

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, APRIL 16TH, 2012, 6:00 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
FREEPORT, TEXAS

AGENDA
FORMAL SESSION

1. Invocation.
2. Pledge of Allegiance.
3. Consideration of approving the April 2nd, 2012 Council Minutes.
Pg. 165-170
4. Attending citizens and their business.
5. Consideration of approving Ordinance No. 2012-2305 amending Division (A) of Section 92.50 of the Code of Ordinance of said city to adopt the 2009 International Fire Code and the 2009 Fire Code appendix and amending Division (C) of Section 92.51 thereof to substitute the reference Section 92.50 for the reference section 92.51. Pg. 171-173
6. Consideration of approving Resolution No. 2012-2283 authorizing designated signators for its Texas Community Development Block Grant Program – Disaster Recovery Program Fund Contract 12-215-000-5515 Round 2.1 Pg. 174-175
7. Consideration of approving Resolution No. 2012-2284 adopting Section 3 Local Opportunity Plan For Grant Programs. Pg. 176-177
8. Consideration of approving Resolution No. 2012-2285 establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations, including physical barring entrance to a facility or location which is the subject of such demonstration, and providing penalties for violations thereof in the City of Freeport, County of Brazoria, State of Texas. Pg. 177b
9. Consideration of approving Resolution No. 2012-2286 authorizing bidding for pipeline right-of-way and easement across certain property in Brazoria County, Texas. Pg. 178-179

10. Consideration of approving the bids for the purchase of 0.764 acres of land, more or less, out of the Stephen F. Austin Survey, Abstract 32 and Stephen F. Austin Survey, Abstract 33, both in Brazoria County, Texas, described in the warranty deeds recorded in the Official Records of Brazoria County, Texas as Documents # 2006049907, 2007009399 and 2007009398. Pg. 180-183
11. Consideration of the approval of a request from Main Street to close the following streets; North ends of West Park and East Park, 2nd Street from Velasco Boulevard 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 5K Run on Saturday, April 28th, 2012. Pg. 184
12. Consideration of the approval of a request from the Brazoria County Hispanic Chamber of Commerce to close the intersecting streets on West 2nd Street to Cherry Street and East & West Park from 12:00 lunch to 1:00 p.m. for the Cinco De Mayo Parade on Saturday May 5th, 2012. Pg. 185

Work Session:

- A. Update regarding Freeport Marina progress:
 - Dry Stacks
 - Concrete
 - Forklift
 - Premarketing of Dry Stack building
- B. Discuss concerning adding Section 130.05 to the Code of Ordinances of said City to prohibit the possession of a burning tobacco product and smoking within any public building owned by the City or elsewhere on the premises on which such building is located. Pg. 186-188

Executive Session:

Section 551.071, Government Code:

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

- Contractual negotiations concerning City owned real property.

Adjourn

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 Americans with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meeting. Please contact the City Secretary office at 979-233-3526.

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted 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 West 2nd Street, Freeport Texas, April 13, 2012 at or before 5:00 p.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, April 2nd, 2012 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: Norma M. Garcia
 Michelle Kent
 Fred Bolton - absent
 Nicolosa Mireles
 Sandra Barbree

Staff: Jeff Pynes, City Manager
 Gilbert Arispe, Asst. City Manager
 Wallace Shaw, City Attorney
 Delia Munoz, City Secretary
 Nat Hickey, Property Manager
 Ty Morrow, Police Chief

Visitors: Jim Pirrung Dorothy Pirrung
 Sam Reyna Manuel Bustos
 Blanca Bustos Lila Lloyd
 Diana Davis Lizet Soria
 Sandra Barnett

Call to Order

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma Moreno Garcia led the Pledge of Allegiance.

Consideration of approving the March 19th, 2012 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved the March 19th, 2012 Council Minutes.

Attending citizens and their business.

There were none.

Recognition: Lizet Soria of Brazosport High School; Won 1st Place in Corpus Christi, Texas in Power Lifting.

Mayor Garcia and Council recognized Lizet Soria with an Exceptional Achievement medal for 1st place powerlifting in Corpus Christi, Texas.

Consideration of approving Ordinance No. 2012-2302 amending Ordinance No. 2012-2299 of said city, which called the Annual Election of officers, confirming the early voting locations adopted by the office of the county clerk of Brazoria County, Texas.

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Ordinance No. 2012-2302 amending Ordinance No. 2012-2299 of said city, which called the Annual Election of officers, confirming the early voting locations adopted by the office of the county clerk of Brazoria County, Texas.

Consideration of approving Ordinance No. 2012-2303 amending Ordinance No. 2021-2300 of said city, which called a Charter Amendment Election, confirming the early voting locations adopted by the office of the County Clerk of Brazoria County, Texas.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Ordinance No. 2012-2203 amending Ordinance No. 2021-2300 of said city, which called a Charter Amendment Election, confirming the early voting locations adopted by the office of the County Clerk of Brazoria County, Texas.

Consideration of approving Resolution No. 2012-2282 deliver to Mike Sorrell Trucking and Materials, Inc., a deed for lost deed conveying Tract 133 and 134 BCIC Division 9, Abstract 51, Brazoria County, Texas to the said corporation it being the successful bidder thereof.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Resolution No. 2012-2282 deliver to Mike Sorrell Trucking and Materials, Inc., a lost deed conveying Tract 133 and 134 BCIC Division 9, Abstract 51, Brazoria County, Texas to the said corporation it being the successful bidder thereof.

Consideration of approving a request from the Freeport League to waive the carnival and vendor permit fees for Riverfest on April 27th thru 28th, 2012 held at the Freeport Municipal Park.

On a motion by Councilwoman Barbree, 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 27th thru 28th, 2012 held at the Freeport Municipal Park.

Consideration of approving a request from the Riverfest Committee to sell alcohol, have a public dance, fireworks for Riverfest on April 27th & 28th, 2012 held at the Freeport Municipal Park.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved a request from the Riverfest Committee to sell alcohol, have a public dance, fireworks for Riverfest on April 27th & 28th, 2012 held at the Freeport Municipal Park.

Consideration of authorizing and ratifying the Port Freeport lease agreement with the City of Freeport.

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved authorizing and ratifying the Port Freeport lease agreement with the City of Freeport.

Consideration of approving the bids and awarding the mowing services contract.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved awarding the mowing services contract to Bustos Lawn Service, P.O. Box 2316, Freeport, Texas.

Consideration of ratifying Resolution No. 2012-2280 approving submission of the grant application for the Radio Console Upgrade and Interoperability Improvements to the Office of the Governor, Criminal Justice Division.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved Chief Morrow's recommendation to approve Resolution No. 2012-2280 approving submission of the grant application for the Radio Console Upgrade and Interoperability Improvements to the Office of the Governor, Criminal Justice Division.

Consideration of selling that portion of Caldwell Street right-of-way between Blocks 63 and 70 and South Ave H and I, abutting Lot 24, Block 63, Velasco Townsite.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved selling that portion of Caldwell Street right- of -way between Blocks 63 and 70 and South Ave H and I, abutting Lot 24, Block 63, Velasco Townsite.

Consideration of selling that portion of Caldwell Street right-of-way between Blocks 63 and 70 and South Ave H and I, abutting Lot 1, Block 63, Velasco Townsite.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved selling that portion of Caldwell Street right- of -way between Blocks 63 and 70 and South Ave H and I, abutting Lot 1, Block 63, Velasco Townsite.

Consideration of selling the City’s interest on Block 663, Lots 13 thru 18. Velasco Townsite, known as 901-911 North Ave. F, Id No. 8110-2618-000.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting 3 to 1, Council declined selling the City’s interest on Block 663, Lots 13- thru 18, Velasco Townsite, known as 901-911 North Ave. F., Id No. 8110-2618-000. Councilwoman Mireles opposed.

Consideration of selling the City’s interest in Bridge Harbor (F.J. Calvit Division 8 (BCIC), Block 3, Lot 25, No. 2 Marlin Drive, Tax Id. 2190-0219-000

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting 3 to 1, Council declined selling the City’s interest in Bridge Harbor (F.J. Calvit Division 8 (BCIC), Block 3, Lot 25, No. 2 Marlin Drive, Tax Id. 2190-0219-000. Councilwoman Mireles opposed.

Consideration of selling the City’s interest in Block 25, Lot 9, Freeport Townsite, known as 230 E. 8th Street, Tx Id. 4200-0322-000.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved selling City’s interest in Block 25, Lot 9, Freeport Townsite, known as 230 E. 8th Street, Tx Id. 4200-0322-000.

Consideration of authorizing the City Manager to sign a lease agreement for a new law firm.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved authorizing the City Manager to sign a lease agreement with Forrest, Kolodny and O’Neil LLP law firm.

Consideration of authorizing the City Manager to purchase a Tahoe-SUV for the Police Department.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting 3 to 1, Council approved the City Manager to purchase a Tahoe-SUV for the Police Department. Councilwoman Barbree abstained from voting due to a family member employed with the Freeport Police Department.

Consideration of the approval of any action to be taken as a result of a closed Executive Session.

Mayor Garcia opened the Formal Session at 6:56 p.m.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Resolution No. 2012-2281 setting public hearings on proposed annexations; providing for the publication and giving notice thereof, and directing the preparation of a Service Plan thereof.

Work Session:

Update by Fire Chief Brian Davis on Emergency Management Debris and Monitoring contract.

Fire Chief Brian Davis updated Council on the Emergency Management Debris and Monitoring contracts. Chief Davis informed Council that the primary and alternate contractors have signed the contracts and is prepared for storm season.

Update by Mike Darlow of Perdue Brandon Fielder Collins & Mott L.L.P concerning the collection report.

Mike Darlow of Perdue Brandon Fielder, Collins & Mott, and L.L.P reviewed the Delinquent Tax Collection Report. Mayor Garcia questioned the procedure for mailing delinquent letters.

Discussion concerning drainage issues on Victoria Street.

City Manager Jeff Pynes noted that water is standing on Victoria Street closed to the Jack in the Box and Memorial Day Care. The Velasco Drainage District did a comprehensive analysis and will be helping to divert the water to their pumps.

Discussion initiatives on the Velasco Drainage District and North & South Levee System West of the Tidal Flood Gate.

City Manager Jeff Pynes has been working with the Velasco Drainage District on a deed, reverting back to the City of Freeport, everything West of the Tidal Flood Gate on the South and North side of the river, in honor of the levy system.

The benefits are that we can control the development. He assures they are no plans in reducing the levy at all.

Mayor Garcia closed the Formal Session at 6:40 p.m. and opened the Executive Session.

Executive Session:

Section 551.071, Government Code:

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

- Consultation concerning proposed annexations.

Mayor Garcia closed the Executive Session and opened the Formal Session at 6:56 p.m. to motion in open session agenda item # 22.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting “aye”, Council adjourned at 6:57 p.m.

Mayor Norma Moreno Garcia
City of Freeport

City Secretary – Delia Munoz
City of Freeport

ORDINANCE NO. 2012-2305

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING DIVISION (A) OF SECTION 92.50 OF THE CODE OF ORDINANCES OF SAID CITY TO ADOPT THE 2009 INTERNATIONAL FIRE CODE AND THE 2009 FIRE CODE APPENDIX AND AMENDING DIVISION (C) OF SECTION 92.51 THEREOF TO SUBSTITUTE THE REFERENCE "SECTION 92.50" FOR THE REFERENCE "SECTION 92.51"; 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 THIS 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, Chapter 214 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 does here now declare that the adoption of this ordinance is necessary to 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:

First, Division (A) of Section 92.50 of the Code of Ordinances of the City is hereby amended to substitute "the International Fire Code, 2009 Edition." for "the International Fire Code, 2003 Edition." at all places where the latter appears therein, and to substitute "the 2009 Fire Code Appendix." for "appendix B through G attached thereto." at all places in which the latter appears therein; and Division (C) of Section 92.51 of said Code of Ordinances is hereby amended to substitute the reference "Section 92.50" for the reference "Section 92.51."

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 and all such ordinances are hereby expressly saved from repeal. Provided however, where the provisions of the International Code adopted or amended by this Ordinance conflict with the Standard Unsafe Building Abatement Code, 1985, adopted by Section 150.025 of the Code of Ordinances of the City, or the local amendments thereto, contained in Section 150.026 of said Code of Ordinances, the provisions of said Standard Unsafe Building Abatement Code and said amendments thereto shall prevail; and where the provisions of the International Code adopted or amended by this ordinance conflicts with the Comprehensive Zoning Ordinance of the City and any amendments thereto, the provisions of the Zoning Ordinance or amendments thereto shall prevail; but where the provisions of the International Code adopted or amended by this ordinance and any other ordinance of the City conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

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, this ordinance shall take effect and be in force from and after its descriptive caption has been published twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this ____ day of _____, 2012.

Norma Moreno Garcia, Mayor
City of Freeport, Texas

ATTEST:

Delia Munoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

C:\Freeport.TechOrd\TechCd-#19Ord



*Planning, Housing, and
Community Development Services
for Rural Texas Since 1979*

Kelly Dibbens
2201 Northland Dr.
Austin, Texas 78756
kellyd@grantworks.net

Project Manager
Voice (512) 420-0303
Fax (512) 420-0302

To: Delia Munoz, City Secretary
Locality: City of Freeport
Subject: Project Start-up Forms for Disaster Recover Supplemental – Round 2.1
Date: 04/11/12
Project: 12-215-000-5515

Dear Delia,

In order to get the grant started, we must submit the "start up" paperwork to the General Land Office (GLO). I am sending you a packet of documents that will require signatures. The state requires that the City Council approve some resolutions for the grant. Please place the following items on the agenda for the next City Council Meeting:

- ♦ **Consider resolution to designate authorized signators for the DRS Round 2.1 Project**
- ♦ **Consider resolution to adopt Section 3 Local Opportunity Plan:** the State requires all CDBG grant recipients to adopt a plan to encourage employment opportunities and contracting with Section 3 residents and businesses.
- ♦ **Consider resolution to adopt Excessive Force Policy:** the State requires that all grant recipients have an excessive force resolution on file. If you have passed this resolution in the past, please provide us with a copy.
- ♦ **Proclaim April as Fair Housing Month**

Please send copies of the approved resolutions along with the documentation in the "start up" packet to GrantWorks. We will submit everything to the state on the City's behalf. Please feel free to contact me with any questions or concerns.

Thanks!

Kelly Dibbens

RESOLUTION 2012-2283

RESOLUTION OF THE CITY OF FREEPORT AUTHORIZING DESIGNATED SIGNATORS FOR ITS TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – DISASTER RECOVERY PROGRAM FUND CONTRACT 12-215-000-5515 ROUND 2.1

WHEREAS, the City has received funding under the Texas Community Development Block Grants-Disaster Recovery Program; and

WHEREAS, it is necessary to designate signators for contractual documents pertaining to these contracts.

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

Section 1. That the City Council designates the Mayor, City Manager, and Assistant to City Manager as authorized signators for State of Texas Purchase Vouchers for the Texas Community Development Block Grants Program Contract 12-215-000-5515; and,

Section 2. That the City Council designates the Mayor, City Manager, and Assistant to City Manager as authorized signators for Requests for Advance or Reimbursement for the Texas Community Development Block Grants Program Contract 12-215-000-5515; and,

Section 3. That the City Council directs and designates the Mayor as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with the Texas Community Development Block Grants Program Contract 12-215-000-5515.

PASSED AND APPROVED, this ____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Secretary

RESOLUTION 2012-2284

RESOLUTION OF THE CITY OF FREEPORT ADOPTING SECTION 3 LOCAL OPPORTUNITY PLAN FOR GRANT PROGRAMS

WHEREAS, the City shall strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and by contracting with Section 3 residents and businesses within its jurisdictional boundaries in accordance with an adopted Section 3 Local Opportunity Plan.

THEREFORE, the City Council hereby resolves to adopt a Section 3 Local Opportunity Plan, attached hereto and incorporated herein.

Passed and adopted by the City Council of the City of Freeport, Texas, on the ____ day of _____, 2012.

Mayor

Attest:

City Secretary

SECTION 3 LOCAL OPPORTUNITY PLAN

In accordance with 12 U.S.C. 1701u, (Section 3), the City of Freeport agrees to implement the following steps, which, to the greatest extent feasible, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Equal Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in grant funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or the State to the Grant Recipient.
- G. Submit reports as required by HUD or the State regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of calendar year end which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of the City of Freeport, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Norma Moreno Garcia, Mayor

Date

RESOLUTION 2012-2285

A RESOLUTION ESTABLISHING RULES AND REGULATIONS REGARDING THE USE OF EXCESSIVE FORCE DURING NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS, INCLUDING PHYSICALLY BARRING ENTRANCE TO A FACILITY OR LOCATION WHICH IS THE SUBJECT OF SUCH DEMONSTRATION, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE CITY OF FREEPORT, COUNTY OF BRAZORIA, STATE OF TEXAS, AS FOLLOWS:

ARTICLE I

Section 1: It is the policy of the City of Freeport to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil rights demonstrations. The City also prohibits the physical barring of any entrance to, or exit from, such a facility within its jurisdiction.

ARTICLE II

Section 2: It is the policy of the City to enforce this policy to the full extent allowed by law.

ARTICLE III

Passed and adopted by the City Council of the City of Freeport, Brazoria County, State of Texas, on the _____ day of _____, 2012.

Mayor

Attest:

City Secretary

**RESOLUTION AUTHORIZING BIDDING FOR
PIPELINE RIGHT-OF-WAY AND EASEMENT ACROSS
CERTAIN PROPERTY IN BRAZORIA COUNTY, TEXAS**

At a regular meeting of the City Council of the City of Freeport, Texas ("City"), held at _____, Freeport, Texas, on the _____ day of _____, 2012, among other business, on motion duly made and seconded, the following resolution was passed and adopted:

FINDINGS

1. Due and proper notice of the date, time, place and purpose of this meeting has been duly given in accordance with the provisions of the Texas Open Meetings Act, and such meeting has been conducted in accordance with said Open Meetings Act.

2. **WHEREAS**, the City is the owner of those certain tracts of land or easements described as follows (the "Property"):

(1) A 5 foot wide strip, being 2.5 feet left and 2.5 feet right of the herein described centerline, being a portion of the 20-foot wide easement granted to the City of Freeport by instrument dated September 9, 1947, recorded in Volume 412, Page 502 of the Deed Records of Brazoria County, Texas, being out of a 2.41 acre tract described by deed on June 25, 1956 from Freeport Sulphur Company to Brazos River Harbor Navigation District, as recorded in Volume 658, Page 174 of the Brazoria County Deed Records;

(2) A 5 foot wide strip, being 2.5 feet left and 2.5 feet right of the herein described centerline, being a portion of a 20-foot wide sewer easement granted to the City of Freeport and being a portion of all that certain of Lot 8, Block 8 in the City of Freeport Original Townsite according to the map or plat thereof recorded in Volume 2, Page 95 of the Brazoria County Plat Records (B.C.P.R.) conveyed by deed on September 27, 2007 from Marion Watson to Diane Marie Watson, as recorded in Clerk's File No. 2007-055029 of the Brazoria County Official Records (B.C.O.R.) and situated in the Thomas F. McKinney Survey, Abstract 87, Brazoria County, Texas;

(3) A 5 foot wide strip, being 2.5 feet left and 2.5 feet right of the herein described centerline, being a portion of all that certain of Lot 9, Block 8 in the City of Freeport Original Townsite according to the map or plat thereof recorded in Volume 2, Page 95 of the Brazoria County Plat Records (B.C.P.R.) conveyed by deed on October 2, 1978 from Viola H. Moore to Tina Mae Morant, as recorded in Volume 1421, Page 314 of the B.C.D.R. and situated in the Thomas F. McKinney Survey, Abstract 87, Brazoria County, Texas;

(4) A 5 foot wide strip, being 2.5 feet left and 2.5 feet right of the herein described centerline, being a portion of the 60-foot wide Terminal Street right-of-way of the City of Freeport Original Townsite, as recorded in Volume 2, Page 95 of the B.C.P.R. and situated in the Thomas F. McKinney Survey, Abstract 87, Brazoria County, Texas.

3. **WHEREAS**, Section 272.001 of the Local Government Code of the State of Texas requires a public bid for the sale and exchange of land.

4. WHEREAS, American Rice, Inc. has requested a pipeline right-of-way and easement across the above-described Property as shown on the Exhibit "A's" attached hereto for use as a 4" natural gas pipeline and desires easements on the Property for use in constructing, installing, operating and maintaining the pipeline.

BE IT RESOLVED:

1. The Property is available for the easements requested.
2. The City Manager of the City, staff and the staff attorneys are hereby authorized and directed to solicit and receive bids from the public for the purpose of a pipeline right-of-way and easement across said Property upon the general terms and conditions set forth in Exhibit "B" attached hereto and made a part hereof for all purposes and upon further terms and conditions as the City Manager and the staff attorneys deem advisable.
3. The solicitation and receipt of bids for the pipeline right-of-way and easement across said Property as authorized herein shall be in accordance with the provisions of the Texas Local Government Code relating to the sale or exchange of property by cities.
4. All bids may be rejected by the City.



Norma Moreno Garcia
Mayor

Michelle Kent
Councilmember
Ward A

Fred Bolton
Councilmember
Ward B

Nicole Mireles
Councilmember
Mayor Pro Tem
Ward C

Sandra Barbree
Councilmember
Ward D

Jeff Pynes
Chief Executive Officer
City Manager

April 12, 2012

Mayor Norma Moreno Garcia
City Council Representatives

On February 6, 2012 Council authorized two tracts of land to be published for sale/development after the request of an interested bidder. The land was lawfully advertised and bids were accepted within the prescribed lawful parameters.

On March 5, 2012 City Secretary Delia Munoz received two sealed envelopes within the bid submission time period. The bid envelopes were opened and it revealed the highest bid to be \$61,789.01 for the two tracts of land by Gary Woodring.

I had many conversations with Mr. Woodring regarding his bid and plan for the land if the bid is accepted. His immediate intentions are to develop the land and build a personal residential home site. His construction timeline is to begin with bulk heading the waterfront and building a slightly elevated traditional style home design (not a beach house look) with a completed structure improvement value of \$300,000.00. The total project improvement value will roughly be \$500,000.00. His plan is to complete the development by June of 2013; however, will commit to a solid completion date of October 2013.

I recommend we sale the property and allow Mr. Woodring to improve the property, as stated previously, and place the same on the taxable values of the City of Freeport.

Jeff Pynes
City Manager



www.freeport.tx.us



3/13/2012

Real Property Bid

To : City Manager – City of Freeport

Regarding: Invitation to Bid – City of Freeport

0.764 acres of land, more or less, out of the Stephen F. Austin Survey, Abstract 32, and Stephen F. Austin Survey, Abstract 33, both in Brazoria County, Texas, described in the warranty deeds recorded in the Official Records of Brazoria County, Texas, as Documents# 2006049907, 2007009399 and 2007009398.

Reference attached photo – (2) waterfront lots located between Velasco Blvd and Locust Street, identified in yellow. The first composed of dimensions 231' by 112' by 232' by 68'. The second composed of dimensions 165' by 68' by 179' by 78'.

This bid is a single bid for both properties identified above totaling the amount referenced below.

Bid amount \$38,758.00

Thank you for your consideration.

Sincerely



Gary J. Woodring

Real Property Bid

To : City Manager – City of Freeport

Regarding: Invitation to Bid – City of Freeport

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This bid is a single bid for both properties identified above totaling the amount referenced below.

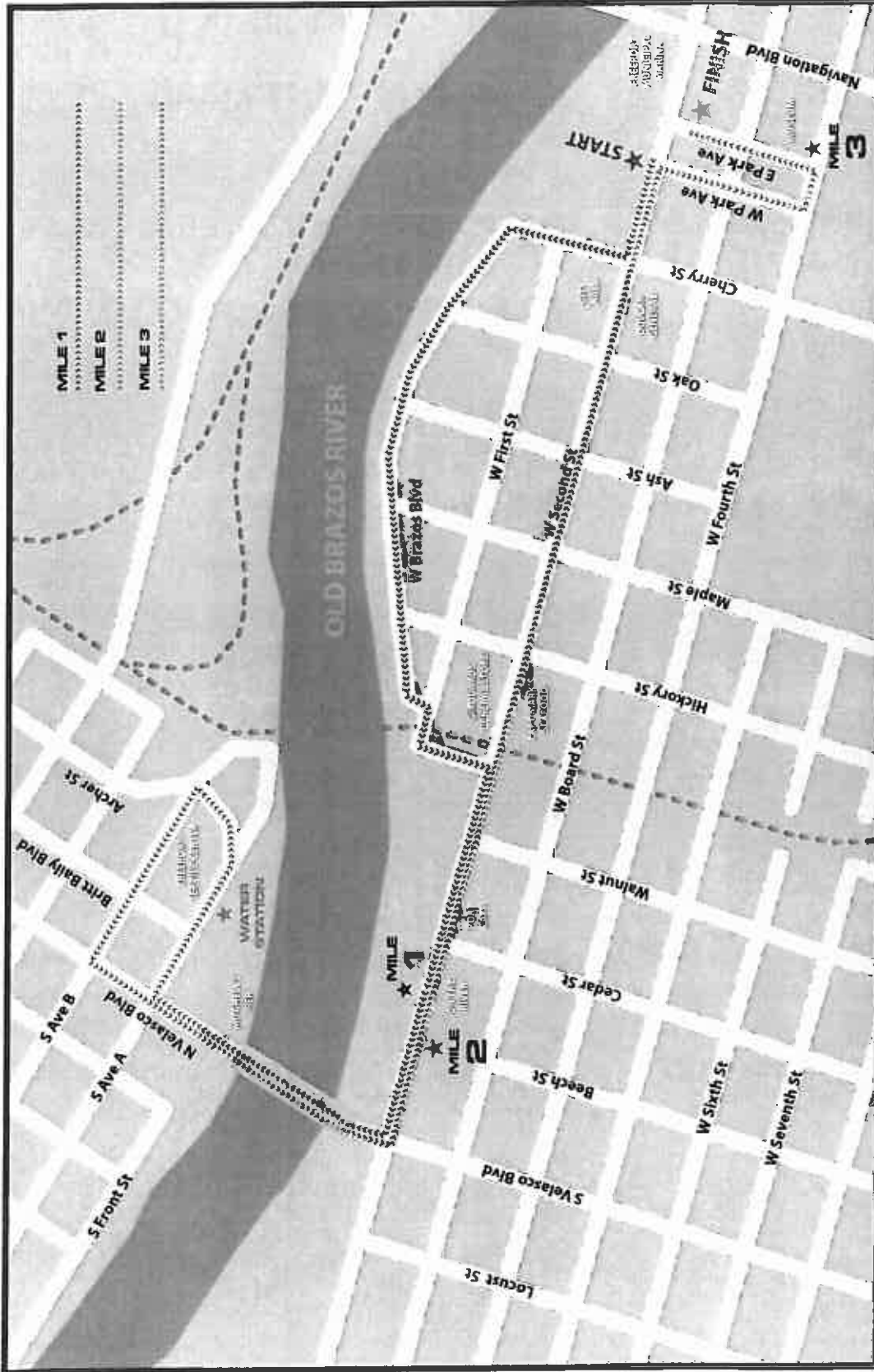
Bid amount \$61,789.01

Thank you for your consideration.

Sincerely

Gary J. Woodring

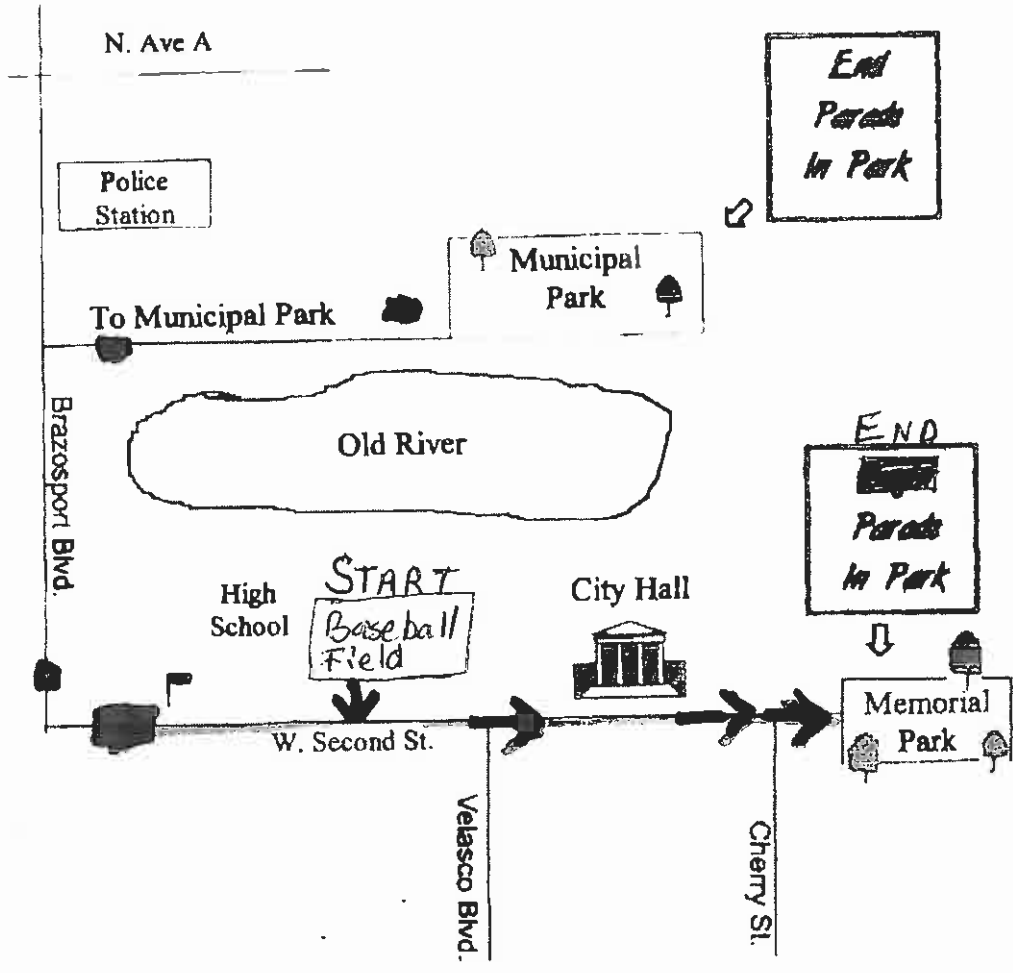




Freeport Mainstreet FlapJack 5K

ROUTE MAP

2012 CINCO DE MAYO PARADE ROUTE



* MEET AT BASEBALL Field on Exporter Dr.
 * Finish AT Memorial PARK,

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; ADDING SECTION 130.05 TO THE CODE OF ORDINANCES OF SAID CITY TO PROHIBIT THE POSSESSION OF A BURNING TOBACCO PRODUCT AND SMOKING WITHIN ANY PUBLIC BUILDING OWNED BY THE CITY OR ELSEWHERE ON THE PREMISES ON WHICH SUCH BUILDING IS LOCATED; CONTAINING AN AFFIRMATIVE DEFENSE; 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 and 54.004 of the Local Government Code, Section 2 of Acts 1975, 64th Tex. Leg. P. 744, ch. 290, and Sections 2.01 and 2.02 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 does here now declare that 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 buildings owned by the City located therein.

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

First, the Code of Ordinances of the City is hereby amended to add thereto a new Section 120.05 which shall read as follows:

■Sec. 130.05. No smoking in city-owned public buildings

(A) A person commits an offense if he is in possession of a burning tobacco product or smokes tobacco within any public building owned by the City or elsewhere on the premises on which such building is located.

(B) It is an affirmative defense to a prosecution under Division (A) of this section if the public building where the offense takes place (1) does not have prominently displayed a reasonably sized notice that smoking is prohibited by ordinance in such public building and that an offense is punishable by a fine not to exceed \$500.00 Dollars, (2) is not equipped with facilities for extinguishment of smoking materials or (3) occurs exclusively within an area designated for smoking.

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 and all such ordinances are hereby expressly saved from repeal.

Fifth, where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Sixth, 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.

Seventh, 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.

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

READ, PASSED AND ADOPTED this _____ day of _____, 2012.

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Munoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

C:\Freeport.Ord\NoSmokng-Ord-Alt