities, as well as other construction-related activities (e.g. stockpiling of fill material, demolition).

Common plan of development or sale. A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development or sale is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities..

Construction activity. Construction activities including clearing, grading, and excavating that result in land disturbances of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre of land. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities).

Contamination. The presence of or entry into a public water supply system, the MS4 or water in the state, any substance which may be detrimental to the public health and/or the quality of water.

Contractor. For the purposes of this chapter, the contractor is the person or persons that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with local pollution prevention requirements, although they do not qualify as an operator under the construction permit.

Conveyance. Curbs, gutters, manmade channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport storm water runoff.

Discharge. To deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of any substance, or to cause, allow, permit, or suffer any of these acts or omissions.

Domestic sewage. Waterborne human waste and waste from domestic activities, including the use of toilet facilities, washing, bathing, and food preparation.

Erosion. The process of land being diminished or worn away due to wind or water. Erosion occurs naturally, but can be intensified by land-disturbing activities such as development, farming, road building, timber harvesting, etc.

Facility. Any building, structure, installation, process or activity from which there is or may be a discharge of a pollutant.

Final stabilization. A construction site status where any of the following conditions are met:

(1) All soil disturbing activities at the construction site have been completed and a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as riprap, geotextiles, or gabions) have been employed;

(2) For individual lots in a residential construction site, the homebuilder has completed final stabilization on the individual lot(s) as specified in condition (1) above;

(3) For construction activities on land used for agricultural purposes (e.g. pipelines across crop or rangeland), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface water and areas, which are not being returned to their preconstruction agricultural use, shall meet the final stabilization conditions of condition (1) above.

Hazardous substance or materials. Any substance listed in table 302.4 of 40 CFR part 302.

Hazardous waste. Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR part 261.

Illicit connection. Any manmade conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit discharge. Any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES or TPDES permit and discharges resulting from emergency fire fighting activities.

Large construction activity. Construction activities including clearing, grading, and excavating that result in land disturbances of equal to or greater than five acres of land. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five acres of land. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Large construction activity does not include the routine grading of existing dirt roads, asphalt overlays or existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.

Maximum extent practicable or MEP. The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA § 402(p).

MS4 operator. The public entity, and/or the entity contracted by the public entity, responsible for management and operation of the municipal separate storm sewer system.

Municipal separate storm sewer system or MS4. A separate storm sewer system owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to surface water in the state.

National Pollutant Discharge Elimination System or NPDES. The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing requirements of certain sections of the federal Clean Water Act.

Nonpoint source. Any source of any discharge of a pollutant that is not a "point source".

Notice of intent or NOI. A written submission to TCEQ, from an applicant, requesting coverage under a general permit.

NPDES permit. A permit issued by the EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general basis. In the State of Texas, the EPA retains authority for permitting oil and gas exploration activities and Indian Country land.

Oil. Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

Outfall. A point source at the point where a municipal separate storm sewer discharges to water in the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S.

Owner. For the purposes of this chapter, the owner is the person or persons that have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, although they do not qualify as an operator under the construction permit.

Permit. Either an NPDES or TPDES permit, whichever is applicable.

Permittee. An MS4 operator authorized under an NPDES or TPDES permit.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

Point source. (from 40 CFR §122.22) Any discernable, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutant. Dredged spoil, solid waste, incinerator residue, garbage, sewage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, and agricultural waste discharged into water. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland.

Pollution. (from Texas Water Code §26.001(14)) The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or water in the state.

Responsible party. The owner, occupant, developer, builder, or general contractor who has operational control over the site, including the ability to make modifications in specifications, or who has operational control over day-to-day activities at the site and is able to ensure compliance with plan requirements and permit conditions (e.g., a person who is authorized to direct the conduct of workers at the site). Any person who has filed an Notice of Intent (NOI) or completed a Construction Site Notice is presumed to be a responsible party.

Riparian. Any area relating to or located on the bank of a natural watercourse.

Runoff. Drainage or flood discharge that leaves an area as surface flow or as pipeline flow.

Sediment. Soil, sand, and minerals washed from land into water, usually after rain.

Separate storm sewer system. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, outfalls, or storm drains), designed or used for collecting or conveying storm water; which is not a combined sewer, and which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2.

Small construction activity. Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres of land. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres of land. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Small construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.

Storm drain. An opening leading to an underground pipe or an open ditch for carrying surface runoff.

Storm water. Any flow occurring during or after any form of natural precipitation, including rainfall runoff, snowmelt runoff, and surface runoff and drainage.

Storm water associated with construction activity. Storm water runoff from a construction activity where soil disturbing activities (including clearing, grading, and excavating) result in the disturbance of one or more acres of total land area, or are part of a larger common plan of development or sale that will ultimately result in the disturbance of one or more acres of total land area.

Storm Water Permit. Authorization issued by the City to conduct construction activities which .

Storm water pollution prevention plan or SWP3. A plan required by a construction general permit to discharge storm water associated with construction and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with construction at the facility.

Storm Water Quality Plan. A plan describing how construction is to be performed and how the site closure is to be accomplished, including post-construction control measures, at a construction site.

Structural control (or practice). A pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited to: wet ponds, infiltration basins, storm water wetlands, silt fences, earthen dikes, drainage swales, sediment traps, check dams, stabilized construction entrances, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Temporary stabilization. A condition where exposed soils or disturbed areas are provided a protective cover or other structural control to prevent the migration of pollutants. Temporary stabilization may include temporary seeding, geotextiles, mulches, perimeter controls, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place.

Texas pollutant discharge elimination system or TPDES. The state program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing requirements of certain sections of the federal Clean Water Act.

Texas Commission on Environmental Quality (TCEQ). The permitting authority for storm water discharges.

TPDES permit. A permit issued by the state that authorizes discharges of pollutants to water in the state and waters of the United States, whether the permit is applicable on an individual, group or general basis.

Water in the state. Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Waters of the United States. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR § 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 54.05. Citizen Reporting.

a) All citizens are encouraged to report any spills, releases, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the United States, and any other violation of this article of which they become aware, to the City Manager.

b) Such citizen reports may be made by telephone, in writing, or in person. A written record of each citizen report to the city will be prepared and kept on file for a period of three years, and a copy of the city's record of the report will be furnished to the reporting citizen upon request. Also upon request, the City Manager will inform the reporting citizen of any action undertaken by the city in response to the citizen's report.

Sec. 54.06. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants into storm water, the storm drain system, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence. In the event of a release of non-hazardous materials, said person shall notify the City Manager no later than the next working day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall retain an on-site written record of the discharge and the action taken to prevent its recurrence. Such records shall be retained for at least five (5) years.

DIVISION 2. STORM WATER SYSTEM

Sec. 54.07. Illicit Discharge.

No person shall introduce, cause to be introduced, or allow to be introduced an illicit discharge into the MS4, except those discharges listed in section 54.07 [2-2]. Illicit discharge may result in the termination of the MS4 access by the City Manager.

Sec. 54.07. Allowable nonstormwater discharges.

a) The following nonstormwater discharges may be discharged to the MS4, provided that subsection (b) below does not apply:

- (1) A discharge authorized by, and in full compliance with, a TPDES or NPDES permit;
- (2) Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely effect aquatic life);
- (3) Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing uncontaminated sources of potable water, groundwater, or surface water;
- (4) Discharges from a potable water source;
- (5) Diverted stream flows;
- (6) Rising ground waters and springs;
- (7) Uncontaminated ground water infiltration;
- (8) Uncontaminated pumped ground water;
- (9) A discharge from a foundation drain or a footing drain;
- (10) Air conditioning condensate;
- (11) Water from a crawl space pump;
- (12) A discharge from residential car washing and non-commercial car washing events;
- (13) Flows from a riparian habitat or wetland;
- (14) Dechlorinated swimming pool discharges;
- (15) Street wash water;
- (16) Dye testing if verbal notification to the City is given prior to the time of the test;
- (17) A discharge or flow from emergency fire fighting activities; and

(18) Other similar occasional non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

b) The city may, on a case-by-case basis, prohibit any of the above listed allowable nonstormwater discharges in subsection (a) provided:

(1) The discharge or flow in question has been determined by the TCEQ or City Manager to be a significant contributor of a pollutant or pollutants to water in the state or the MS4; and

(2) Written notice of such determination has been provided to the discharger.

Sec. 54.08 [2-3]. Illicit connections prohibited.

It is unlawful for any person to construct, use, maintain, or continue the existence of an illicit connection. Illicit connections may be terminated by order of the City Manager without prior notice.

Sec. 54.09. Suspension of MS4 Access.

a) The City Manager may, without prior notice, issue an emergency order suspending MS4 discharge access when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. If the person who receives the suspension order fails to comply, the City Manager may take steps to prevent or minimize damage to the MS4 or to minimize danger to the public.

b) Access may not be reinstated without written approval from the City Manger.

DIVISION 3. CONSTRUCTION STORM WATER MANAGEMENT.

Sec. 54.10. Construction Site.

a) A construction site includes all areas where construction activity, which is all or part of a common development or project, are occurring, proposed to occur, or have occurred, irrespective of whether that construction is in compliance with this Chapter, irrespective of whether that construction activity is ongoing or temporarily suspended for any purpose, and irrespective of whether the City Manager has granted authorization to undertake the construction activity. A construction site shall encompass:

1. All land and surface water areas where construction activities of any type, including all areas of land surface disturbed by or as a consequence of the construction activities or other activities in support of the construction activities, are undertaken as part of a common plan of development or project;

2. All areas of land to be disturbed by construction of a common plan of development or project, irrespective of whether such construction is undertaken or planned to be undertaken in one phase or stage or different phases or stages and irrespective of whether such construction is undertaken or planned to be undertaken at different, separate, or simultaneous times;

3. All areas of land where the land is to be disturbed by construction of a common plan of development or project, irrespective of whether undertaken at contiguous or separate locations within the general area encompassed by the common plan of development or project, provided such boundary lies on or is within the boundary of property collectively owned or leased by one or more parties undertaking any or all of the construction activities; and

4. All areas of ongoing, temporarily suspended, yet-to-be undertaken, and completed construction encompassing the totality of the construction activities, irrespective of whether any or all the construction activities are within compliance with this chapter.

b) The City Manager shall have the right to redefine, for purposes of compliance with this chapter, the limits of a construction site in extent and amount necessary and sufficient in the judgment of the City Manager to prevent the actual or potential discharge of pollutants from the construction site to the MS4 or waters of the U.S., provided the limits lie on or within the boundary of property collectively owned or leased by one or more operators undertaking any or all of the construction activities at the site.

c) A construction site shall cease to be a construction site only at such time that all requirements for closure of the construction site as specified by this chapter and in the storm water permit have been met, at which time the storm water permit will automatically terminate.

d) The storm water permit coverage will automatically terminate two (2) years after the permit issuance date. If a permit is needed beyond the termination or expiration date, a new permit must be issued.

e) A construction site for which active and ongoing on-site construction activities have halted for a period of twenty-one (21) continuous calendar days and for which proper closure actions as required by this chapter have not been conducted, shall be considered in violation of this chapter, unless the construction site owner and/or operator has demonstrated to the satisfaction of the City Manager that:

1. Such lack of active and ongoing on-site construction activity is a result of only temporary suspension of activities; and

2. Temporary stabilization practices were initiated no later than fourteen (14) calendar days after the site becoming inactive.

Sec. 54-11. Adoption of the storm water management guidance document.

The Brazoria County Storm Water Quality Coalition MS4 Construction Guidance Document is adopted to ensure storm water entering the navigable waters of the United States from the city's municipal separate storm sewer system does not violate the terms of the city's storm water national pollution discharge elimination system permit. The guidance document contains suggested best management practices that owners, developers, and contractors should consider adopting to help control and reduce pollutants that are transported by storm waters and technical guidance related to erosion and sediment controls and other measures to reduce pollutants from new construction projects. The manual can be found at www.ms4web.com/bcswqc.

Sec. 54-12. Storm Water Permit.

- a) The owner and/or operator of a construction site must apply for a Storm Water Permit at least ten (10) days prior to the start of any construction activity. Construction must be started no later than (180) calendar days after the date the Storm Water Permit is issued. Failure to begin within 180 calendar days shall render the Storm Water Permit void.
- b) The Storm Water Permit must be posted at the construction site.
- c) The owner and/or operator of a construction site may apply for a change in the date of commencement of construction or the date of termination of construction specified in the Storm Water Permit, this application must be made at least two (2) working days prior to: (1) the date of the proposed change for commencement; and/or (2) the date of the termination date.
- d) If for any reason the Storm Water Permit is suspended, revoked, terminated, or voided, construction activity at the site shall immediately cease.
- e) Application for amendment to a Storm Water Permit can be made at any time ten (10) or more working days prior to the time identified in the Storm Water Permit for completion of construction activities, provided the person(s) making application is not in violation of this Chapter. An appropriately modified Storm Water Quality Plan shall also be provided at the time of application for amendment to the City Manager. Construction undertaken in accordance with the amended Storm Water Permit shall not commence until the amendment is approved by the City Manager. Approval of such amendment does not relieve the applicant or owner and/or operator from any or all administrative enforcement remedies, judicial enforcement remedies, enforcement actions, or other remedies allowed by law.
- f) In the event that the operator of the construction site changes within ten (10) working days of the change, any and all Storm Water Permits, and Storm Water Quality Plans, permits, plans, or notices must be amended to reflect the must name of the new operator.

Sec. 54.13. Same - contents.

a) The Storm Water Permit shall contain the following:

1. Storm Water Quality Plan;
2. Address or other description of location of the construction site;
3. Name, address, and telephone number of the construction site owner and/or operator and the operator's on-site representative, either the property owner or lessee, and name and address of general construction contractor, if different from property owner or lessee;
4. Earliest date of commencement of construction activity;
5. Proposed dates of termination of construction activity, completion of final stabilization activities, and closure of the site;
6. Any other information the City Manager may deem necessary;
and
7. Certification by the applicant for the Storm Water Permit that the information provided on the Storm Water Permit application is true and accurate.

Sec. 54.14. Same - exemptions.

Exemptions from the requirements for a Storm Water Permit and Storm Water Quality Plan shall apply for the following situations or conditions:

- a) The construction activity is undertaken at a single or multiple family residential property site for the sole purpose of maintenance of the residential property site; and
- b) The construction is necessary on an emergency basis because of imminent harm or endangerment to the public or environment, in which case the construction may be continued only so long as such imminent harm or endangerment or threat of harm or endangerment exists.

Sec. 54.15. Same - waiver.

a) The City Manager may provide a waiver to the requirement for a Storm Water Permit upon the written request of the owner and/or operator seeking such waiver. The waiver is to be provided only if the construction for which waiver is sought is demonstrated to the satisfaction of the City Manager to meet all of the following conditions:

- (1) The waiver will not contribute to a violation of this Chapter or any permit or license the City may hold to discharge storm water;

(2) The construction activity is of such size, extent, magnitude, or location as to neither allow, cause, or have potential to cause a significant discharge of sediments or other pollutants to the City's MS4 or waters of the U.S.;

(3) There is a compelling public interest for issuance of a waiver;

(4) It is in the general interest of the health and safety of people in the City or protection of the environment that such waiver be provided, such interest not to be based upon cost or economic considerations; and

(5) Other such conditions the City Manager may deem necessary to ensure that significant discharge of sediment and other pollutants does not occur.

Sec. 54.16. Storm Water Quality Plan.

a) The Storm Water Quality Plan shall be prepared in accordance with the Brazoria County Storm Water Quality Coalition MS4 Construction Guidance Document and Best Management Practices (BMPs). The objective of the plan is to identify potential sources of pollution, including sediment, which will affect the quality of storm water discharges associated with construction and development. The plan must describe the implementation of BMPs that will be used to reduce the pollutants in storm water discharges associated with construction and post-development runoff. Storm Water Quality Plans shall be retained on site during the course of construction and shall be available for inspection by the City upon request.

b) Contents of Storm Water Quality Plan

1) Site Description

a. Total area of the site, and total disturbed area, including off-site staging/storage areas;

b. A description of the existing vegetation at the site, including coverage;

c. The location of other sources of pollution, such as vehicle fueling, storage of chemicals, concrete washout areas, etc.; and

d. The name of the receiving water(s) and description of any outfalls (size, type, and location), if the discharge is to a MS4, the name of the system, the location of the storm sewer discharge, and the ultimate receiving water(s).

2). Construction Documents

a. A description of the construction activity;

b. A copy of the development plans; and

c. Construction schedule.

3). Best Management Practices (BMPs)

a. The BMPs must include locations and descriptions of control measure for each phase of development, including before clearing and grading activities begin; during all phases of construction; and post-construction/post development.

4). Control Measures

a. Construction phase control measures should include, but are not limited to, the following:

1) Temporary Sediment Control Measures

- a) silt fence
- b) sand bag berms
- c) hay bales
- d) check dams
- e) interceptor swales/dikes

2) Temporary Stabilization Measures

- a) temporary seeding
- b) erosion control blankets/matting
- c) mulch/compost
- d) temporary sodding

3) Final Stabilization Measures

- a) permanent seeding
- b) permanent sodding
- c) impervious surfaces

c) Post-Construction Phase control measures shall be incorporated into the Storm Water Quality Plan to preserve pre-development hydrologic regimes. These control measures do not apply to residential home construction. Post-construction phase control measures should include, but are not limited to, the following

1) Velocity Dissipation Measures

a) On-Site

- I) vegetated swales
- ii) check dams
- iii) vegetated filter strips

b) Off-Site

I) surrounding local topography

ii) concrete-lined drainage channels

iii) low velocity drainage channels

2) Pre-development Peak Flow Preservation

a) On-Site

I) detention basins/ponds

ii) constructed wetlands

iii) bio-retention

iv) wet basins

b) Off-Site

I) in-line detention

ii) outfall pump systems

iii) off-site (regional) detention

iv) low velocity drainage channels

3. Long Term Maintenance of On-Site Post-Construction Control Measures

a) For new and significant redevelopment projects that are determined by the City to require on-site control post-construction control measures such as detention ponds, constructed wetlands, bio-retention systems, the developer or the person or persons who will be responsible for the maintenance of the control measures shall execute an affidavit that states that post-construction control measures shall be in place and maintained for as long as required.

b) The affidavit must be submitted to the City Manager no later than ten (10) calendar days before the commencement of construction activities and will serve as a legal commitment to the City.

c) The City Manager may also require that a Maintenance Bond be issued to ensure the maintenance is performed according to the said legal commitment.

4. Inspections

a) The plan shall provide that qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspection, best management practices shall be modified as appropriate, and as soon as is practicable.

5. Revisions to Storm Water Quality Plan

a) The Storm Water Quality Plan shall accurately reflect site conditions and the construction activities proposed to be undertaken. Revisions necessary to maintain an accurate and up-to-date Storm Water Quality Plan shall be made in a timely fashion but in no case later than two (2) working days after the occurrence of conditions or activities requiring such revisions.

b) If the conditions or activities described by a Storm Water Quality Plan revision could be reasonably expected to result in an increase in the actual or potential discharge of pollutants from the site, such revision must be approved by the City Manager prior to implementation of the proposed revision.

c) If the City Manager does not approve or reject of the revision within ten (10) working days, the revision(s) shall be assumed to be approved.

Sec. 54.17. Storm Water Pollution Prevention Plan (SWP3)

a) For a construction site that is one (1) or more acres but less than five (5) acres or is five (5) or more acres and that is required by state or federal regulation to have a SWP3, the SWP3 shall be prepared in accordance with applicable state and federal regulations.

b) Any SWP3 required by federal or state regulation shall be retained on site during all phases of construction and a copy must be submitted to the city/county. Failure to produce such required SWP3s shall be grounds for issuance of a stop work order.

c) The City Manager may require additional information, plans, or specifications in a SWP3 for a construction site if the City Manager determines such additional information, plans, or specifications are necessary to prevent the discharge of pollutants to the MS4 or waters of the U.S.

DIVISION 4. CIVIL ENFORCEMENT

Sec. 54.18. Responsibility of other entities.

- a) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and individually responsible for compliance with the requirements in this section.
- b) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract, for implementing a best management practices control measure, is jointly and individually responsible for any willful or negligent failure on his/her part to adequately implement that control measure.

Sec. 54.19. Right of Entry.

The City Manager and/or appointed representative may, where reasonable cause exists, with or without a warrant, enter upon any property for examination of the same to ascertain whether a violation of the requirements of this chapter exists and shall be exempt from any legal action or liability on account thereof.

Sec. 54-20. Stop Work Order.

- a) Whenever the City Manager determines that there is a violation on a construction site of any provision of this chapter, or any order issued hereunder, the City Manager may issue a Stop Work Order (SWO) for that construction site.
- b) Unless express written exception is made by the City Manager, the SWO shall prohibit any and all further construction activity at the site, and shall bar any further inspection or approval by the City of any work associated with a building permit, Storm Water Permit, or any other City approval necessary to commence construction or to assume occupancy at the site.
- c) Issuance of a SWO shall not be a bar against, or a prerequisite for, taking any other action against the construction site owner and/or operator.

Sec. 54.21. Notification of violation (NOV)

- a) When the City Manager finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, the City may serve upon that person a written NOV. Within ten (10) calendar days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention of recurrence thereof, including specific required actions, shall be submitted by the alleged violator to the City Manager. If the alleged violator denies that any violation occurred, or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the City Manager within ten (10) calendar days of receipt of the notice.

b) Submission of an explanation or plan in no way relieves the alleged violator of liability for any violations of this Chapter or any state or federal regulation occurring before or after receipt of the NOV.

c) Nothing in this section shall limit the authority of the City Manager to take any action, including emergency action or any other enforcement action, without first issuing a NOV.

Sec. 54.22. Consent orders.

The City Manager may enter into Consent Orders, assurances of voluntary compliance, or other written agreements with the owner and/or operator for noncompliance with any provision in this chapter or any order issued hereunder. Such agreements may include specific action to be taken to correct the noncompliance within a time period specified by the agreement. Such agreements shall have the same force and effect as administrative orders issued pursuant to this chapter and shall be judicially enforceable.

Sec. 54.23. Compliance order.

a) When the City Manager finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, the City Manager may issue a Compliance Order to the violator directing that the violator come into compliance with this chapter within a specified time limit. Compliance Orders also may contain other requirements to address the noncompliance, including self-monitoring and implementation of best management practices designed to minimize the amount of pollutants discharged to the MS4 and waters of the U.S.

b) A Compliance Order does not relieve a person of liability for any violation, including any continuing violation.

c) Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, any other action against the violator.

Sec. 54.24. Remediation, abatement and restoration orders.

a) When the City Manager finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, and the City Manager has reasonable evidence to suspect that such a violation has adversely affected the MS4 or waters of the U.S., the City Manager may issue a Remediation, Abatement and Restoration Order to the violator directing said violator to undertake and implement any appropriate action the City Manager may designate to remediate or abate any adverse effects of the violation upon the MS4, and to restore any part of the MS4 within the City that has been harmed. Such remediation, abatement, and restoration actions may include but shall not be limited to:

1. Monitoring, assessment, and evaluation of the adverse effects and determination of the appropriate remedial, abatement, or restoration actions;

2. Confinement, removal, cleanup, treatment, and disposal of any discharged or released pollution or contamination.

3. Prevention, minimization, or mitigation of any damage to the public health or the environment that may result from the violation; and

4. Restoration or replacement of City property or natural resources damaged by the violation.

b) The Remediation, Abatement, and Restoration Order may direct that the remediation, abatement, or restoration be accomplished on a specified compliance schedule and be completed within a specified period of time.

c) The cost for preparation, implementation, construction, and maintenance of any remediation, abatement, or restoration as may be ordered by the City Manager shall be borne by the person to whom the City Manager has issued such order.

d) An order issued under this subsection does not relieve the violator of liability for any violation, including any continuing violation.

e) Issuance of an order under this subsection shall not be a bar against, or a prerequisite for, taking any other action against any responsible party.

Sec 54.25. Emergency cease and desist orders

a) When the City Manager finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the violation(s) has caused or contributed to an actual or threatened discharge to the MS4 or waters of the U.S. which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City Manager may issue an Emergency Cease and Desist Order to the violator directing said violator to immediately cease and desist all such violations and directing the violator to:

1. Immediately comply with all Chapter requirements;

2. Terminate any discharges which the City Manager determines to present an imminent or substantial endangerment to persons or to the environment; and

3. Take such appropriate preventative action as may be needed to properly address a continuing or threatened violation, including immediately halting operations, terminating the discharge or both.

a) Any person to which an Emergency Cease and Desist Order has been directed, shall, upon receipt of such Order, immediately take action to stop or eliminate the endangering discharge. In the event of said person's failure to immediately comply voluntarily with said Order, the City Manager may take such action(s) as deemed necessary to prevent or minimize harm to the MS4 or waters of the U.S. or endangerment to persons or to the environment. Such actions may include, but are not limited to, immediate termination of water supply, sewer connection or other municipal utility service provided to said person; to any facility owned, leased or operated all or in part by said person; or to any site for which said person is all or in part an owner or lessee.

b) The City Manager shall allow the person to whom an Emergency Cease and Desist Order has been issued to recommence discharges when the City Manager determines that the period of endangerment has passed, unless further termination proceedings are initiated against the person to whom the order was issued.

c) A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a written statement, in a form as may be acceptable to the City Manager, describing the causes of the harmful discharge and measures taken or to be taken within a timely fashion to prevent any future occurrence, to the City Manager within fourteen (14) calendar days of receipt of the emergency order.

d) Issuance of an Emergency Cease and Desist Order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

Sec. 54.26. Appeals

a) Any person adversely affected by a decision under this chapter, with the exception of a citation, may appeal the decision to the City Manager or the City Manager's designee within fifteen (15) calendar days from the date of the adverse decision. The appeal must be in writing and set forth specifically why the decision should be considered for relief.

b) The effect of any order, except for an emergency cease and desist order, shall be stayed pending the appeal unless the City Manager makes a written determination to the contrary. An emergency cease and desist order shall not be stayed pending appeal.

c) Within fourteen (14) calendar days of the appeal, the City Manager or his designee shall either (1) grant the petition and withdraw or modify the order; (2) deny the petition if there is no material issue of fact; or (3) schedule a hearing on the petition. Written notice of the hearing shall be sent to the appellant. At the hearing, any interested party may present evidence and testify.

- d) After the hearing, the City Manager shall grant the petition and withdraw or modify the order or deny the petition.
- e) The City Manager's ruling shall be final.

DIVISION 5. CRIMINAL PENALTIES

Sec. 54.27. Violations of chapter.

Any person who violates a provision of this chapter or any order issued hereunder shall be subject to a fine as set forth in Section 10.99 of this Code. No culpable mental state is required.

Sec. 54.28. Public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisances may be taken.

Sec. 54.29. Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law.

DIVISION 6. FEES

Sec. 54-30. Fees

a) The City may adopt reasonable fees for reimbursement of costs of implementing this chapter, which costs may include, but not limited to, the following:

1. Fees for monitoring, inspection, and surveillance procedures, including the cost of collecting and analyzing discharges and reviewing monitoring reports submitted by dischargers;
2. Fees for issuance of permits;
3. Fees for review of notices and plans for construction, termination of construction, and storm water pollution prevention control, irrespective of any acceptance or rejection of such notices or plans by the City Manager;
4. Fees for conduct of site inspections by the City when requested by an operator of a site or facility, irrespective of whether such inspection is required by this chapter;
5. Fees for site inspection by the City pursuant to determination of compliance to conditions of a conditional notice of termination of construction;

6. Fees for responding to spills and releases of oil, hazardous and extremely hazardous substances, and other pollutants; and

7. Other fees as the City may deem necessary to carry out the requirements contained in this chapter.

b). All fees shall be adopted by separate resolution of the City Council of the City specifically referring to this section.

c) The storm water permit fees and the fees for spills relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the City.

C:\Freeport.Ord\Storm Water Quality Ord-Exhibit "A"

Park/Council Special Request Form

Council Meeting Date March 15th 2010
 Name of Organization Riverfest Committee
 Name of Event Greenfest
 Date of Event April 23rd & 24th, 2010
 Type of Event Festival

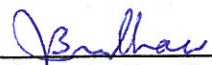
On behalf of the organization I represent I am requesting your permission to allow us to do the following in Municipal Park:

The Parks Department has reviewed the noted requests. We forward our recommendations for your consideration and approval.

- | | |
|--|---|
| <input checked="" type="checkbox"/> Sell alcohol on specified date | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| security provided by: <u>Texas Certified officers to be scheduled for event</u> | |
| <input checked="" type="checkbox"/> Have a public dance | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| Provide own agency to be used: _____ | |
| <input checked="" type="checkbox"/> Erect temporary fencing | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| <u>N/A</u> Charge a general admission fee | <u>N/A</u> yes <input type="checkbox"/> no |
| <u>N/A</u> Close or use lanes on streets within the City
(see map attached showing affected streets.) | <u>N/A</u> yes <input type="checkbox"/> no |
| <input checked="" type="checkbox"/> Have fireworks display | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| <u>N/A</u> Other: _____ | <u>N/A</u> yes <input type="checkbox"/> no |
| <u>N/A</u> Other: _____ | <u>N/A</u> yes <input type="checkbox"/> no |

Thank you for your assistance

Sincerely,


 Organization Representative

3/8/10
 Date

Thank you.

Sincerely,


 Director-Parks & Recreation

3/8/10
 Date

Park/Council Special Request Form

Council Meeting Date March 15th, 2010
 Name of Organization _____
 Name of Event St Mary's Festival
 Date of Event May 15th & 16th, 2010
 Type of Event Festival

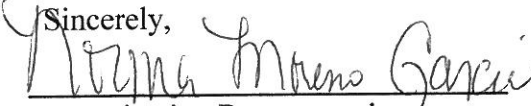
On behalf of the organization I represent I am requesting your permission to allow us to do the following in Municipal Park:

The Parks Department has reviewed the noted requests. We forward our recommendations for your consideration and approval.

- | | |
|--|--|
| <input checked="" type="checkbox"/> Sell alcohol on specified date | <input checked="" type="checkbox"/> yes ___ no |
| security provided by: <u>Texas Certified officers to be scheduled for event</u> | |
| <input checked="" type="checkbox"/> Have a public dance | <input checked="" type="checkbox"/> yes ___ no |
| Provide own agency to be used: _____ | |
| <u>N/A</u> Erect temporary fencing | <u>N/A</u> yes ___ no |
| <input checked="" type="checkbox"/> Charge a general admission fee | <input checked="" type="checkbox"/> yes ___ no |
| <u>N/A</u> Close or use lanes on streets within the City
(see map attached showing affected streets.) | <u>N/A</u> yes ___ no |
| <u>N/A</u> Have fireworks display | <u>N/A</u> yes ___ no |
| <u>N/A</u> Other: _____ | <u>N/A</u> yes ___ no |
| <u>N/A</u> Other: _____ | <u>N/A</u> yes ___ no |

Thank you for your assistance

Thank you.

Sincerely,

 Organization Representative

Sincerely,

 Director-Parks & Recreation

3/8/10
 Date

3/8/10
 Date



PROPERTY MANAGEMENT

Larry McDonald
Mayor

Clan Cameron
Councilmember
Ward A

Jim Phillips
Councilmember
Ward B

Ron Wise
Councilmember
Ward C

Norma Moreno Garcia
Councilmember/
Mayor Pro Tem
Ward D

Jeff Pynes
City Manager

January 4, 2010

Jeff Pynes
Chief Executive Officer
City Manager

re: Lot 8, Block 183, Freeport Townsite
1719-1721 West 8th Street
Victory Courts S/D
Tax ID 4201-1860-000


Please place the following item on the January 19, 2010, City Council agenda:

Discuss / consider donating lot 8, block 183, Freeport Townsite,
known as 1719-1721 West 8th Street, ~~Victory Courts Subdivision,~~
to Habitat for Humanity.
Tax ID 4201-1860-000

On a motion by Councilman Cameron, second by Council Saccomanno on March 9, 2009, the Council voted 5-0 to accept the above referenced property from Rodrigo O. Bautista and wife, Linda T Bautista in lieu of the 2009 taxes (\$117.10) and the outstanding liens on the property in the amount of \$1,562.16. The Appraisal District value of the property: \$3,500.

The City took title to the property on May 7, 2009, by deed 2009019792.

There are no improvements on the property.


N C Hickey
Property

xc Habitat

/s



Nat Hickey

From: Mary-Ellen Thomas [hfhsbc@gmail.com]
Sent: Thursday, December 31, 2009 1:22 PM
To: nhickey@freeport.tx.us
Subject: Habitat for Humanity lot inquiry

Dear Mr. Hickey:

We'd like to see if the city would consider donating this lot to us. I believe John May discussed this with you in the past

Mary-Ellen Thomas
Executive Director
Habitat for Humanity of Southern Brazoria County, TX
12 Circle Way
Lake Jackson, TX 77566
979-285-2800
www.habitatsbc.org
hfhsbc@gmail.com

May today there be peace within.
May you trust God that you are exactly where you are meant to be.
May you not forget the infinite possibilities that are born of faith.
May you use those gifts that you have received, and pass on the love that has been given to you....*from St. Teresa's prayer*

RECEIVED
JAN - 4 2010
PROPERTY MGMT

Brazoria CAD

Property Search Results > Property ID 210711 CITY OF FREEPORT for Year 2009

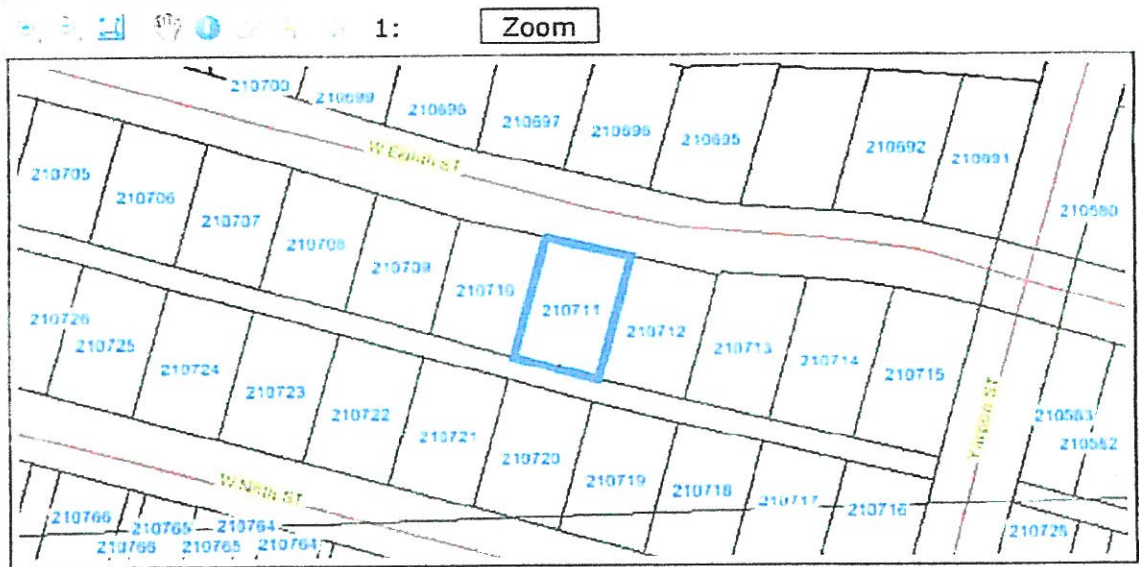
Property Details

Account
 Property ID: 210711
 Geo. ID: 4201-1860-000
 Type: Real
 Legal Description: FREEPORT, BLOCK 183, LOT 8
 Location
 Address: 1719-1721 W 8TH ST FREEPORT, TX 77541
 Neighborhood: FREEPORT ORIGINAL
 Map.co: CAD, CFP, DR2, GBC, JBR, NAV, RDB, SBR
 Jurisdictions:
 Owner
 Name: CITY OF FREEPORT
 Address: 200 W 2ND ST FREEPORT, TX 77541-5773

Property
Appraised Value: \$4,370

Map Layers

Radius Search



Website version: 1.2.2.2

Database last updated on: 8/25/2009 8:57 PM

© 2009 True Automation, Inc. All Rights Reserved. Privacy Notice

This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

1719-21

W 8th St

Bautista to City
2009019792

2009 Tax 117.10
Lands Rec. 1562.16

no plat
1 tree in center
Good

Nat Hickey

Brazoria CAD

Property Search Results > 210711 CITY OF FREEPORT for Year 2009

Property

Account

Property ID: 210711 Legal Description: FREEPORT, BLOCK 183, LOT 8
 Geographic ID: 4201-1860-000 Agent Code:
 Type: Real

Location

Address: 1719-1721 W 8TH ST Mapsco:
 FREEPORT, TX 77541
 Neighborhood: FREEPORT ORIGINAL Map ID:
 Neighborhood CD: CFP.0

Owner

Name: CITY OF FREEPORT Owner ID: 21410
 Mailing Address: 200 W 2ND ST % Ownership: 100.0000000000%
 FREEPORT, TX 77541-5773

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$4,370	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$4,370	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$4,370	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$4,370	

Taxing Jurisdiction

Owner: CITY OF FREEPORT
 % Ownership: 100.0000000000%
 Total Value: \$4,370

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	\$4,370	\$4,370	\$0.00
CFP	CITY OF FREEPORT	0.700000	\$4,370	\$4,370	\$30.59
DR2	VELASCO DRAINAGE DISTRICT	0.082075	\$4,370	\$4,370	\$3.59
GBC	BRAZORIA COUNTY	0.330000	\$4,370	\$4,370	\$14.42
JBR	BRAZOSPORT COLLEGE	0.156488	\$4,370	\$4,370	\$6.84
NAV	PORT FREEPORT	0.053500	\$4,370	\$4,370	\$2.34
RDB	ROAD & BRIDGE FUND	0.060000	\$4,370	\$4,370	\$2.62
SBR	BRAZOSPORT INDEPENDENT SCHOOL DISTRICT	1.192200	\$4,370	\$4,370	\$52.10
Total Tax Rate:		2.574263			

Taxes w/Current Exemptions: \$112.50
 Taxes w/o Exemptions: \$112.50

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	S1	PRIMARY SITE	0.2006	8737.00	0.00	0.00	\$4,370	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2010		N/A	N/A	N/A	N/A	N/A
2009		\$0	\$4,370	0	4,370	\$0 \$4,370
2008		\$0	\$3,500	0	3,500	\$0 \$3,500
2007		\$0	\$3,500	0	3,500	\$0 \$3,500
2006		\$0	\$3,490	0	3,490	\$0 \$3,490
2005		\$0	\$3,490	0	3,490	\$0 \$3,490
2004		\$0	\$3,490	0	3,490	\$0 \$3,490
2003		\$0	\$3,490	0	3,490	\$0 \$3,490
2002		\$0	\$3,490	0	3,490	\$0 \$3,490
2001		\$12,620	\$3,490	0	16,110	\$0 \$16,110

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page
1	4/28/2009 12:00:00 AM	WD	WARRANTY DEED	BAUTISTA RODRIG	CITY OF FREEPOR	09	019792

Questions Please Call (979) 849-7792

Website version: 1.2.2.2

Database last updated on: 8/25/2009 8:57 PM

© 2009 True Automation, Inc. All Rights Reserved. Privacy Notice

This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

Delia Munoz

From: Bob Welch [bwelch@freeport.tx.us]
Sent: Thursday, March 11, 2010 9:38 AM
To: dmunoz@freeport.tx.us
Subject: FW: Habitat for Humanity

From: Law Office of Wallace Shaw PC [mailto:shawpc@sbcglobal.net]
Sent: Wednesday, February 24, 2010 1:44 PM
To: Bob Welch
Subject: Fw: Habitat for Humanity

Bob,

Please give me a call after you read this. Thanks.

Wallace Shaw

----- Original Message -----

From: Law Office of Wallace Shaw PC
To: Jeff Pynes
Cc: Delia Munoz
Sent: Monday, February 01, 2010 12:49 PM
Subject: Fw: Habitat for Humanity

Jeff,

Here is Scott Houston's response to my last e-mail to him. I am sending Delia a copy with a request that she make copies of all of these e-mails for the City Council and bring them with her to the meeting tonight.

Wallace

----- Original Message -----

From: Scott Houston
To: Law Office of Wallace Shaw PC ; Jeff Pynes
Sent: Monday, February 01, 2010 11:01 AM
Subject: RE: Habitat for Humanity

You bet. I don't have anything to add!

Scott Houston
Director of Legal Services
Texas Municipal League
1821 Rutherford Lane, Suite 400
Austin, Texas 78754
512-231-7400 phone
512-231-7490 fax
shouston@tml.org
www.tml.org

Please be advised that the information above is provided for informational purposes only. Every city official

should consult with local legal counsel to ensure that any information or documents comply with current law and the particular facts of each situation.

From: Law Office of Wallace Shaw PC [mailto:shawpc@sbcglobal.net]
Sent: Monday, February 01, 2010 11:16 AM
To: Jeff Pynes
Cc: Scott Houston
Subject: Fw: Habitat for Humanity

Jeff,

Although I sent you a copy of my e-mail to Scott Houston, General Counsel for the Texas Municipal League, you were not listed as receiving a copy of his reply, so I am forwarding it to you.

The last time we did a transaction with Habitat, they insisted that we could make a gift but were unable to produce a statutory reference authorizing it. In my e-mail to him, I inquired about a "gift" as well as a "sale". Apparently, there is still no authority for a "gift" viz.-a-viz. a "sale" or Scott would have mentioned it.

The property in question then was Lot 12 and the West 1/2 of Lot 11, Block 52, Freeport Townsite. I do not remember the value of those lots but Mr. Bottoms determined that it would produce \$500.00 annum in tax revenue after a typical Habitat house was constructed on it and Habitat offered to pay \$1,000.00 for the property in question. Thus, in two years the City would recoup its value. I think this were permissible under the provisions of Section 253.010(a) which states "...(N)otwithstanding any other provision of law, the governing body of a municipality may provide for the manner in which any land acquired by the municipality may be sold if sold to..."(Emphasis added). Mr. Hickey should be able to advise us of the current appraised value of this property and determine for us the annual revenue this property will produce at our current tax rate.

I am sending Mr. Houston a copy of this e-mail in order to thank him for his quick response to my e-mail and to give him an opportunity to respond to this e-mail to you if he so desires.

Wallace Shaw
 City Attorney

----- Original Message -----

From: Scott Houston
To: Law Offices of Wallace Shaw, P.C.
Sent: Friday, January 29, 2010 3:54 PM
Subject: RE: Habitat for Humanity

Wallace:

I think this provision from the Local Government Code is exactly what you want:

Sec. 253.010. SALE OF REAL PROPERTY TO CERTAIN NONPROFIT OR RELIGIOUS ORGANIZATIONS. (a) Notwithstanding any other provision of law, the governing body of a municipality may provide for the manner in which any land acquired by the municipality may be sold if

the land is sold to:

(1) a nonprofit organization that develops housing for low-income individuals and families as a primary activity to promote community-based revitalization of the municipality;

(2) a nonprofit corporation described by 26 U.S.C. Section 501(c)(3) that:

(A) has been incorporated in this state for at least one year;

(B) has a corporate purpose to develop affordable housing that is stated in its articles of incorporation, bylaws, or charter;

(C) has at least one-fourth of its board of directors residing in the municipality;

and

(D) engages primarily in the building, repair, rental, or sale of housing for low-income individuals and families; or

(3) a religious organization that:

(A) owns other property located in the municipality that is exempt from taxation under Section 11.20, Tax Code; and

(B) has entered into a written agreement with the municipality regarding the revitalization of the land.

(b) A municipality operating under this section may by ordinance determine the individuals and families who qualify as low-income individuals and families under Subsection (a)(1) or (2). In adopting an ordinance under this subsection, the municipality shall consider median income of individuals and median family income in the area.

Added by Acts 1995, 74th Leg., ch. 550, Sec. 1, eff. June 13, 1995. Amended by Acts 1997, 75th Leg., ch. 712, Sec. 1, eff. June 17, 1997; Acts 1999, 76th Leg., ch. 181, Sec. 1, eff. Aug. 30, 1999; Acts 1999, 76th Leg., ch. 817, Sec. 3, eff. Sept. 1, 1999. Redesignated from Tax Code, Sec. 34.015 and amended by Acts 2001, 77th Leg., ch. 1420, Sec. 18.005, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1430, Sec. 33, eff. Sept. 1, 2001.

Scott Houston
 Director of Legal Services
 Texas Municipal League
 1821 Rutherford Lane, Suite 400
 Austin, Texas 78754
 512-231-7400 phone
 512-231-7490 fax
 shouston@tml.org
 www.tml.org

Please be advised that the information above is provided for informational purposes only. Every city official should consult with local legal counsel to ensure that any information or documents comply with current law and the particular facts of each situation.

From: Law Offices of Wallace Shaw, P.C. [mailto:shawpc@sbcglobal.net]

Sent: Friday, January 29, 2010 3:39 PM

To: Scott Houston

Cc: Jeff Pynes

Subject: Habitat for Humanity

Scott,

On Monday night's agenda, the City Council will consider giving or selling to Habitat for Humanity a lot which was deeded to the City by the former Owners for \$10.00 and the cancellation by the City of the indebtedness

secured by several mowing liens filed by the City for mowing this lot. The Brazoria County Appraisal District has this lot valued at \$4,370.00.

Has the Legislature adopted anything to authorize a gift of this lot by the City to Habitat for Humanity? If not, can it be sold to Habitat for Humanity for less than fair market value?

Wallace Shaw

CONFIDENTIALITY NOTICE: This electronic transmission (including any files attached hereto) contains confidential information that is legally privileged, confidential, and exempt from disclosure. The information is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient or any employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying, distribution, or the taking of any action in reliance on the contents of this confidential information is strictly prohibited. If you have received this communication in error, please destroy it and immediately notify us by telephone. Thank you.

pg 295-6

SECTION TWO--SECTION 120.20 OF CODE OF ORDINANCES AMENDED

Section 120.20 of the Code of Ordinances of the City is hereby amended to read as follows:

“Recreational vehicle parks may only be located in a recreational vehicle park zoning district, as defined in Chapter 155 of this Code; or, by specific use permit, in any other zoning district except the R-1, R-2, R-3, W-1 and W-1R zoning districts.”

SECTION THREE--Comprehensive Zoning Ordinance Amended

The Comprehensive Zoning Ordinance of the City, read, passed and approved as Ordinance No. 1100 on the 3rd day of April, 1964, now codified as Chapter 155 of the Code of Ordinances thereof and hereinafter called "the Zoning Ordinance," is hereby amended as follows:

First, the definition of a recreational vehicle park contained in Section 155.002 of the Code of Ordinances of the City is hereby amended to read as follows:

“RECREATIONAL VEHICLE PARK. A unified development of 40 or more recreational vehicles spaces arranged on a tract of land which has been zoned for such purpose; or, by specific use permit, in any other zoning district except the R-1, R-2, R-3, W-1 or W-1R zoning districts.”

Second, Division (E)(1) of Section 155.060 of the Code of Ordinances of the City is hereby amended to add thereto the following:

<u>Parking Ratio</u>	<u>Specific Use</u>	<u>District</u>
1/space	Recreational vehicle park	In any district except R-1, R-2, R-3, W-1 and W-1R

Second, Section 155.060 of the Code of Ordinances of the City is hereby amended to add thereto to the following new division:

“(H) All recreational vehicle parks, for which a specific use permit has been granted, shall be operated in compliance with all of the terms and conditions of Sections 120.20 through 120.26 of this Code.”



PROPERTY MANAGEMENT

January 6, 2010

Jeff Pynes
Chief Executive Officer
City Manager

Larry McDonald
Mayor

Clan Cameron
Councilmember
Ward A
Melissa Farmer
Planning Commission

Jim Phillips
Councilmember
Ward B

Ron Wise
Councilmember
Ward C

re: Closing portions of Sixth Street and
East Park Avenue

Please place the following item on the January 26, 2009, Planning Commission agenda:

**Discuss / consider closing, abandoning and selling portions of
East 6th Street and East Park Avenue.**

Norma Moreno Garcia
Councilmember/
Mayor Pro Tem
Ward D

Mr Gregg Frazier, director operations with Concepts West, has requested to purchase the East 5th Street and East Park avenue rights-of-way adjacent to their property.

At the present time, consideration to closing that portion of East 5th Street adjacent to lot 5, block 40 and lot 16 block 41 would be permissible since Concept West owns both properties.

The closing of that portion of East Park Avenue between blocks 30 and 40 would be different since this 60 foot rights-of-way belongs to different individuals or entities. As it now stands, Concept West would be entitled to one half (1/2) of the East Park Avenue rights-of-way, or 30 a foot width between blocks 39 and 40, and the adjacent property owner(s) would be entitled to the remaining one half (1/2) of the East Park Avenue rights-of-way, or the remaining 30 foot width.

The adjacent property was granted to the H & B V Railroad as a rights-of-way when Freeport was originally platted with a reversion clause in the deed that the property would revert to the grantors at such time as the property ceased to be used for railroad purposes and/or the tracks were removed. No attempt has been made to contact the property owners since the ownership is, at this time, unknown.

This request has been discussed with the city attorney, and it appears that Concept West would be entitled to acquire one half, or a 30 foot width portion, of the East Park rights of way adjacent to their property at this time. Until such time as the ownship could be determined the remaining 30 foot rights-of-way would remain in the City.

Find attached a plat showing the property, a letter from Mr Doug Frazier, aial views of the property, and a railroad plat.

N C Hickey
Property Mgr

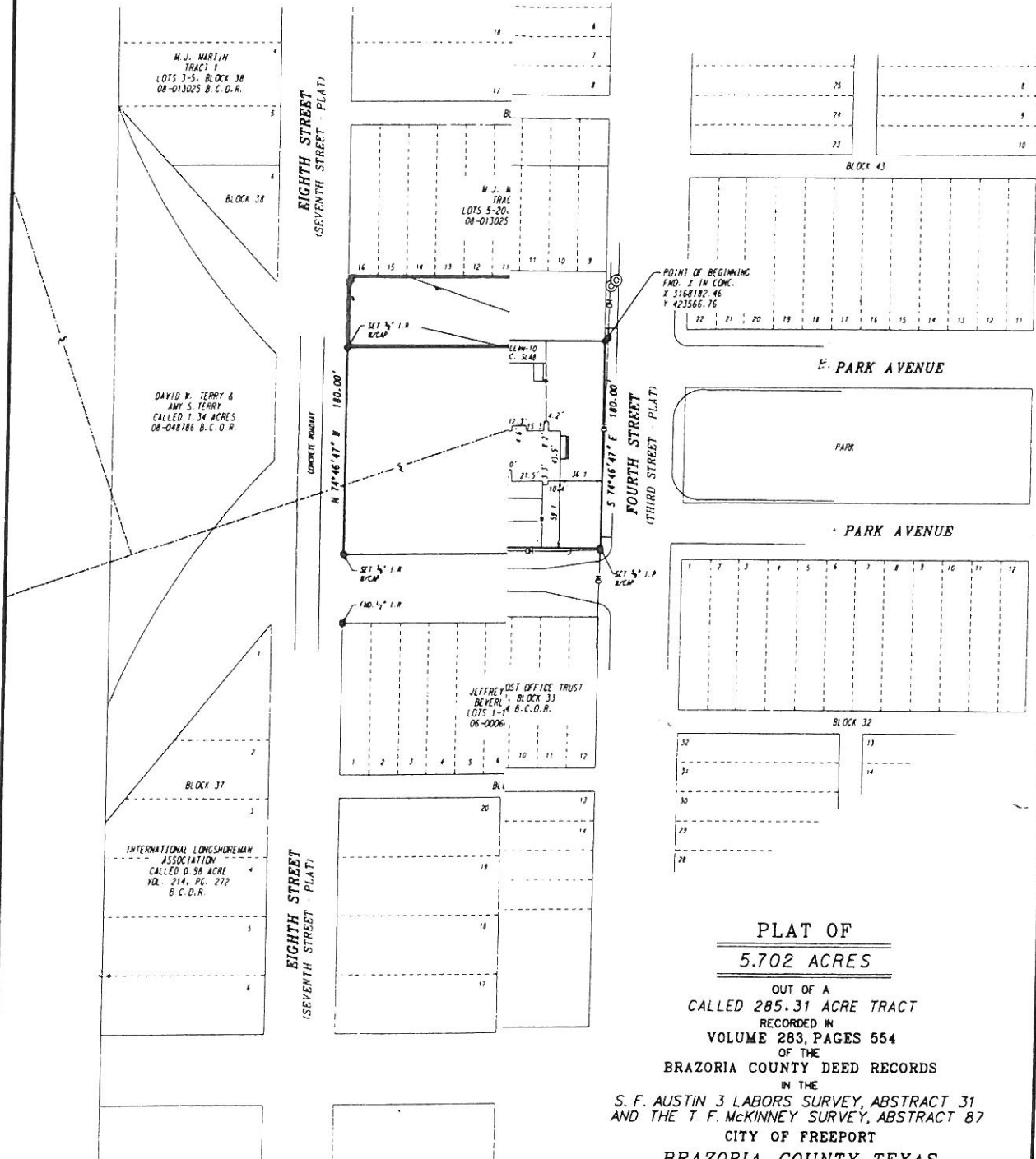
attach



**BRAZORIA COUNTY
TEXAS**

**STEPHEN F. AUSTIN
ABSTRACT 31**

**T.F. MCKINNEY SURVEY
ABSTRACT 87**



**PLAT OF
5.702 ACRES**

OUT OF A
CALLED 285.31 ACRE TRACT
RECORDED IN
VOLUME 283, PAGES 554
OF THE
BRAZORIA COUNTY DEED RECORDS
IN THE
S. F. AUSTIN 3 LABORS SURVEY, ABSTRACT 31
AND THE T. F. MCKINNEY SURVEY, ABSTRACT 87
CITY OF FREEPORT
BRAZORIA COUNTY, TEXAS
FOR
CONCEPTS WEST CORPORATION

LEGEND

- FOUND IRON PIPE/POLE
- POWER POLE
- OVERHEAD WIRE
- TOP BANK

NOTES

1. THIS SURVEY WAS PR AND MAY NOT SHOW A
2. ALL COORDINATES COORDINATE SYSTEM
3. ALL DISTANCES ARE

Pg. 298

Doyle & Wachstetter, Inc.
 Surveying and Mapping GPS/GIS
 131 COMMERCE STREET, CLUTE, TEXAS 77531
 OFFICE 979.265.3622 FAX 979.265.9940

SURVEYED:	05/26/09	BOOK NO.	FREEPORT VOL 3	IMAGE:	NONE
DRAWN BY:	JAM/06-02-09	CHECKED:	CM/06-03-09	REVISED:	

USER: CDW TIME: DATE: 05/27/09
 C:\Documents\Survey\4th_Six_Summit_Lumber\Map\14725.dgn

Concepts West

221 Airport Industrial Park Road
Parkersburg, WV 26104
304-464-5444

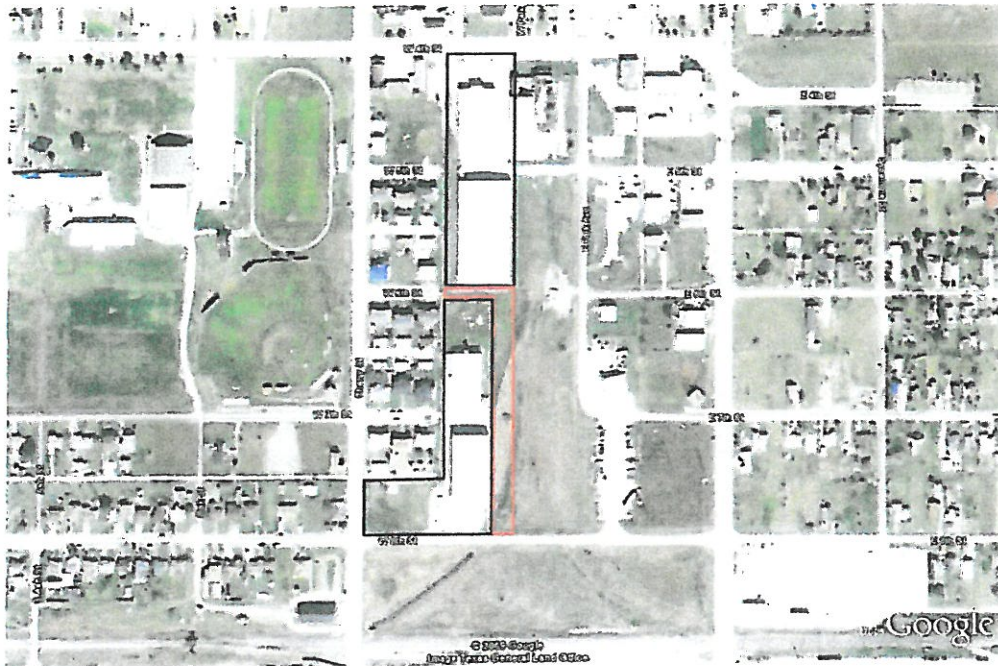
December 28, 2009

Mr. N C Hickey
City of Freeport
200 West Second St.
Freeport, TX 77541

Dear Mr. Hickey:

I appreciate your timely response dated December 17, 2009 concerning property that Concepts West would like to acquire from the City of Freeport.

The area we would like to obtain is outlined in red on the picture below. Concepts West currently owns the property outlined in black.



Concepts West would like to acquire the property to join our current properties and obtain a consistent property line from Eighth Street to Fourth Street. This will allow us to construct an access between properties. It would be our immediate plan to construct a culvert on the land running north from Eighth Street and on the Sixth Street right of way. This was help to eliminate a mosquito breeding ground and improve the overall

*Copy to files
1-6-2010*

appearance of the land. Once acquired, we would have this property evaluated for the construction of a rail spur which would run adjacent to our Eighth Street buildings.

Concepts West has made a significant investment in the City of Freeport doubling our facility size in 2009. We plan on continuing to grow our business in the city as the business climate allows. Currently the inability to acquire the 5.702 acres of "railroad property" owned by the Port of Freeport is limiting our growth within the city. The degree of investment in the city will be directly dependant on our success acquiring this property.

I would like to attend the Planning Commission Meeting and Council Meeting when this is presented.

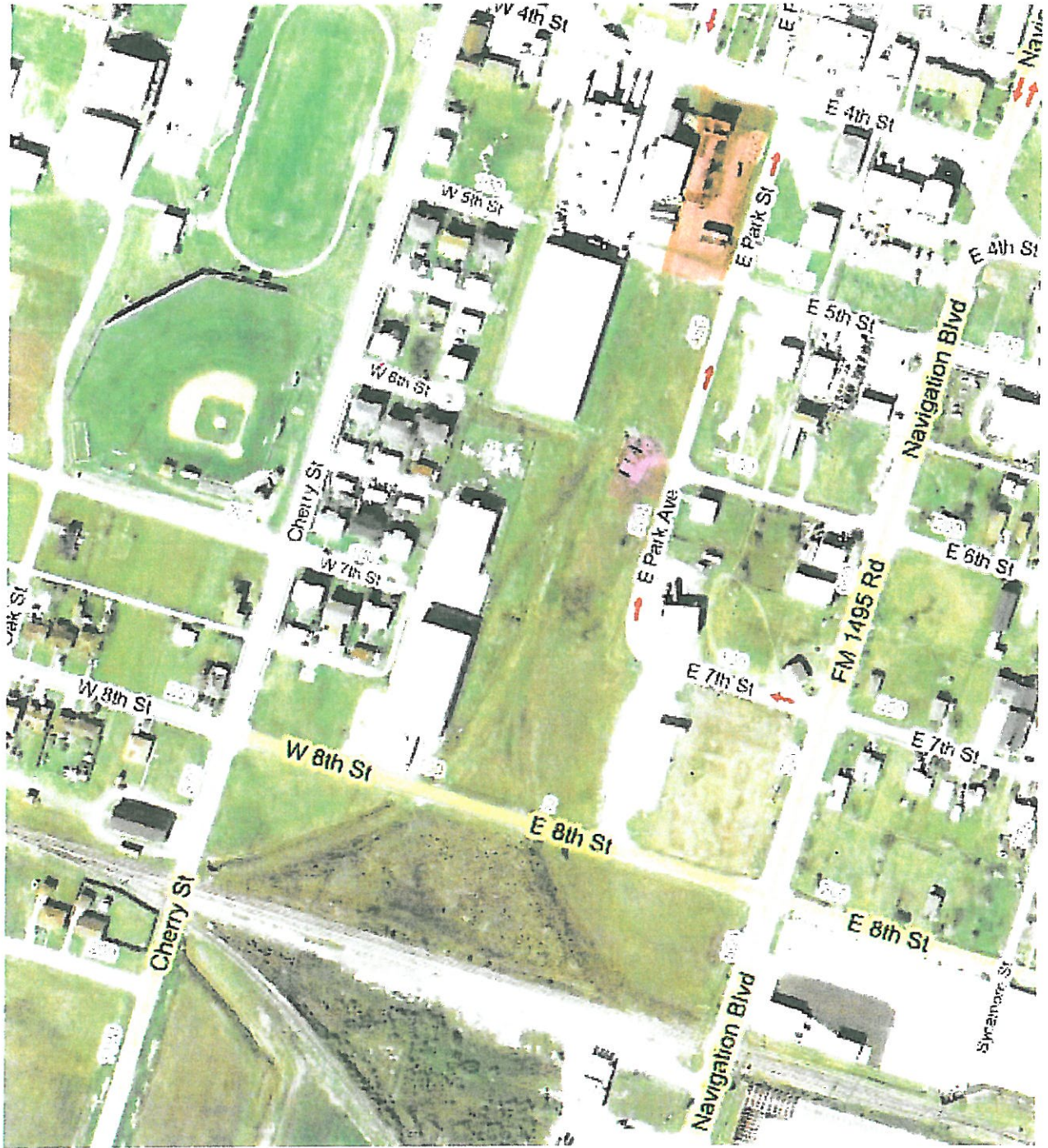
We appreciate your help with this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregg G. Frazier". The signature is written in a cursive style with a large initial "G" and "F".

Gregg G. Frazier
Director of Operations

From the Lease Agreement
Sept 2009



30	29	28	27	26	25	24	23	22	21	20	19	18	17	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

32	31	30	29	28	27	26	25	24	23	25
----	----	----	----	----	----	----	----	----	----	----

18	19	20	21	22	23	24	25
----	----	----	----	----	----	----	----

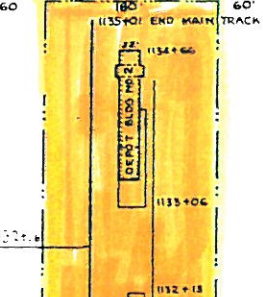
5	4	3	2	1	25
---	---	---	---	---	----

32	31	30	29	28	27	26	25	25
----	----	----	----	----	----	----	----	----

32	31	30	29	28	27	25
----	----	----	----	----	----	----

FOURTH

25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	---	---	---	---	---	---	---	---	---	----

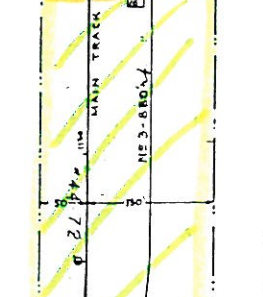


25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	---	---	---	---	---	---	---	---	---	----

25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	---	---	---	---	---	---	---	---	---	----

FIFTH

50	49	48	47	46	45	44	43	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

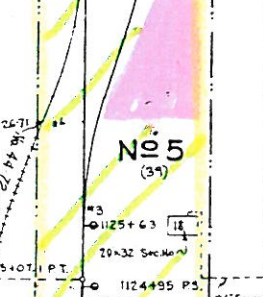


25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	---	---	---	---	---	---	---	---	---	----

25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	---	---	---	---	---	---	---	---	---	----

SIXTH

50	49	48	47	46	45	44	43	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

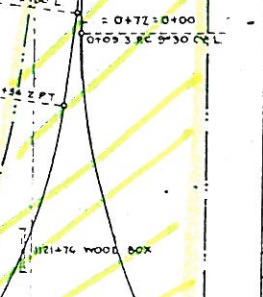


25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	---	---	---	---	---	---	---	---	---	----

25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	---	---	---	---	---	---	---	---	---	----

SEVENTH

50	49	48	47	46	45	44	43	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

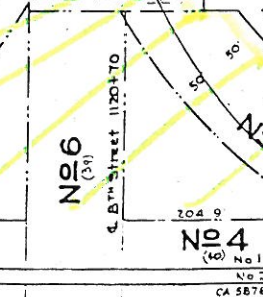


25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	---	---	---	---	---	---	---	---	---	----

25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	---	---	---	---	---	---	---	---	---	----

EIGHTH

50	49	48	47	46	45	44	43	42	41	40	39	38	37	36	35	34	33	32	31	30	29	28	27	26	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----



25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	---	---	---	---	---	---	---	---	---	----

25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	25
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	---	---	---	---	---	---	---	---	---	----

FROM
 Union Pacific
 Lease request
 Sept 2009

SPORT
 Railroad property

INDEPENDENT
 Leased to others

WHEEL
 Encroachment

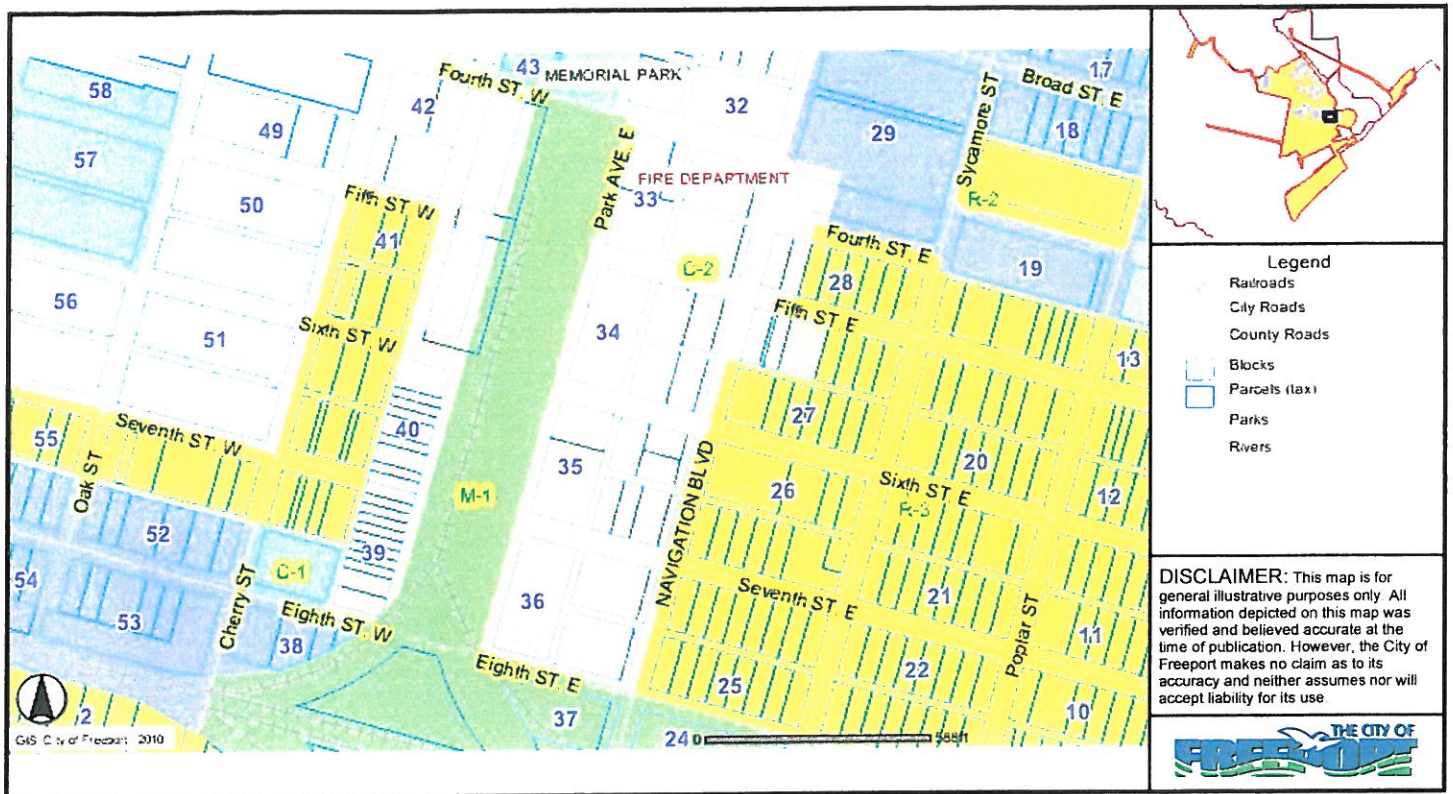
DIRECT
 Beautification

CHERRY

PINE

4302013

Zoning - Concept West





Larry McDonald
Mayor

PROPERTY MANAGEMENT

Jeff Pynes
Chief Executive Officer
City Manager

Clan Cameron
Councilmember
Ward A

March 12, 2010

Jim Phillips
Councilmember
Ward B

Jeff Pynes
City Manager

Ron Wise
Councilmember
Ward C

Norma Moreno Garcia
Councilmember/
Mayor Pro Tem
Ward D

re: Marina Construction Office
202 East 2nd Street - Freeport

Please place the following item on the March 15, 2010, City Council agenda:

Discuss / consider the request of Dan Tarver, Economic Development, for a permit to place a construction temporary trailer-office on the levee adjacent to 202 East 2nd Street, during completion of Marina project, subject to the approval of the Velasco Drainage District.

The EDC will contact the Velasco Drainage District for their consideration.

N C Hickey
EDC Actg Project Mgr

/s

