

City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, APRIL 18TH 2011, 6:30 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.

AGENDA FORMAL SESSION

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the April 4th, 2011 Council Minutes. Pg. 304-308
5. Attending citizens and their business.
6. **Fire Department Special Presentation:** Promoting Captain Billy Shoemaker to Deputy Chief.
7. Consideration of approving the appointment of Quincy Pohl and Krishnar Hoffman as members of the Freeport Police Reserve Force.
8. Consideration of approving 6:00 p.m. as the time City Council meets.
9. Consideration of the approval of renewing the City of Freeport Economic Development Corporation Sales Tax Remittance Guaranty and Subordination agreement with the First State Bank of Louise, Texas. Pg. 309-314
10. Consideration of Ordinance No. 2011-2278 amending the budget for the fiscal year 2010-2011. Pg. 315-321
11. Consideration of approving a request from Dennis Vandergriff of Brazosport Yellow Cab to increase the rates. Pg. 321b
12. Consideration of a request to install a 16" x 42" LED sign display for Kooks Surf Shop & Grill, 3401 E. Hwy. 332, Freeport Texas. Pg. 322

13. Consideration of adopting Ordinance No. 2011-2279 amending Section 121.27(F) of Chapter 121 of the Code of Ordinance (Wrecker Ordinance) to conform to Section 121.02(D), as amended by Ordinance 2010-2268 adopted December 06, 2010, or, alternatively, adopting Ordinance No. 2011-2280 amending Section 121.02(D) as amended by Ordinance 2010-2268 adopted December 06, 2010, to restore it to conformity with Section 121.27(F). Pg. 323-327

Work Session

- A. Discussion amending Section 121.27(F) of Chapter 121 of the Code of Ordinance (Wrecker Ordinance) to conform to Section 121.02(D), as amended by Ordinance 2010-2268 adopted December 06, 2010, or, alternatively, amending Section 121.02(D) as amended by Ordinance 2010-2268 adopted December 06, 2010, to restore it to conformity with Section 121.27(F). Pg. 328-330

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, April 15th, 2011 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 REMEMBERED, that the City Council of the City of Freeport met on Monday, April 4th, 2011 at 6:30 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 - absent
 Michelle Kent
 Fred Bolton
 Nicolasa Mireles
 Norma M. Garcia

Staff: Jeff Pynes, City Manager
 Gilbert Arispe, Administrative Asst.
 Wallace Shaw, City Attorney
 Delia Munoz, City Secretary
 Nat Hickey, Property Manager
 Gary Pohl, Marshal
 Ty Morrow, Police Chief
 Brian Davis, Fire Chief
 Angela Degetaire, Marina Director
 Larry Fansher, Parks Director

Visitors: Diane Williams Annette Sanford
 Manny Rollerson Sandra Barbree
 Clan Cameron Lila Lloyd

Call to Order.

Mayor Pro Tem Norma Garcia opened the meeting at 6:30 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Pro Tem Norma Garcia led the Pledge of Allegiance.

Consideration of approving the March 21st, 2011 Council Minutes.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved the March 21st, 2011 Council Minutes.

Recognition: Diane Williams for the many years of dedicated service.

Mayor Pro Tem Norma Garcia and Council presented Diane Williams a plaque for her dedicated service to the City of Freeport. She volunteered her services from 1971 to 2011.

Public Hearing to consider designating the following described real property located within the corporate boundaries of the City as a reinvestment zone for the purpose of entering into an agreement with the owner or owners thereof granting a tax abatement: Block 80, Lot 8. Freeport Townsite of the City of Freeport, Brazoria County, Texas according to the map or plat of said townsite on file in the Plat Records of said county, known locally as 502 W. 1st. Freeport Texas 77541.

Mayor Pro Tem Norma Garcia opened the Public Hearing at 6:35 to hear comments or questions concerning designating the following described real property located within the corporate boundaries of the City as a reinvestment zone for the purpose of entering into an agreement with the owner or owners thereof granting a tax abatement:
Block 80, Lot 8. Freeport Townsite of the City of Freeport, Brazoria County, Texas according to the map or plat of said townsite on file in the Plat Records of said county, known locally as 502 W. 1st., Freeport Texas 77541.

Annette Sanford asked where she could get more information on tax abatements. Mayor Pro Tem Norma Garcia advised her that tax abatement information was on the city's web site and tax abatement applications were available at the permit department at the City Hall.

There being no comments or questions, Mayor Pro Tem Norma Garcia closed the Public Hearing at 6:37 p.m.

Consideration of approving Ordinance No. 2011-2277 designating improvements to land located within the incorporated limits of said City as a reinvestment zone to be known as the Garfield and Shoup reinvestment zone and providing for its initial term and the renewal thereof.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved Ordinance No. 2011-2277 designating improvements to land located within the incorporated limits of said City as a reinvestment zone to be known as the Garfield and Shoup reinvestment zone and providing for its initial term and the renewal thereof.

Consideration of approving Resolution No. 2011-2256 granting tax abatement to Christine H. Garfield and Ron Shoup, 502 W. 1st. Freeport, Texas and authorizing the Mayor to sign a tax abatement agreement.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved Resolution No. 2011-2256 granting tax abatement to Christine H. Garfield and Ron Shoup, 502 W. 1st. Freeport, Texas and authorizing the Mayor to sign a tax abatement agreement.

Consideration of approving a request from the Freeport League to waive the carnival and vendor permit fees for Riverfest on April 28th thru 30th, 2011 held at the Freeport Municipal Park.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved a request from the Freeport League to waive the carnival and vendor permit fees for Riverfest on April 28th thru 30th, 2011 held at the Freeport Municipal Park.

Consideration of approving a request from the Freeport Lions Club to sell alcohol for Riverfest on April 28th thru April 30th, 2011 held at the Freeport Municipal Park.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved a request from the Freeport Lions Club to sell alcohol for Riverfest on April 28th thru April 30th, 2011 held at the Freeport Municipal Park.

Consideration of approving a request from the Riverfest Committee and Main Street to have a public dance, fireworks display and close the following streets: North ends of West Park and East Park, 2nd Street from Velasco to Memorial Park and the North Bound lane of Velasco Boulevard from 2nd Street to Ave B. from 7:00 a.m. to 10:00 a.m. for the Flapjack Run on Saturday April 30th, 2011.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved a request from the Riverfest Committee and Main Street to have a public dance, fireworks display and close the following streets: North ends of West Park and East Park, 2nd Street from Velasco to Memorial Park and the North Bound lane of Velasco Boulevard from 2nd Street to Ave B. from 7:00 a.m. to 10:00 a.m. for the Flapjack Run on Saturday April 30th, 2011.

Consideration of approving a request from St. Mary's Star of the Sea Church to sell alcohol, have a public dance for St. Mary's Festival held on April 21st & April 22nd, 2011 held at the Freeport Municipal Park.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved a request from St. Mary Star of the Sea Church to sell alcohol, have a public dance for St. Mary's Festival held on May 21st thru May 22nd, 2011 held at the Freeport Municipal Park

Consideration of advertising for bids and setting a bid date for May 11th, 2011 to Request for Proposals for the Disaster and/or Storm Recovery Services and Disaster and/or Storm Recovery Monitoring.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved advertising for bids and setting May 11th, 2011 to Request for Proposals for the Disaster and/or Storm Recovery Services and Disaster and/or Storm Recovery Monitoring.

Consideration of authorizing the Mayor to sign an agreement to establish Temporary Debris Storage and Reduction Sites (TDSRS) for use in Disaster and/or Storm Recovery Services.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved authorizing the Mayor to sign an agreement to establish Temporary Debris Storage and Reduction Sites (TDSRS) for use in Disaster and/or Storm Recovery Services.

Consideration of authorizing the City Manager to sign a contract for the purchase Block 32, Lot 9, Freeport Townsite, Tax Id. 4200-0395-110 for museum expansion.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved authorizing the City Manager to sign a contract for the purchase of Block 32, Lot 9, Freeport Townsite, Tx Id 4200-0395-110 for \$35,000.00 to expand the museum.

Consideration of approving the City Manager to enter into a contract with James Bedward to install signal repeaters on an existing tower at the Freeport Police Department and the City water tower at Port Freeport area.

On a motion by Councilwoman Kent, seconded by Councilwoman Bolton, with all present voting "aye", Council unanimously approved the City Manager to enter a contract with James Bedward to install signal repeaters on an existing tower at the Freeport Police Department and the water tower at Port Freeport area for the purpose of providing/selling High Speed Internet Access to the public. Mr. Bedward will provide free Internet Service to the Freeport Marina and the Freeport Fire Department.

Consideration of authorizing the City Manager to commence repair expenditures to repair damage to Freeport Marina Dock B from damaged caused by an adrift barge and then seek reimbursement through insurance coverage policies.

Texas Municipal League Insurance is handling the legation on the damage to the Freeport Marina.

No action taken.

Work Session

Regarding amending the truck route to include Cherry Street from 4th Street to Brazos Street as additions and that Oak Street be deleted from 4th Street to Brazos Street.

Mr. Pynes stated that the Planning Commission met on February 23rd, and requested the above amendments to the truck route ordinance.

Mayor Pro Tem Norma Garcia closed the Work Session and opened the Executive Session 7:06 p.m.

Executive Session

Section 551.071, Government Code

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

- Regarding contractual considerations with the Village of Jones Creek and Brazosport Water Authority.
(no motion taken)

Mayor Pro Tem Norma Garcia closed the Executive Session at 7:37 p.m. to reconvene in open session. .

Adjourn

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", the meeting adjourned at 7:38 p.m.

Mayor Larry L. McDonald

City Secretary – Delia Munoz

Delia Munoz

From: Bob Welch [bwelch@freeport.tx.us]
Sent: Tuesday, April 12, 2011 9:03 AM
To: dmunoz@freeport.tx.us
Subject: FW: Guaranty Renewal

From: Dan Croft [mailto:dcroft@fsblouise.com]
Sent: Friday, April 08, 2011 9:04 AM
To: Bob Welch
Cc: Melissa Schulz
Subject: Guaranty Renewal

Bob,

Attached is the Guaranty on the transaction that EDC has with the bank. Because the city's guaranty is good for only one year, it needs to be renewed/reasserted.

Please let me know how long the process will be to get the guaranty renewed so that I can mark the file accordingly.

Thanks

Dan

NOTICE: This E-mail (including attachments) is covered by the Electronic Commu
If you are not the intended recipient, you are hereby notified that any retent
Please reply to the sender that you have received the message in error, then d

**SALES TAX REMITTANCE, GUARANTY
AND SUBORDINATION AGREEMENT**

This SALES TAX REMITTANCE, GUARANTY AND SUBORDINATION AGREEMENT (this "Agreement") is made to be effective as of February 11, 2010, by and among the CITY OF FREEPORT, TEXAS, a duly incorporated and existing home rule city operating and existing under the laws of the State of Texas (the "City"), the FREEPORT ECONOMIC DEVELOPMENT CORPORATION, a nonprofit development corporation organized and existing under the laws of the State of Texas, including Section 4B of the Development Corporation Act of 1979, Article 5190.6, Texas Revised Civil Statutes Annotated, as amended (the "Corporation") and FIRST STATE BANK OF LOUISE, TEXAS (the "Bank").

RECITALS

WHEREAS, the Corporation on behalf of the City is to finance the completion of the construction of a public marina (the "Project"); to promote economic development in the City; and

WHEREAS, such financing contemplates the issuance of the Corporation's note in a principal amount not to exceed \$1,750,000.00.

AGREEMENT

1. **Financing of Project:** For and in consideration of the City's covenants and agreements herein contained and subject to the terms contained herein, the Corporation hereby agrees to enter into the Loan Agreement, dated of even date herewith (as same may be amended, restated, supplemented and/or otherwise modified, the "Loan Agreement"), by and between the Corporation and the Bank, and a promissory note thereunder in a principal amount not to exceed \$1,750,000.00 (the "Note"), and the Corporation hereby agrees and covenants that all proceeds of the loan evidenced by the Note shall be used solely to pay the costs of the Project.

2. **Receipt and Transfer of Proceeds of Sales Tax.** The City agrees, in cooperation with the Corporation, to take such actions as are required to cause 1/2 of 1% sales and use tax (the "Sales Tax") received from the Comptroller of Public Accounts of the State of Texas for and on behalf of the Corporation to be deposited immediately upon receipt by the City to the credit of the Corporation.

3. **Guaranty.** Pursuant to the authority of Chapter 380, Local Government Code, as amended, the City hereby guaranties the payment of the principal of and interest on the Note by the Corporation. The City's guaranty is subject to annual appropriation.

4. **Subordination.** The City and the Corporation agree that the pledge of the Sales Tax to the Note shall be senior to the pledge or use thereof to the Corporation's existing loan from the City for the Project and the use thereof to pay the principal of and interest on any outstanding or future bonds, certificates of obligation or other indebtedness of the City. The City hereby

expressly subordinates its rights to the Sales Tax under its existing loan to the Corporation for the Project to the payment of all principal and interest on the Note.

5. **Revenues.** Neither the City nor the Corporation shall pledge any revenues, rents, lease or license payments received from the Project without the consent of the Bank.

6. **Modifications.** This Agreement shall not be changed orally, and no executory agreement shall be effective to waive, change, modify or discharge this Agreement in whole or in part unless such executory agreement is in writing and is signed by the parties against whom enforcement of any waiver, change, modification or discharge is sought and approved in writing by the Bank.

7. **Counterparts.** This Agreement may be executed in several counterparts, and all such executed counterparts shall constitute the same agreement. It shall be necessary to account for only one such counterpart in proving this Agreement.

8. **Severability.** If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall nonetheless remain in full force and effect.

9. **Applicable Law.** This Agreement shall in all respects be governed by, and construed in accordance with, the substantive federal laws of the United States and the laws of the State of Texas.

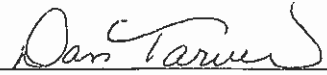
10. **Captions.** The section headings appearing in this Agreement are for convenience of reference only and are not intended, to any extent and for any purpose, to limit or define the text of any section or any subsection hereof.

11. **Capitalized Terms.** All capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Loan Agreement.

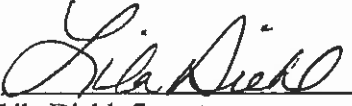
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IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the date and year first above written.

**FREEPORT ECONOMIC DEVELOPMENT
CORPORATION**

By: 
Dan Tarver, President

ATTEST:

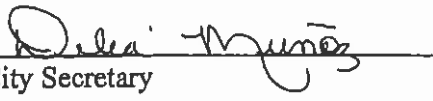
By: 
Lila Diehl, Secretary

Signature Page to Sales Tax Remittance, Guaranty and Subordination Agreement

CITY OF FREEPORT, TEXAS


By: 
Larry McDonald, Mayor

ATTEST:


City Secretary

Signature Page to Sales Tax Remittance, Guaranty and Subordination Agreement

FIRST STATE BANK OF LOUISE, TEXAS

By: 

Dan Croft, President

Signature Page to Sales Tax Remittance, Guaranty and Subordination Agreement

ORDINANCE NO. 2011-2278

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACTS; AMENDING THE BUDGET FOR THE FISCAL YEAR 2010-2011; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, pursuant to the provisions of Subsection (a) of Section 102.007 of Chapter 102 of the Local Government Code and the provisions of Article 9 of the Home Rule Charter of the City of Freeport (hereinafter sometimes "the City"), the budget for the 2010-2011 fiscal year of the City was finally approved by the City Council, being the governing body thereof, by its Ordinance No. 2010-2257, read, passed and adopted on the 7th day of September, 2010, (hereinafter sometimes "the Budget"); and,

WHEREAS, Subsection (b) of Section 102.009 of the Local Government Code provides that, after final approval of the budget, the governing body of a municipality may spend municipal funds only in strict compliance with the budget, except in an emergency, but Section 102.010 of said Code provides that the provisions of Chapter 102 thereof do not prevent the governing body of such municipality from making changes in the budget for municipal purposes; and

WHEREAS, Subsection (c) of Section 102.009 of said Code provides that the governing body of a municipality may authorize an expenditure as an amendment to the original budget only in the case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention; and,

WHEREAS, Section 9.16 of the City's Home Rule Charter provides that the budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the City Council; and,

WHEREAS, the adoption of this ordinance and the amendment of the Budget is necessary for and in the best interest of the health, safety and general welfare of the inhabitants of the City.

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

SECTION ONE (1): FINDINGS OF FACT

In connection with the amendment and revision of the Budget, the City Council of the City makes the following findings:

- (1) The amendments and revisions set forth in the Budget were the result of numerous public workshop meetings called and conducted in the manner required by the Texas Open Meetings Act, codified as Chapter 551, Government Code.
- (2) A public hearing was held on the Budget on September 7, 2010, and conducted in the manner required by Section 102.006 of the Local Government Code and the City's Home Rule Charter.
- (3) Notice of such public hearing was published in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City in the manner and time required by Chapter 102 of said Code and the City's Home Rule Charter.
- (4) A grave public necessity exists and to meet an unusual and unforeseen conditions that could not have been included in the original budget through the use of reasonably diligent thought and attention and the Budget must be amended and revised with respect of the new or additional expenditures set forth in Exhibit "A" attached hereto and made a part hereof, such unusual and unforeseen conditions also being set forth in said Exhibit "A".
- (5) The proposed changes are set forth in Exhibit "A" attached hereto and made a part hereof.

(6) All of the changes set forth in Exhibit "A" are for municipal purposes.

(7) The several amounts stated in Exhibit "A" as the amended or revised expenditures are hereby appropriated to and for the objects and purposes therein named.

(8) The contingent appropriations, as amended and revised in said Exhibit "A", do not exceed three (3%) percent of the total amended and revised budget appropriations reflected therein.

(9) The amended and revised expenditures of the general fund and the debt service fund contained in the Budget, as amended by said Exhibit "A", do not exceed the resources of each fund, as amended and revised.

SECTION ONE (2):

The existing budget of the City of Freeport, Texas, for the fiscal year 2010-2011 is hereby amended and revised as reflected in said Exhibit "A".

SECTION THREE (3):

As required by Subsections (c) and (d) of Section 102.009 of the Local Government Code, upon the passage and adoption of this ordinance, the amended and revised budget adopted hereby shall be filed with the City Secretary of the City to be maintained in the official records of the City, and a certified copy of this ordinance, with Exhibit "A" attached thereto, shall be filed by the City Secretary with the County Clerk of Brazoria County, Texas, and the State Comptroller of Public Accounts for the State of Texas.

SECTION FOUR (4):

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.

SECTION FIVE (5):

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.

SECTION SIX (6):

This ordinance shall take effect and be in force from and after its passage and adoption.

READ, PASSED AND ADOPTED this _____ day of April, 2011.

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

ATTEST:

Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw

Wallace Shaw, City Attorney,
City of Freeport, Texas

From:

04/13/2011 09:03

#793 P.001/003

APPENDIX A - PAGE 1



200 West 2nd Street
Freeport, TX 77541
PH: (979) 233-3826
FX: (979) 373-0113

Council

MEMORANDUM

To: Mayor and Council

From: Bob Welch

Re: Request for Amendment of Budgeted Funds # 2

Date: April 18, 2011

We are requesting the following amendments to the 2010-2011 Budget:

BUDGET AMENDMENT	CODE	ACCOUNT DESCRIPTION	AMOUNT	AMOUNT
1 MUSEUM FUNDRAISER MUSEUM DONATION RECORD DONATION FROM RBC PROJECTS LLC TO THE MUSEUM	10-578-483 10-360-910	MUSEUM FUNDRAISER MUSEUM DONATION	250.00	250.00
2 MUSEUM FUNDRAISER MUSEUM DONATION RECORD DONATION FROM VIT, INC. TO THE MUSEUM	10-578-483 10-360-910	MUSEUM FUNDRAISER MUSEUM DONATION	250.00	250.00
3 MISC. DONATION OTHER SUNDRY-FIRE DEPT, RECORD DONATION FROM VELASCO BAPTIST CHURCH TO THE FIRE DEPT.	10-360-920 10-530-699	MISC. DONATION OTHER SUNDRY	50.00	50.00
4 MISC. DONATION OVERTIME-E.M.S. RECORD REIMBURSEMENT FOR TRAINING FROM FREEPORT LNG	10-360-920 20-360-400	MISC. DONATION OVERTIME-E.M.S.	1,717.56	1,717.56
5 MISC. INCOME-FIRE DEPT. OTHER SUNDRY-FIRE DEPT. RECORD SALE OF USED VEHICLE	10-360-101 10-530-699	MISC. INCOME OTHER SUNDRY	910.00	910.00
6 DEMOLITION/MOWING-CODE DEPT. RECORD BUDGET ADJUSTMENT FOR GULF MOTEL DEMOLITION	10-657-411	DEMOLITION/MOWING	35,830.00	
7 NARCOTICS/K-9 EXPENSE SELL OF SEIZED EQUIPMENT RECORD SALE OF SEIZED VEHICLES FOR THE POLICE DEPT.	10-525-620 10-361-525	NARCOTICS/K-9 SALE OF SEIZED EQUIP.	13,205.95	13,205.95

Exhibit "A" Page 1

From:

04/13/2011 09:03

#793 P.002/003

APPENDIX A - PAGE 2

8	MISC. DONATIONS SMALL TOOLS & EQUIP. FIRE DEPT. RECORD REIMBURSEMENT FROM SHERMCO INDUSTRIES FOR FIRE EXTINGUISHER TRAINING	10-360-920 10-530-385	DONATION-FIRE DEPT. SMALL TOOLS & EQUIP.	480.00	480.00
9	MUSEUM FUNDRAISER MUSEUM DONATION RECORD DONATION FROM CL INTERNATIONAL TO THE MUSEUM	10-578-483 10-360-910	MUSEUM FUNDRAISER MUSEUM DONATION	2,500.00	2,500.00
10	MUSEUM FUNDRAISER MUSEUM DONATION RECORD DONATION FROM PHI ENGINEERING DESIGN TO THE MUSEUM	10-578-483 10-360-910	MUSEUM FUNDRAISER MUSEUM DONATION	500.00	500.00
11	MISC. DONATION-E.M.S. DEPT. SEMINARS/DUES/TRAVEL RECORD TRAINING GRANT RECEIVED FROM THE STATE COMPTROLLER	10-360-920 2D-535-602	MISC. DONATIONS-EMS SEMINARS/DUES/TRAVEL	726.18	726.18
12	MISC. DONATIONS-POLICE DEPT. SEMINARS/DUES/TRAVEL RECORD TRAINING FUNDS RECEIVED FROM TCLEOSE-STATE COMPTROLLER	10-360-920 10-525-802	MISC. DONATIONS-POLICE SEMINARS/DUES/TRAVEL	2,585.98	2,585.98
13	DONATIONS-SI GROUP DONATIONS-BASF CORP. DONATIONS-FREEPORT LNG DONATIONS-DOW CHEMICAL DONATIONS-GULF CHEMICAL YOUTH ART RECORD DONATIONS FOR THE YOUTH ART CONTEST	10-360-905 10-360-905 10-360-905 10-360-905 10-360-905 10-410-437	DONATION-ART CONTEST DONATION-ART CONTEST DONATION-ART CONTEST DONATION-ART CONTEST DONATION-ART CONTEST YOUTH ART	200.00 250.00 1,500.00 1,500.00 1,500.00 4,950.00	
14	ADVERTISING-GOLF SEMINARS/DUES/TRAVEL-GOLF SMALL TOOLS-GOLF BUDGET ADJUSTMENT TO RECLASSIFY EXPENSE TO PURCHASE A UTILITY TRAILER-FOR SPRAYING	15-866-430 15-656-802 15-658-385	ADVERTISING SEMINARS/DUES/TRAVEL SMALL TOOLS	800.00 1,800.00	800.00 1,000.00
15	BRAZORIA COUNTY ALLIANCE BUDGET ADJUSTMENT TO ADD ANNUAL MEMBERSHIP INVESTMENT	18-412-491	ANNUAL MEMBERSHIP	5,260.00	

Exhibit "A" Page 2

FROM:

04/13/2011 09:03

#793 P.003/003

APPENDIX A - PAGE 3

SUMMARY EFFECT ON GOVERNMENTAL FUNDS:

BUDGET ADJUSTMENTS	ACCT#	CURRENT BUDGET	BUDGET AMEND	AMENDED BUDGET
MUSEUM FUNDRAISER	10-576-483	11,998.00	3,500.00	15,498.00
MUSEUM DONATION	10-360-910	(2,500.00)	(3,500.00)	(6,000.00)
MISC. DONATIONS	10-360-920	(14,657.00)	(5,559.72)	(20,216.72)
OTHER SUNDRY-FIRE DEPT.	10-530-889	10,000.00	960.00	10,960.00
OVERTIME-E.M.S.	20-360-400	15,000.00	1,717.56	16,717.56
MISC. INCOME	10-360-101	(100,000.00)	(910.00)	(100,910.00)
DEMOLITION/MOWING-CODE DEPT.	10-557-411	10,000.00	35,830.00	45,830.00
NARCOTICS/K-9 POLICE DEPT.	10-525-520	18,020.00	13,205.95	31,225.95
SALE OF SEIZED EQUIP. POLICE	10-360-920	-	(13,205.95)	(13,205.95)
SMALL TOOLS-FIRE DEPT.	10-530-385	20,000.00	480.00	20,480.00
SEMINARS/DUES/TRAVEL-E.M.S.	20-535-602	13,625.00	726.18	14,351.18
SEMINARS/DUES/TRAVEL-POLICE	10-525-602	10,500.00	2,585.98	13,085.98
DONATIONS-YOUTH ART	10-360-905	-	(4,950.00)	(4,950.00)
YOUTH ART	10-410-437	2,500.00	4,950.00	7,450.00
ADVERTISING-GOLF	15-656-430	4,000.00	(800.00)	3,200.00
SEMINARS/DUES/TRAVEL-GOLF	15-656-602	1,500.00	(1,000.00)	500.00
SMALL TOOLS-GOLF	15-656-385	1,500.00	1,800.00	3,300.00
BRAZORIA COUNTY ALLIANCE	18-412-491	-	5,250.00	5,250.00
		1,486.00	2,080.00	42,566.00
Net effect on Fund Balance:			DECREASE	41,080.00

Exhibit "A" Page 3

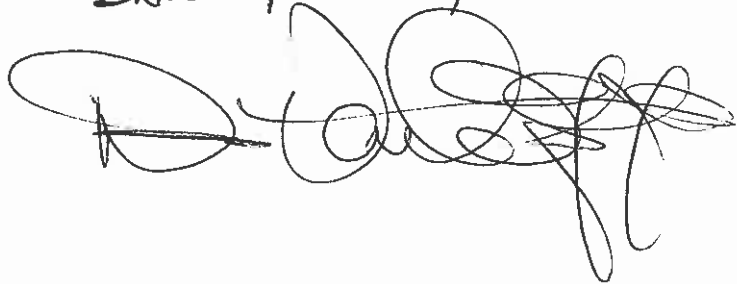
4/12/11

To: City Manager

From: Yellow Cab Co

PLEASE PLACE US ON THE AGENDA
FOR A RATE INCREASE DUE TO GAS
COST,

Brazosport Yellow Cab



pg 321 b

Mark Westmoreland

Business: Kook's Surf Shop

Reason: Install 16" tall x 42" **LED** Sign on each side of building to give wave height, time, temp, and advertise special's and general merchandise

Location of Business: 3401 East Hwy 332 between Buccer's and the Levee towards Surfside. Industrial zone

Phone 979: 233 3888
Cell 373. 1449



ORDINANCE NO. 2011-2279

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS; AMENDING DIVISION (F) OF SECTION 121.27 OF THE CODE OF ORDINANCES OF SAID CITY TO REQUIRE THAT A STORAGE YARD MUST BE MAINTAINED BY WRECKER COMPANIES ON THE WRECKER ROTATION LIST WITHIN THE CITY; PROVIDING A SEVERANCE CLAUSE; PROVIDING SAVINGS CLAUSES; PROVIDING THAT ANY PERSON VIOLATING ANY PROVISION OF THE CODE OF ORDINANCES OF SAID CITY, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND PUNISHED AS PROVIDED IN SECTION 10.99 OF SAID CODE; PROVIDING THAT EACH DAY ANY SUCH VIOLATION SHALL CONTINUE OR OCCUR SHALL BE A SEPARATE OFFENSE; 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 54.001 and 54.004 of the Local Government Code of Texas, Paragraphs 2, 3 and 6 of Article 1175 of the Revised Civil Statutes of Texas (1925) and Sections 2.01, 2.02 and Item (k), (p) and (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 adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City and persons using the public streets therein.

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

First, Division (F) of Section 121.27 of the Code of Ordinances of the City is hereby amended to read as follows:

"(F) A storage yard under this chapter shall be maintained for the convenience of the public within the City."

Second, any person violating the Code of Ordinances of the City, 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, 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.

Fourth, this ordinance is cumulative of and in addition to all other ordinances of the City on the same subject. 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.

Fifth, 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.

Sixth, 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.

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.

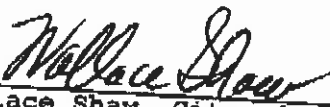
READ, PASSED AND ADOPTED this _____ day of _____, 2011.

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 of Attorney,
City of Freeport, Texas

C:\Freeport.Ord\Wreck Ord-#5-A Ann

ORDINANCE NO. 2011-2280

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS; AMENDING DIVISION (D) OF SECTION 121.02 OF THE CODE OF ORDINANCES OF SAID CITY TO REQUIRE THAT A STORAGE YARD MUST BE MAINTAINED BY WRECKER COMPANIES ON THE WRECKER ROTATION LIST WITHIN THE CITY OR WITHIN TEN (10) MILES OF THE INTERSECTION OF VELASCO BOULEVARD AND SECOND STREET; PROVIDING A SEVERANCE CLAUSE; PROVIDING SAVINGS CLAUSES; PROVIDING THAT ANY PERSON VIOLATING ANY PROVISION OF THE CODE OF ORDINANCES OF SAID CITY, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND PUNISHED AS PROVIDED IN SECTION 10.99 OF SAID CODE; PROVIDING THAT EACH DAY ANY SUCH VIOLATION SHALL CONTINUE OR OCCUR SHALL BE A SEPARATE OFFENSE; 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 54.001 and 54.004 of the Local Government Code of Texas, Paragraphs 2, 3 and 6 of Article 1175 of the Revised Civil Statutes of Texas (1925) and Sections 2.01, 2.02 and Item (k), (p) and (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 adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City and persons using the public streets therein.

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

First, Division (D) of Section 121.02 of the Code of Ordinances of the City is hereby amended to read as follows:

"(D) Each wrecker business operating within the city shall be required to have a minimum of ten vehicle storage spaces in a state approved vehicle storage facility, located within the incorporated limits of the city or within ten miles of the intersection of Velasco Boulevard and Second Street, which spaces are dedicated solely to use in conducting a nonconsent tow business within the city."

Second, any person violating the Code of Ordinances of the City, 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, 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.

Fourth, this ordinance is cumulative of and in addition to all other ordinances of the City on the same subject. 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.

Fifth, 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.

Sixth, 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.

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.

pg 326 b


READ, PASSED AND ADOPTED this _____ day of _____, 2011.

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 of Attorney,
City of Freeport, Texas

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ORDINANCE NO. 2010-2268

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS; AMENDING DIVISION (F) OF SECTION 121.27 OF THE CODE OF ORDINANCES OF SAID CITY TO REQUIRE THAT A STORAGE YARD MUST BE MAINTAINED BY WRECKER COMPANIES ON THE WRECKER ROTATION LIST WITHIN THE CITY; PROVIDING A SEVERANCE CLAUSE; PROVIDING SAVINGS CLAUSES; PROVIDING THAT ANY PERSON VIOLATING ANY PROVISION OF THE CODE OF ORDINANCES OF SAID CITY, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND PUNISHED AS PROVIDED IN SECTION 10.99 OF SAID CODE; PROVIDING THAT EACH DAY ANY SUCH VIOLATION SHALL CONTINUE OR OCCUR SHALL BE A SEPARATE OFFENSE; 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 54.001 and 54.004 of the Local Government Code of Texas, Paragraphs 2, 3 and 6 of Article 1175 of the Revised Civil Statutes of Texas (1925) and Sections 2.01, 2.02 and Item (k), (p) and (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 adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City and persons using the public streets therein.

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

First, Division (F) of Section 121.27 of the Code of Ordinances of the City is hereby amended to read as follows:

"(F) A storage yard under this chapter shall be maintained for the convenience of the public within the City." or within ten miles of the intersection of Velasco Boulevard and Second Street."

Second, any person violating the Code of Ordinances of the City, 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, 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.

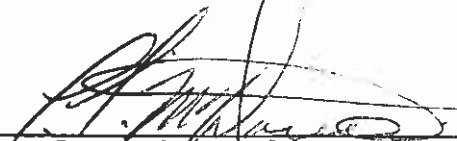
Fourth, this ordinance is cumulative of and in addition to all other ordinances of the City on the same subject. Provided however, where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Fifth, 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.

Sixth, 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.

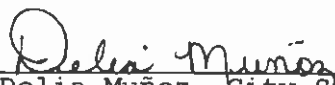
Seventh, this ordinance shall take effect and be in force from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts, the official newspaper of the City.

READ, PASSED AND ADOPTED this 6th day of December, 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 of Attorney,
City of Freeport, Texas

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