City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, MAY 4TH, 2009 6:00 P.M.
MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 N. BRAZOSPORT BLVD.
FREEPORT, TEXAS 77541

AGENDA FORMAL SESSION

- 1. Call to Order.
- 2. Invocation.
- 3. Pledge of Allegiance.
- 4. Consideration of the approval of the April 20th, 2009 Council Minutes. Pg. 275-279
- 5. Attending Citizens and Their Business.
- 6. Consideration of the approval of authorizing the City Manager to sign an Interlocal Agreement between the County of Brazoria and the City of Freeport, to use funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) program. Pg. 280-282
- 7. Consideration of the approval of selling the City's interest on Block 778, Lots 3, 5 thru 8, Velasco Townsite, known as 1610-1616-1620 North Ave. P, Tax Id No. 8110-3854-000. Pg. 283-284B
- 8. Consideration of the approval of selling the City's interest on Block 676, Lots 10-11, Velasco Townsite, known as 1004-1006 North Ave. G., Tax Id No. 8110-2710-000. Pg. 285-287
- 9. Consideration of the approval of selling the City's interest on Block 85, Lots 13-14, Velasco Townsite, known as 121-123 South Ave. F., Tax Id No. 8110-0858-000. Pg. 288-289
- Consideration of the approval of setting a bid date of June 1, 2009 and to award the contract for the Community Development Building Grant (CDBG) for Freeport Sewer Improvement Project.

Elected Official Report

Work Session

A. Main Street Director, Mary Stotler discusses designating certain downtown areas as an official Historic District. Pg. 290-291

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

This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code)

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 prior to the meetings. Please contact the City Secretary office at 979.233.3526.

I, Delia Muñoz, City Secretary, City of Freeport, Texas, hereby 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 hour a day public access, 200 W. 2nd Street, Freeport, Texas, on April 30th, 2009, at or before 5:00 p.m.

Delia Muñoz City Secretary City of Freeport

Brazoria County

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday, April 20th, 2009, at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas, for the purpose of considering the following agenda:

City Council:

Larry L. McDonald Clan A. Cameron Jim Saccomanno

Ron Wise

Norma M. Garcia

Staff:

Jeff Pynes, Acting City Manager Wallace Shaw, City Attorney Delia Muñoz, City Secretary Nat Hickey, Property Manager Larry Fansher, Parks Director Mary Stotler, Main Street Director

Visitors:

Larry Shaefer Judy Shaefer Jim Pirrung Dorothy Pirrung Edna Allan Jimmy Allen Brenda Laird V. L. Scott Cele Damian Jerry Meeks Sebrina Brimage Troy Brimage Diane Williams Pixie Floyd Mark Cameron Mike Kouches Lila Lloyd Mike Jones Beverly Nixon Annette Sanford James Blalock Annette Goodrum

Willie Garcia Lila Diehl Rosa McDonald Susie Wise Percy Walker Eric Hayes

Danny Corder Sandra Wood-Wicke

Thompson Pearl Eileen Koenig
Amanda Harrington Dorothy Murphy
Jim McEntire Jeremy Garcia
Mark Alan Wright Gore, III

Call to Order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of the approval of the April 6th, 2009 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved the April 6th 2009, Council Minutes.

Attending Citizens and Their Business.

Thompson Pearl of 1710 W. 10th Street stated that cars were speeding in his neighbor and requested more patrol cars on Hwy. 288, south of Kroger's and that landscaping was blocking traffic. He also said the cross walks lights to Hopper Field were not working.

Wright Gore, III of 301 W. Brazos, asked Council to set a time limit on those who were speaking on the scheduled public hearing.

Mayor McDonald read out a Proclamation proclaiming April 25th, 2009 as The Founders Garden Club Day. Beverly Nixon invited all to a reception at the historic Schuster Home Museum to celebrate the Founders Garden Club of Brazosport, 75th anniversary on Saturday, April 25th, 2009 from 2:00 to 5:00 p.m.

Consideration of the approval of calling a Joint Public Hearing with the Planning Commission to consider a proposed amendment to the Comprehensive Zoning Ordinance and Map of said City, codified as Chapter 155 of the Code of Ordinance of said City, changing the zoning classification of the following described property from its present classification of R-2 Single Family Residential to a new classification of W-2 Waterfront Light:

 Tract 4, containing 0.66 acres, S.F. Austin Survey, Abstract 33, Tax Id # 0033-0001-000, fronting on the right descending bank of the Old Brazos River near but upstream from the Velasco Boulevard Bridge in the City of Freeport, in Brazoria County, Texas.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved setting May 18th, 2009 for a Joint Public Hearing with the Planning Commission regarding the zoning classification of the

following described property from its present classification of R-2 Single Family Residential to a new classification of W-2 Waterfront Light.

Consideration of a request from Troy Brimage of SIG Insurance Services, 2005 N. Brazosport Boulevard, to place a temporary portable office on site to conduct insurance business, while a permanent building is constructed.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved a request from Troy Brimage of SIG Insurance, 2005 North Brazosport Blvd to place a temporary portable office on site for one year, to conduct insurance business, while a permanent building is constructed.

<u>Public Hearing</u>: A public hearing on the question of whether or not Chapter 110 of the code of Ordinances of said City should be amended to extend the hours during which beer and mixed beverages can be sold within said City to 2:00 o'clock a.m.

Mayor McDonald opened the Public Hearing at 6:16 p.m. and set a three minute time limit to receive comments from the audience whether or not Chapter 110 of the Code of Ordinances of said City be amended to extend the hours during which beer and mixed beverages can be sold within said City to 2:00 o'clock a.m.

V. L. Scott of 1703 W. 9th Street, stated that he did not drink. He said that the public must be protected from this addiction of alcohol, it has to be regulated and any attempt to relax the law is not in the best interest of the public and should be opposed.

Jim McEntire of 727 W.12th Street, stated that he lived in Freeport when late hour drinking was allowed, remembered the City had fights and problems during this time. He did not agree that extending the hour to 2:00 a.m. would bring new business. He would rather have other family businesses so that he would not have to drive to Lake Jackson.

Danny Corder of Brazoria asked about safeguards that would be implemented and asked what elements would not return to Freeport. He said he had a club in Freeport and wanted to hire a police officer but this was not allowed. If this ordinance does pass, and it is renewed again, he asked Council to give the club owners time to recoup their investment. He wants to make sure the voters are behind this and that they understand the repercussions.

Percy Walker owner of the Flamingo Club wants the 2:00 a.m. license back. He said that Freeport had gangs and drugs on the rise, and that is no longer a problem. He is hearing a lot of negative things that are not true. One of the problem bar owners had was not controlling the outside the premises.

Willie Garcia owner of Rumors Club said that 2:00 a.m. would help real estate values. He respected older people choice to stay home, but many younger people do want to go to clubs. This area has a lot of shift workers who would benefit from the late hours. People are driving to Houston for this type of entertainment and Freeport could use that revenue.

Annette Sanford of 510 W. Broad said that she did not drink. Designating a driver would have a better control and proper management could be a good thing. This late hour could benefit the marina project.

Thomas Pearl said that people will drink and it does not make any difference if its 12:00 or 2:00 a.m.

Stanley Burke of 1807 N. T., asked Council if they were having another meeting on this issue. Mayor McDonald said the other Public Hearing was scheduled for May 18, 2009.

Lila Lloyd of 1620 N. T., feels that the Building & Code Department is getting too relaxed. She feels that laws will not be enforced. The City had a lot of disturbances in the past with the late hour. She drove around town and observed construction without building permits, eighteen wheelers parked in a no parking.

Jimmy Allan, 118 Brazos Land Court, asked Council if they would vote or if it would be on the ballot for a city vote. Mayor McDonald said that after two public hearing, it would be on the November ballot for the voters.

Amanda Harrington owner of Freeport Ice House ask Mr. Pynes if he had any data on disturbances at bars.

There being no further comments, Mayor McDonald thanked the audience and closed the Public Hearing at 6:46 p.m.

Consideration of the approval of any action to be taken as a result of closed executive session.

Mayor McDonald opened the formal session at 8:30 p.m. No action taken as a result of the closed Executive Session.

Elected Official Report

Mayor McDonald and Nat Hickey observed a machine brought in from Texas Department of Transportation to check the clearance from the Pine Bridge.

Work Session

Administration Report

Chief Pynes and announced that Officer Jim Zinnell, 18 years of service, passed away on April 16th 2009. He and staff attended the service. He was a leader and an asset to the community.

Mayor McDonald opened the Executive Session at 6:50 p.m.

Executive Session

- A. Section 551.074, Government Code
 Deliberations concerning the appointment, employment, evaluation, reassignment,
 duties, discipline or dismissal of a public officer or employee or to hear a complaint
 or charge against an officer or employee, to wit:
 - Acting City Manager

4 1	
Adı	ourn
Au	Oun

There being no further business to come before council, the meeting was duly adjourned by Councilman Cameron, seconded by Councilman Saccomanno at 8:30 p.m.

Delia Munoz	Larry L. McDonald
City Secretary	Mayor

THE STATE OF TEXAS

COUNTY OF BRAZORIA

INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF BRAZORIA AND THE CITY OF FREEPORT, TEXAS

This Agreement is made and entered into this the _____ day of ______, 2009, by and between the City of Freeport, acting by and through its governing body, the City Council, hereinafter referred to as CITY, and the COUNTY of Brazoria, acting by and through its governing body, the Commissioners Court, hereinafter referred to as COUNTY, State of Texas:

WHEREAS, this Agreement is made under the authority of Government Code, Section 791.011, and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each governing body find that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Agreement: and

WHEREAS, the COUNTY agrees to provide the CITY \$31,398.00.00 from the JAG award for the Byrne/Jag Recovery Act Program: and

WHEREAS, the COUNTY AND CITY believe it to be in their best interests to reallocate the JAG funds.

NOW THEREFORE, the CITY AND COUNTY agree as follows:

Section 1.

COUNTY agrees to pay CITY a total of \$31,398.00.00 of JAG funds.

Section 2.

CITY agrees to use \$31,398.00 for the Justice Assistance Recovery Act Program until September, 2011.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the Tort Claims Act. ${\rm Pg.~280}$

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Tort Claims Act.

Section 5.

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liability for any civil liability that may arise from the furnishing of the services by the other party.

Section 6.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7.

The County will make all reports as required by the Department of Justice and each subrecipient, participating city will make all required reports to the County.

Section 8.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

COUNTY OF BRAZORIA, TEXAS	CITY OF FREEPORT, TEXAS
County Judge	City Manager
APPROVED AS TO FORM:	ATTEST:
Assistant District Attorney	City Secretary
Contract Authorization	APPROVED AS TO FORM:
	City Attorney

^{*}By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contracts or legal document on behalf of other parties. Our view of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should not seek review and approval by their own attorney(s).

Pg. 281



RECOVERY ACT



Congratulations!

The Bureau of Justice Assistance (BJA), Office of Justice Programs, is pleased to advise you that

Your local jurisdiction is eligible for Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) funding

and appears on the

Recovery Act Units of Local Government Eligibility List, established by OJP's Bureau of

Justice Statistics at the following web site:

www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryallocations.html

You are urged to submit an application for funding under the Recovery Act:

Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program:

Local Solicitation at

www.ojp.usdoj.gov/BJA/recoveryJAG/recoveryjag.html

Answers to Frequently Asked Questions may also be found at the above web site.

Questions? E-mail JAGRecovery@usdoj.gov

Call toll-free 1-866-268-0079

If you have any additional questions after you review the documents, please contact the BJA State Policy Advisor for your state at: www.ojp.usdoj.gov/BJA/resource/stcont.htm.



(979) 233-3526 • Fax: (979) 233-8867 • www.freeport.tx.us

PROPERTY MANAGEMENT

April 23, 2009

Jeff Pynes City Manager

re: Lots 3, 5 thru 8, Block 778, Velasco Townsite 1610-1616, 1620 North Avenue P, Velasco Townsite Tax ID 8110-3854-000

Please place the following item on the May 4, 2009, City Council agenda:

Discuss / consider the sale of Freeport's interests in lots 3, 5 thru 8, block 778, known as 1610-1616, 1620 North Avenue P, Velasco Townsite, City of Freeport, Tax ID 8110-3854-000

Bid analysis and calculation sheets attached.

N C Hickey Property Manager

attach

/s





(979) 233-3526 • Fax: (979) 233-8867 • www.freeport.tx.us

PROPERTY MANAGEMENT MEMO

Council Agenda Date: Agenda item:	May 4, 2009		
Street Address:	Block 778, Lo 620, 1610-16 3110-3854-00	616 North Ave P, Velasco Town	site
Type of Property: Sheriff Sale Date: Sheriff Deed Number:		Trust 6-6-2002 2002041227	
Years Taxes Delinquent Taxes extinguished by S		17 years \$ 449.30	
Appraisal District Value Offer by: Lamar Jordar Court Cost & Post Judge Liens: Paving & Care of the Court Cost & Care of the C	n ment:	\$ 500.00 \$ 525.00 \$ 18.30 \$ 0	
Amount Left to Distribu Distribution Amount to		\$ 506.70 \$ 146.53	
Zoning:		R3	
Action:		[] Accept Offer [] Reject Offer [] Re-agenda	
COMMENTS:			
Motion by	S	econd	Vote

BID ANALYSIS

Cause Number: 19020*T02 Account Number: 8110-3854-000

Offer Amount: \$525.00 Value \$: \$500.00

Person Offering: Lamar Jordan Adjudged Value\$: \$200.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
ВС	1987-2001	\$57.92
BCED		\$31.22
Brazosport ISD		\$186.42
BRHND		\$13.72
Brazosport College		\$12.15
Velasco Drainage		\$17.94
City of Freeport		\$129.93

Total _____\$449.30

<u>Costs</u>

Court Costs		Sheriff Fees	
Publication Fees		Research Fees	
Ad Litem		Recording fee's	
	Liens		0

Total \$0.00

Post Judgement Information

Taxing Entity

BC	2002-2008	\$2.67
BCED		\$0.00
Brazosport ISD		\$9.10
BRHND		\$0.45
Brazosport College		\$0.54
Velasco Drainage		\$0.45
City of Freeport		\$5.09

Tax Year's

Post Judgment Total \$18.30

Proposed Distribution Offer Amount Costs + P & J

\$525.00 \$18.30

Net to Distribute \$ \$506.70

BC	12.89%	\$65.32
BCED	6.95%	\$35.21
Brazosport ISD	41.49%	\$210.24
BRHND	3.05%	\$15.47
Brazosport College	2.70%	\$13.70
Velasco Drainage	3.99%	\$20.23
City of Freeport	28.92%	\$146.53

RECEIVED
MAR 3 0 2009
PROPERTY MGMT



(979) 233-3526 • Fax: (979) 233-8867 • www.freeport.tx.us

PROPERTY MANAGEMENT

April 23, 2009

Jeff Pynes City Manager

> re: Lots 10-11, Block 676, Velasco Townsite 1004-1006, North Avenue G, Velasco Townsite Tax ID 8110-2710-000

Please place the following item on the May 4, 2009, City Council agenda:

Discuss / consider the sale of Freeport's interests in lots 10-11 block 676, known as 1004-1006 North Avenue G, Velasco Townsite, City of Freeport, Tax ID 8110-2710-000

Bid analysis and calculation sheets attached.

N C Hickey Property Manager

attach

/s





Council Agenda Date: May 4, 2009

200 West 2nd Street • Freeport, TX 77541-5773

(979) 233-3526 • Fax: (979) 233-8867 • www.freeport.tx.us

PROPERTY MANAGEMENT MEMO

Agenda item:			
Legal Description: Street Address: Tax ID	Block 676, Lot 10-11 1004-1006 North Ave G, Velasco Townsite 8110-2710-000		
Type of Property: Sheriff Sale Date: Sheriff Deed Number	:	Trust 9-13-2002 2000041167	
Years Taxes Delinque Taxes extinguished by		19 years \$2,510.81	
Taxes extinguished by	onerm one.	ψ2,310.01	
Appraisal District Val Offer by: Lamar Jord Court Cost & Post Jud Liens: Paving & Care	an gment:	\$4,060.00 \$2,030.00 \$ 132.40 \$ 0	
Amount Left to Distrib Distribution Amount t		\$1,897.60 \$ 565.18	
Zoning:		C-1	
Action:		[] Accept Offer [] Reject Offer [] Re-agenda	
COMMENTS:			
Motion by	S	econd	Vote
Trust sale-Council action			

BID ANALYSIS

 Cause Number:
 8455*T99
 Account Number:
 8110-2710-000

 Offer Amount:
 \$2,030.00
 Value \$:
 \$4,060.00

 Person Offering:
 Lamar Jordan
 Adjudged Value\$:
 \$2,810.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	1977-1999	\$322.18
BCED	1977-1999	\$175.24
Brazosport ISD	1977-1999	\$1,007.32
BRHND	1977-1999	\$82.75
Brazosport College	1977-1999	\$64.01
Velasco Drainage	1977-1999	\$111.49
Road Dist 34	1977-1999	\$0.00
City of Freeport	1977-1999	\$747.82

Total \$2,510.81

Costs

Court Costs		Sheriff Fees	
Publication Fees		Research Fees	
Ad Litem		Recording fee's	
	Liens	0	

Total \$0.00

Post Judgement Information

Taxing Entity	Tax Year's

BC	2000-2008	\$19.04
BCED	2000-2008	\$0.00
Brazosport ISD	2000-2008	\$65.35
BRHND	2000-2008	\$3.45
Brazosport College	2000-2008	\$4.06
Velasco Drainage	2000-2008	\$3.29
Road Dist 34	2000-2008	\$0.00
City of Freeport	2000-2008	\$37.21

Post Judgment Total \$132.40

 Proposed Distribution
 Offer Amount
 Costs + P & J

 \$2,030.00
 \$132.40

Net to Distribute \$ \$1,897.60

BC	12.83%	\$243.49
BCED	6.98%	\$132.44
Brazosport ISD	40.12%	\$761.30
BRHND	3.30%	\$62.54
Brazosport College	2.55%	\$48.38
Velasco Drainage	4%	\$84.26
Road Dist 34	0.00%	\$0.00
City of Freeport	30%	\$565.18

RECEIVED

MAR 3 0 2009

PROPERTY MGMT



(979) 233-3526 • Fax: (979) 233-8867 • www.freeport.tx.us

PROPERTY MANAGEMENT

April 23, 2009

Jeff Pynes City Manager

> re: Lots 13-14, Block 85, Velasco Townsite 121-123 South Avenue F, Velasco Townsite Tax ID 8110-0858-000

Please place the following item on the May 4, 2009, City Council agenda:

Discuss / consider the sale of Freeport's interests in lots 13-14 block 85, known as 121-123 South Avenue F, Velasco Townsite City of Freeport, Tax ID 8110-0850-000

Bid analysis and calculation sheets attached.

N C Hickey Property Manager

attach

/s





(979) 233-3526 • Fax: (979) 233-8867 • www.freeport.tx.us

PROPERTY MANAGEMENT MEMO

BID ANALYSIS

80G1050 Account Number: 8110-0858-000 Cause Number:

Offer Amount:

\$1,250.00

Value \$: \$4,060.00

Person Offering:

Lamar Jordan

Adjudged Value\$: \$1,240.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	1974-1981	\$10.72
Brazosport ISD	1974-1981	\$15.50
BRHND	1974-1981	\$1.85
Brazosport College	1974-1981	\$3.14
Velasco Drainage	1974-1981	\$7.03
Road Dist 34	1974-1981	\$0.19
City of Freeport	1974-1981	\$50.50
		100

Total ____

Costs

Court Costs		Sheriff Fees	
Publication Fees		Research Fees	
Ad Litem		Recording fee's	
	Liens	O	

Post Judgement Information

Taxing Entity

Tax	Year's

BC	1982-2008	
Brazosport ISD	1982-2008	
BRHND	1982-2008	
Brazosport College	1982-2008	
Velasco Drainage	1982-2008	
Road Dist 34	1982-2008	
City of Freeport	1982-2008	
	1982-2008	

\$0.00 Post Judgment Total ____

\$1,250.00

Proposed Distribution

Offer Amount

Costs + P & J

\$0.00

Net to Distribute \$

\$1,250.00

BC	12.05%	\$150.68
Brazosport ISD	17.43%	\$217.87
BRHND	2.08%	\$26.00
Brazosport College	3.53%	\$44.14
Velasco Drainage	7.91%	\$98.81
Road Dist 34	0.21%	\$2.67
City of Freeport	56.79%	\$709.83

RECEIVED PROPERTY MGMT



April 27, 2009

To: Delia Munoz City Secretary City of Freeport, TX 77541

The Freeport Main Street Historical Advisory Commission requests that Freeport City Council consider designating certain downtown areas as an official Historic District under city ordinance number 1100-91-2.

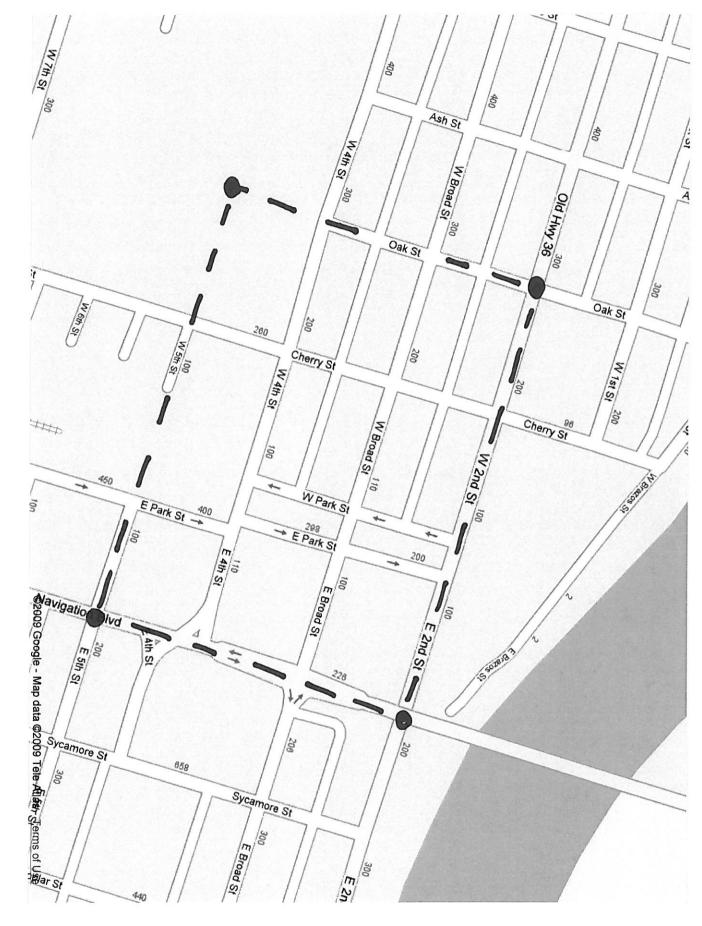
The city blocks under consideration are numbers 31, 32, 33, 42, 43, 44, 47 and 48. These areas are bounded by 5th Street on the south, 2nd St. on the north, Navigation Blvd. on the east, and Oak St. on the west.

Certain tax incentives are allowable for officially designated Historic Districts. The purpose of this designation is to allow for tax abatements or tax freezes on improved property within Freeport's Historic Downtown district. The goal is to provide incentives for building improvement to spur development, which would benefit the city's tax base.

Please see attached map for details.

Thank you,

Mary Lee Stotler Main Street Director



Pg. 291

2 of 3