

NOTICE OF PUBLIC MEETING  
THE FREEPORT CITY COUNCIL  
MONDAY, MAY 7TH, 2012 6:00 P.M.  
FREEPORT MUNICIPAL COURT ROOM  
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.  
FREEPORT, TEXAS

AGENDA  
FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration on of approving the April 16th, 2012 Council Minutes.  
Pg. 189-193
5. Attending citizens and their business.
6. Consideration of approving an Ordinance No. 2012-2306 amending the 45 mph speed limit designation and the 55 mph speed limit designation contained in section 71.21 of the Code of Ordinances of said City to provide that the prima facie speed limit for vehicles traveling in either direction on State Highway 332, from the West City limits to the point 845 feet West of Casco/Sailfish Street shall 55 mph and the prima facie speed limit thereon from said point to the East City limits of said City shall be 45 mph providing for the posting of signs. Pg. 194-201
7. Consideration of approving Ordinance No. 2012-2307 amending the budget for the fiscal year 2011-2012. Pg. 202-207
8. Consideration of approving Resolution No. 2012-2386 accepting the alternate bid of and authorizing the Mayor and the City Secretary to execute and attest respectfully, and the Mayor to acknowledge and deliver a special warranty deed conveying the fee title to 0.764 acres of land, more or less, out of the Stephen F. Austin Survey, Abstract 32 and the Stephen F. Austin Survey Abstract 33, both in Brazoria County Texas, and described in exhibit "A" attached hereto, to the Gary J. Woodring, upon condition subsequent, he being the sole bidder thereof.  
Pg. 208-217

9. Consideration of setting a date for a Joint Public Hearing with the Planning Commission to consider adding a proposed W-4 Marina District to the Comprehensive Zoning Ordinance of the City which may include the following real property located therein:

Beginning at the intersection of the north ROW line of West Second Street, at its intersection with the east ROW line of Cherry Street; thence north to the northern ROW line of the Freeport Townsite Levee; thence east to the extension of the eastern property line of Tract 1A, Thomas McKinney Survey, Abstract 87, Brazoria County, Texas; thence north along that extended line to the centerline of the Old Brazos River Channel; thence along the centerline of that Channel east to the extension of the western property line of Tract B1A, S.F. Austin Survey, Abstract 28, Brazoria County, Texas; thence south along that extended line to the west ROW line of Spruce Street, and continuing along that line to its intersection with the north ROW line of East Second Street; then west along that line to the place of beginning. Pg. 218

10. Consideration of setting a date for a Joint Public Hearing with the Planning Commission to consider granting a Specific Use Permit to Mr. Ravin Patel to construct an RV/Motor Coach Recreation Site on their property, located on Tract Six (6) Bridge Harbor Subdivision. Pg. 219
11. Consideration of advertising and setting a bid date for June 4th, 2012 to purchase a forklift for the Freeport Marina located at 202 East Second Street, Freeport Texas. Pg. 220-221
12. Consideration of approving a request from St. Mary Star of the Sea Catholic Church to sell alcohol, have a public dance for St. Mary's Festival held on May 19th, & May 20th at the Freeport Municipal Park. Pg. 222

#### Work Session:

- A. Discuss concerning the City's Centennial Celebration.
- B. Discussion regarding revenues and rates of the Freeport Golf Course. Pg. 223-224

#### Executive Session:

##### Section 551.071, Government Code:

Consultation with City Attorney concerning pending or contemplated litigations, settlement offers or other matter 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 obligations regarding sale and purchase of real estate.

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, May 4th, 2012 at or before 5:00 p.m.

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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 16th 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  
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  
Brian Davis, Fire Chief  
Larry Fansher, Parks Director

Visitors: Dorothy Pirrung James Pirrung  
Sam Reyna Steve Epperly

Invocation.

Mayor Norma Garcia opened the meeting at 6:00 p.m. and Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Norma Garcia led the Pledge of Allegiance.

Consideration of approving the April 2nd, 2012 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the April 2nd , 2012 Council Minutes.

Attending citizens and their business.

There were none

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.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved Fire Chief Davis recommendation to approve 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.

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

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Resolution 2012-2283 authorizing designated signators for its Texas Community Block Grant Program – Disaster Recovery Program Fund Contract 12-215-000-5515 Round 2.1.

Consideration of approving Resolution No. 2012-2284 adopting Section 3 Local Opportunity Plan For Grant Programs.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council unanimously approved Resolution No. 2012-2284 adopting Section 3 Local Opportunity Plan for Grant Program.

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.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved 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.

Consideration of approving Resolution No. 2012-2286 authorizing bidding for pipeline right-of-way and easement across certain property in Brazoria County, Texas.

Phyllis Saathoff Interim Port Director explained the gas line easement needed by America Rice, Inc., solely for the purpose of transporting natural gas.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved Resolution No. 2012-2286 authorizing bidding for pipeline right-of-way and easement across certain property in Brazoria County, Texas.

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.

Jeff Pynes City Manager advised Council that two bids had been turned in by the same person. One bid was for \$38,758.00 and the second for \$61,789.01. The bidder is asking Council to accept his first bid of \$38,758.00 with a commitment that he will spend the difference on landscaping and beautification efforts on the waterfront and public areas. His plans is to build a traditional style home design, valuing \$300,000.00 and will commit to a solid completion date of October 2013.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting 3 to 2, Council approved the bid of \$38,758.00 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 with the commitment from the bidder that he will spend the difference in landscaping and beautification. Councilman Bolton and Councilwoman Mireles opposed.

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.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye" Council unanimously approved 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.

Consideration of the approval of a request from the Brazoria County Hispanic Chamber of Commerce to close the intersecting streets on West 2<sup>nd</sup> 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 5<sup>th</sup>, 2012.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye" Council unanimously approved a request from the Brazoria County Hispanic Chamber of Commerce to close the intersecting streets on West 2<sup>nd</sup> 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 5<sup>th</sup>, 2012.

### Work Session

Update regarding Freeport Marina progress:

- Dry Stacks
- Concrete
- Forklift
- Premarketing of Dry Stack building

Jeff Pynes City Manager reported on the progress of the Freeport Marina, contracting with Golden Giant Engineers to do the structural and foundation engineering on the marina dry stack building. The plans will be sent to TxDot for review. The concrete pouring on the marina dry stacks project will be finalized in the next two weeks. It is essential to the operation of the marina dry stacks to purchase a forklift for the boats. Currently researching the finance options in purchasing a forklift, prices range from 350,000, to 408,000. Councilman Bolton asked for this information to be shared with the Economic Development Corporation.

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.

City Manager Jeff Pynes received complaints of people smoking outside the City Hall building. He asked for suggestions on setting a distance from the City Hall doors. Councilwoman Mireles suggested a smoking area be designated. Councilwoman Barbree reminded Council that we have a Marina and River Place facility. Mayor Garcia concurred with Mr. Pynes on complaints of employees and people smoking outside the City Hall and Freeport Police Department. Mayor Garcia requested more research on this item.

Mayor Norma Garcia closed the Work Session and opened the Executive Session at 6:30 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 Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- Contractual negotiations concerning City owned real property.

Adjourn

Mayor Norma Garcia closed the Executive Session and reconvened the Formal Session to adjourn.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council adjourned at 6:56 p.m.

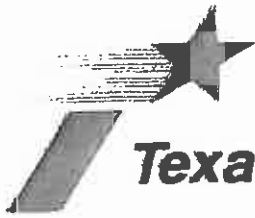
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Mayor Norma Moreno Garcia  
City of Freeport, Texas

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City Secretary- Delia Munoz  
City of Freeport, Texas





# Texas Department of Transportation

P.O. BOX 1386 • HOUSTON, TEXAS 77251-1386 • (713) 802-5000

April 23, 2012

CONTACT: TRAFFIC

Speed Limit Study  
SH 332  
Control Section: 586-1  
Brazoria County

The Honorable Norma M. Garcia  
Mayor, City of Freeport  
200 West 2<sup>nd</sup> Street  
Freeport, Texas 77541

Dear Mayor McDonald:

Our office has completed a Speed Zone Study along SH 332 within the City of Freeport.

Attached are Speed Zone Strip Maps numbered 5659 B through 5659 C and a prepared Speed Zone Ordinance suggested by the Texas League of Municipalities containing the recommended zone along SH 332. If you concur with the recommended zone, please furnish this office with a copy of your executed ordinance.

If you should have any questions, please contact Mr. Michael C.K. Awa, P.E., at (713) 802-5858 or Mr. Rogelio R. Rubico, P.E., at (713) 802-5182.

Sincerely,

*Stuart C. Corder, P.E.*

Stuart C. Corder, P.E.  
Director of Transportation Operations  
Houston District

RRR:ks

Attachments

cc: Mr. Rogelio R. Rubico, P.E.  
Mr. Michael C. K. Awa, P.E.  
Mr. Eliza C. Paul, P.E.

# FREEPORT POLICE DEPARTMENT

430 N. Brazosport Blvd • Freeport, TX 77541 • 979.239.1211 • Fax 979.239.2075

Steven Epperley  
Assistant Chief of Police

Tyrone "Ty" Morrow  
Chief of Police

Marisol Gamboa  
Commander of Patrol Division

May 1, 2012

City Manager Jeff Pynes,

I have reviewed the attached speed zone study from the TxDOT. I find the recommendation to be consistent with reasonable traffic flow standards. I concur with TxDOT's recommendations.

Regards,

  
Ty Morrow





***FREEPORT FIRE & EMS***

*131 East Fourth Street*

*P.O. Box 3356*

*Freeport, Texas 77541*

*(979) 233-2111*

Brian Davis  
Chief

Christopher Molley  
Deputy Chief

Billywayne Shoemaker  
Deputy Chief

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**Date:** April 24, 2012

**From:** Chief Brian Davis

**To:** Mr. Jeff Pynes, City Manager

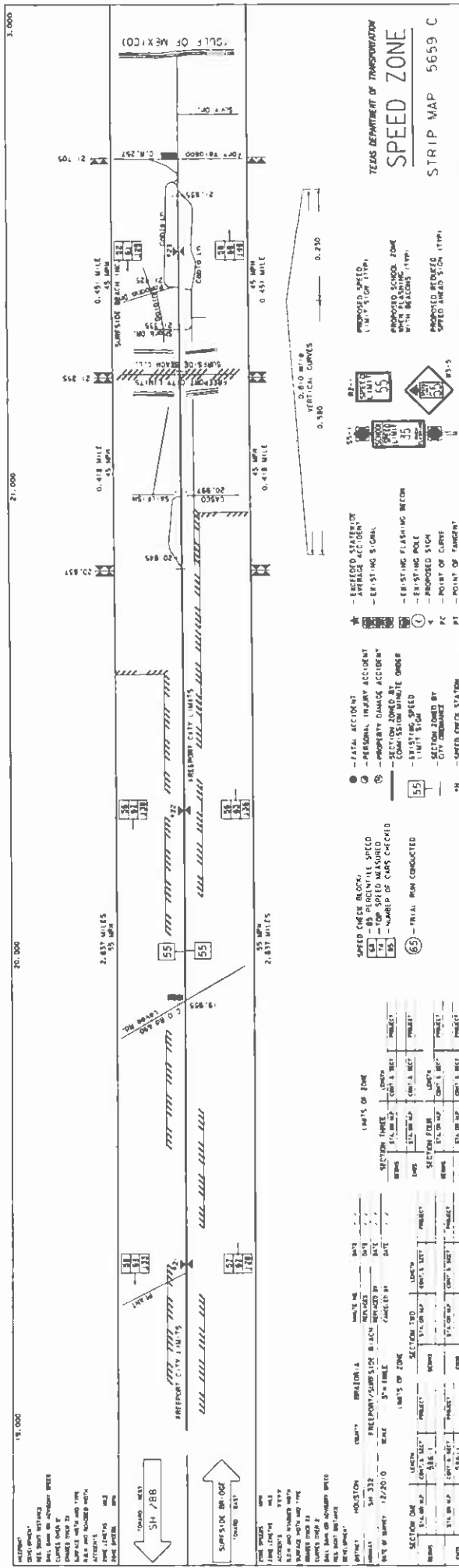
A handwritten signature in black ink, appearing to be "Brian Davis", written over a horizontal line.

**Subj:** Speed Limit Study, SH 332, Control Section 596-1

I have reviewed the attached speed zone study from the Texas Department of Transportation as requested. Based on the study data, I find the recommendation to be consistent with reasonable traffic flow standards. Although there is a frequent tendency to believe reduced speed limits are a safer alternative; in my experience consistency often times offers a safer overall flow of traffic.

I concur with the recommendation as presented.

# FREEPORT

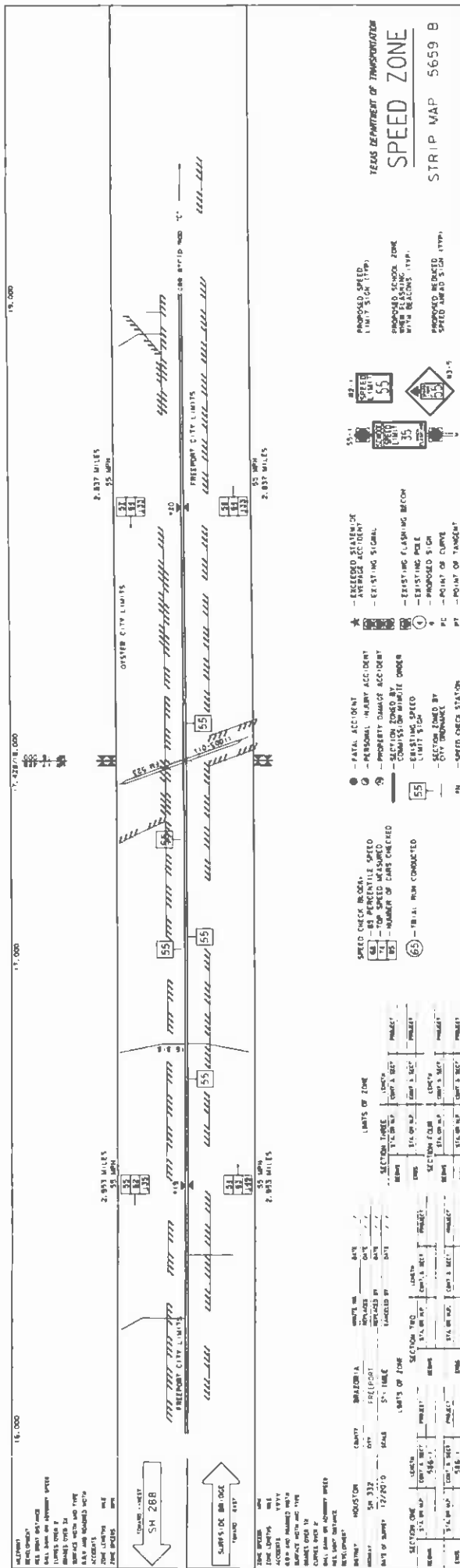


TEXAS DEPARTMENT OF TRANSPORTATION  
**SPEED ZONE**  
 STRIP MAP 5659 C

DATE: 2/28/2012 3:09:02 PM

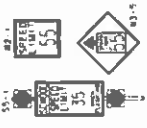
PROJECT: HOUSTON COUNTY, TEXAS  
 COUNTY: HOUSTON COUNTY, TEXAS  
 DISTRICT: 1  
 PROJECT NO.: 3321588-011Freeport.dgn

# FREEPORT



TEXAS DEPARTMENT OF TRANSPORTATION  
**SPEED ZONE**  
 STRIP MAP 5659 B

- PROPOSED SCHOOL ZONE WITH FLASHING BEACONS (TYP)
- PROPOSED SLOWED SPEED ZONE (TYP)
- PROPOSED SLOWED SPEED ZONE (TYP)



- EXCEEDED STATEWIDE AVERAGE ACCIDENT RATE
- EXISTING SIGNAL
- EXISTING FLASHING BEACON
- EXISTING POLE
- PROPOSED SIGN
- POINT OF CURVE
- POINT OF TANGENT

- FATAL ACCIDENT
- PERSONAL INJURY ACCIDENT
- PROPERTY DAMAGE ACCIDENT
- SECTION ZONED BY COMMISSIONER WHITE ORDER
- EXISTING SPEED LIMIT SIGN
- PROPOSED SIGN
- SPEED CHECK STATION

- SPEED CHECK INCIDENT
- TOP SPEED MEASURED
- NUMBER OF CARS CHECKED
- TOTAL RUM CONDUCTED

SECTION	START	END	TYPE	DATE	STATUS
SECTION 1	0+00	1+00	55	01/15/2012	PROPOSED
SECTION 2	1+00	2+00	35	01/15/2012	PROPOSED
SECTION 3	2+00	3+00	20	01/15/2012	PROPOSED

SECTION	START	END	TYPE	DATE	STATUS
SECTION 1	0+00	1+00	55	01/15/2012	PROPOSED
SECTION 2	1+00	2+00	35	01/15/2012	PROPOSED
SECTION 3	2+00	3+00	20	01/15/2012	PROPOSED

SECTION	START	END	TYPE	DATE	STATUS
SECTION 1	0+00	1+00	55	01/15/2012	PROPOSED
SECTION 2	1+00	2+00	35	01/15/2012	PROPOSED
SECTION 3	2+00	3+00	20	01/15/2012	PROPOSED

DATE OF MAP: 12/22/10  
 DRAWN BY: J. H. SMITH  
 CHECKED BY: J. H. SMITH  
 DATE OF CHECK: 01/15/2012

2/28/2012 3:08:42 PM  
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ORDINANCE NO. 2012-2306

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING THE 45 MPH SPEED LIMIT DESIGNATION AND THE 55 MPH SPEED LIMIT DESIGNATION CONTAINED IN SECTION 71.21 OF THE CODE OF ORDINANCES OF SAID CITY TO PROVIDE THAT THE PRIMA FACIE SPEED LIMIT FOR VEHICLES TRAVELING IN EITHER DIRECTION ON STATE HIGHWAY 332, FROM THE WEST CITY LIMITS TO THE POINT 845 FEET WEST OF CASCO/SAILFISH STREET, SHALL 55 MILES PER HOUR AND THE PRIMA FACIE SPEED LIMIT THEREON FROM SAID POINT TO THE EAST CITY LIMITS OF SAID CITY SHALL BE 45 MILES PER HOUR; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING THAT ANY PERSON VIOLATING SAID CODE OF ORDINANCES AS AMENDED BY THIS ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION ASSESSED A FINE NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS AND THAT EACH DAY ANY SUCH VIOLATION CONTINUES OR OCCURS SHALL BE A SEPARATE OFFENSE; CONTAINING A SAVINGS CLAUSE; 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, Item (12) of Subsection (a) of Section 542.202 of the Transportation Code authorizes a municipality, as a local authority, to alter the speed limit on public streets and highways within its jurisdiction as authorized by said Code; and,

WHEREAS, Item (2) of Subsection (b) of Section 542.203 of said Code provides that no ordinance which alters a speed limit shall be effective until signs giving notice thereof are posted on or at the entrance to the affected street or highway as may be most appropriate; and,

WHEREAS, Subsection (b) of Section 544.002 of said Code provides that all traffic-control devices placed by a local authority must conform to the manual and specifications adopted by the Texas Department of Transportation under Section 544.001 of said Code; and,

WHEREAS, Subsection (a) of Section 545.356 of said Code authorizes alteration by ordinance of the prima facie speed limit from the results of an engineering and traffic investigation, so long as the rule that an operator may not drive at a speed greater than is reasonable and prudent under the circumstances then existing established by Subsection (a) of Section 545.351 of said Code is not modified or a speed limit of more than sixty (60) miles per hour is not established; and,

WHEREAS, a Speed Limit Study conducted by the Texas Department of Transportation concluded that the prima facie speed limit on State Highway 332, from the west city limits to the point 845 feet west of Casco/Sailfish Street should be 55 miles per hour and the prima facie speed limit thereon from said point to the east city limits should be 55 miles per hour; and,

WHEREAS, based on such survey, the City Council has found and does here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City and the motoring public.

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

First, upon the basis of such survey, a prima facie speed limit of 55 miles per hour for vehicles along State Highway 332, from the west city limits to the point of 845 feet west of Casco/Sailfish Street, a distance of approximately 2.837 miles, and a prima facie speed limit thereon of 45 miles per hour from said point to the east city limits, a distance of approximately 0.4187 miles, are hereby determined and declared to be reasonable and safe and are hereby fixed; and the 45 MPH Speed Limit Designation and the 55 MPH Speed Limit Designation contained in Section 71.21 of the Code of Ordinances of the City of Freeport, Texas, are hereby amended to read, respectively, as follows:

**45 MPH SPEED LIMIT**

■(5) State Highway 332, from the point 845 feet west of Casco/Sailfish Street, to the east city limits, a distance of approximately 0.4187 miles..

**55 MPH SPEED LIMIT**

■(1) State Highway 332, from the west city limits to the point 845 feet west of Casco/Sailfish Street, a distance of approximately 2.837 miles..

Second, the City Manager of the City of Freeport, is hereby authorized and directed to cause appropriate signs conforming to the requirements of said Act giving notice of the foregoing speed limit to be posted at appropriate locations upon these portions of highways to which such limits apply.

Third, any person violating said ordinance as amended by this ordinance shall be guilty of a misdemeanor and upon conviction therefor fined not to exceed Two Hundred (\$200.00) Dollars; and every day any such violation continues or occurs shall constitute a separate offense.

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

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

Sixth, 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:

\_\_\_\_\_  
Della Munoz, City Secretary  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Wallace Shaw, City Attorney,  
City of Freeport, Texas

C:\Freeport.Tr\332 Spd Lmt-3Ord



ORDINANCE NO. 2012-2307

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACTS; AMENDING THE BUDGET FOR THE FISCAL YEAR 2011-2012; 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 2011-2012 fiscal year of the City was finally approved by the City Council, being the governing body thereof, by its Ordinance No. 2011-2286, read, passed and adopted on the 12th day of September, 2011, (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 12, 2011, 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 2011-2012 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.

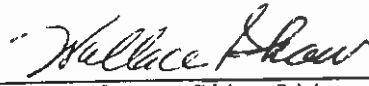
READ, PASSED AND ADOPTED this \_\_\_\_\_ day of May, 2012.

\_\_\_\_\_  
Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Delia Muñoz, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

  
\_\_\_\_\_  
Wallace Shaw, City Attorney,  
City of Freeport, Texas

C:\Freeport.Bud\2011-2012 Bud 4Amnd-Ord



200 West 2nd Street  
Freeport, TX 77541  
PH: (878) 233-3628  
FX: (878) 373-0119

# Council

## MEMORANDUM

**To:** Mayor and Council  
**From:** Bob Welch  
**Re:** Request for Amendment of Budgeted Funds # 4  
**Date:** May 7, 2012

We are requesting the following amendments to the 2011-2012 Budget:

BUDGET AMENDMENTS	FUNDS	ACCOUNT DESCRIPTION		
1 MUSEUM DONATIONS MUSEUM FUNDRAISER RECORD MUSEUM DONATION FROM BRAZOSPORT REPUBLICAN WOMEN	10-360-010 10-678-483	MUSEUM DONATIONS MUSEUM FUNDRAISER	60	60
2 MUSEUM DONATIONS MUSEUM FUNDRAISER RECORD MUSEUM DONATION FROM GERALD ADKINS	10-360-010 10-678-483	MUSEUM DONATIONS MUSEUM FUNDRAISER	60	60
3 POLICE CAPITAL AMEND BUDGET TO PURCHASE A 2011 CHEVY TAHOE-POLICE DEPT. INSURANCE RENEW. PAID \$12,878	10-628-890	POLICE CAPITAL	25,603	
4 POLICE-SELL OF EQUIPMENT POLICE- INVESTIGATIVE SUPPLIES RECORD SELL OF VEHICLES POLICE DEPARTMENT	10-361-525 10-628-394	POLICE-SELL OF EQUIPMENT POLICE INVESTIGATIVE SUPPLIES	1,616	1,616
5 POLICE-SELL OF EQUIPMENT POLICE-NARCOTICS K-9 RECORD SELL OF VEHICLES POLICE DEPARTMENT	10-361-625 10-628-620	POLICE-SELL OF EQUIPMENT POLICE-NARCOTICS K-9	4,660	4,660
6 MISC. INCOME RECORD SALE OF STREET SWEEPER	10-360-101	MISC. INCOME		21,237
7 VEOLIA-OTHER TRANSFER FROM GENERAL FUND TRANSFER TO WATER & SEWER FUND MOVE PRIOR YEAR BUDGETED FUNDS TO CURRENT YEAR- TO REROUTE 12" WATER MAIN ON SH333- CONFLICT WITH TxDOT REPAIRS	66-866-488 66-710-010 10-708-088	VEOLIA-OTHER TRANSFER FROM GENERAL FUND TRANSFER TO WATER & SEWER	66,737 66,737 66,737	66,737
8 MAIN STREET COMMISSION FUNDS MOVE PRIOR YEAR FUNDS RECEIVED TO CURRENT YEAR	10-360-800	MAIN ST. COMMISSION FUNDS		7,684

**SUMMARY EFFECT ON GOVERNMENTAL FUNDS:**

	ACCTS	CURRENT BUDGET	BUDGET AMEND	AMENDED BUDGET
MUSEUM DONATIONS	10-380-010	-10,612	-100	-10,612
MUSEUM FUNDRAISER	10-678-493	54,393	100	54,493
POLICE CAPITAL	10-625-000	39,000	26,603	65,603
POLICE SELL OF EQUIPMENT	10-381-625	-7,939	-4,276	-14,209
POLICE INVESTIGATIVE SUPPLIES	10-625-384	6,378	1,619	7,992
POLICE NARCOTICS K-9	10-625-030	35,620	4,659	41,269
MISC. INCOME	10-380-101	-69,620	-71,237	-81,237
VEOLIA- OTHER	56-685-400	33,600	89,737	126,737
TRANSFER FROM GENERAL FUND	56-710-010	-77,423	-89,737	-168,165
TRANSFER TO WATER & SEWER FUND	10-700-005	77,423	89,737	168,165
MAIN STREET COMMISSION FUNDS	10-380-000	0	-7,654	-7,654
		60,012	55,519	169,433
<b>Net effect on Fund Balance:</b>			<b>DECREASE</b>	<b>255,519</b>

RESOLUTION NO. 2012-2386

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; ACCEPTING THE ALTERNATE BID OF AND AUTHORIZING THE MAYOR AND CITY SECRETARY TO EXECUTE AND ATTEST, RESPECTIVELY, AND THE MAYOR TO ACKNOWLEDGE AND DELIVER A SPECIAL WARRANTY DEED CONVEYING THE FEE TITLE TO 0.764 ACRES OF LAND, MORE OR LESS, OUT OF THE STEPHEN F. AUSTIN SURVEY, ABSTRACT 32 AND THE STEPHEN F. AUSTIN SURVEY ABSTRACT 33, BOTH IN BRAZORIA COUNTY, TEXAS, AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO THE GARY J. WOODRING, HE BEING THE SOLE BIDDER THEREFOR; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.

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, Section 2.01 of the Home Rule Charter of the City authorizes it to sell any real property owned by the City; and,

WHEREAS, Subsection (a) of Section 272.001 requires that before a municipality may sell any land or exchange it for other land, notice to the general public, including a description of the land and its location and the procedure by which sealed bids to purchase such land or offers to exchange such land may be submitted, must be published on two separate dates in a newspaper, if any, of general circulation published in the county in which such land is located and that such sale or exchange cannot be made until after the 14th day after the date of the second publication; and,

WHEREAS, the City Council of the City, having determined to sell the hereinafter described land owned by the City, did cause public notice thereof to be published twice in the Brazosport Facts, a newspaper of general circulation in Brazoria County, Texas, where such land is located, to-wit, on February 12, 2012, and February 19, 2012; and,

03/04/2014 11:21 PAA 872003000

WHEREAS, the only bidder therefor was GARY J. WOODRING, who offered a bid of \$61,780.01 and an alternate bid for \$38,758.00 coupled with an agreement to immediately develop such land with bulkheading the waterfront and building a slightly elevated traditional style residence (not a beach house look) with a completed structure improvement value of \$300,000.00, to be completed by October, 2013, without applying for the City's tax abatement for new construction, both such bids having been received within the time specified in such notice;

WHEREAS, the City Council of the City has determined and does here now declare that accepting such alternate bid will be in the best interest of the inhabitants of the City, considering the amount of value that will be added to the tax roll of the City by October, 2013, if there is no tax abatement is made or granted.

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

First, the City Council of the City of Freeport, Texas, finds that the fact recited in the preamble hereof are true.

Second, the City Council of the City hereby accepts the alternative bid of the said Gary J. Woodring therefor and authorizes the Mayor and City Secretary thereof to execute and attest, respectively, and the Mayor to acknowledge and, upon the written acceptance of such deed by the said Gary J. Woodring and the receipt by the City's Director of Finance from the said Gary J. Woodring of the sum of \$38,758.00, deliver to the said Gary J. Woodring a deed containing a special warranty and conveying the fee title to the real property owned by the City and described in Exhibit "A" attached hereto and made a part hereof, on condition subsequent that the said Gary J. Woodring will immediately develop such land with bulkheading the waterfront and building a slightly elevated traditional style residence (not a beach house look) with a completed structure improvement value of at least \$300,000.00, to be completed by October 1, 2013, and without applying for the City's tax exemption for newly constructed residences.



Third, in the event any section or provision of this resolution 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 resolution and such remaining sections and provisions shall remain in full force and effect.

Fourth, this resolution shall take effect and be in force from and after its passage and adoption.

Fifth, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City.

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

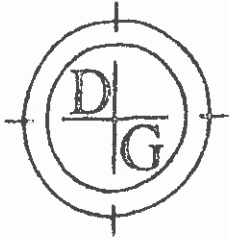
ATTEST:

\_\_\_\_\_  
Delia Munoz, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

  
\_\_\_\_\_  
Wallace Shaw, City Attorney,  
City of Freeport, Texas

C:\Freeport.Sale\Woodring-GJ-SWD-Rs1



# DAMIAN/GALLION & ASSOCIATES

ENGINEERING, SURVEYING AND MAPPING

1512 N. AVENUE J  
FREEPORT, TEXAS 77541

BUSINESS (979) 233-7177  
FAX (979) 233-3877

**0.764 ACRES OUT OF THE  
S.F. AUSTIN SURVEY, ABSTRACT NO. 32,  
AND THE S.F. AUSTIN SURVEY, ABSTRACT NO. 33,  
KNOWN AS TRACT 4 OF THE OFFICIAL MAP OF THE CITY OF  
FREEPORT,  
BRAZORIA COUNTY, TEXAS  
JUNE 27, 2006**

BEING 0.764 acres of land out of the S.F. Austin Survey, Abstract No. 32 and the S.F. Austin Survey, Abstract No. 33, City of Freeport, Brazoria County, Texas and being the same Tract 4 of the Official Map of the City of Freeport being described by metes and bounds as follows;

COMMENCING at a found  $\frac{1}{2}$ " iron rod for the northeast corner of the Lot 8, Block 131 of the Official Map of the City of Freeport, same being at the intersection of the south right-of-way line of Second Street with the west right-of-way line of Locust Street;

THENCE, North 17 degrees 00 minutes 00 seconds East, a distance of 337.00 feet, to a set  $\frac{1}{2}$ " iron rod with cap point on the west right-of-way line of Locust Street, and being at the southwesterly corner of said 0.764 acre tract for the POINT OF BEGINNING;

THENCE, North 17 degrees 00 minutes 00 seconds East, a distance of 110.00 feet to a set  $\frac{1}{2}$ " iron rod with cap, said iron rod being at the high bank of the Old Brazos River;

THENCE, South 50 degrees 38 minutes 26 seconds East, a distance of 234.12 feet to a set  $\frac{1}{2}$ " iron rod with cap, said iron rod being at the high bank of the Old Brazos River;

THENCE, South 55 degrees 42 minutes 27 seconds East, a distance of 206.16 feet to a set  $\frac{1}{2}$ " iron rod with cap, said iron rod being at the high bank of the Old Brazos River;

THENCE, South 17 degrees 00 minutes 00 seconds West, a distance of 52.64 feet to a set  $\frac{1}{2}$ " iron rod with cap, for the southeasterly corner of this 0.764 acre tract;

0.764 Acre Tract

Page 2

THENCE, North 63 degrees 08 minutes 00 seconds West, a distance of 172.24 feet to a set ½" iron rod with cap;

THENCE, North 58 degrees 24 minutes 00 seconds West, a distance of 251.80 feet to the POINT OF BEGINNING and containing 0.764 acres of land more or less.

Surveyed on the ground June 23, 2006.

SPECIAL WARRANTY DEED

The CITY OF FREEPORT, a municipal corporation located in Brazoria County, Texas, hereinafter called GRANTOR, for the valuable consideration hereinafter specified, have GRANTED, SOLD and CONVEYED and by these presents do GRANT, SELL and CONVEY unto GARY J. WOODRING of Brazoria County, Texas, hereinafter called GRANTEE whether one or more, the following described real property lying and situated in the County of Brazoria and State of Texas, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

This conveyance is made and accepted subject to any and all valid and subsisting easements, restrictions, rights-of-way, conditions, exceptions, covenants and other encumbrances properly of record affecting the title to the above described property; and all visible and apparent easements, including but not being limited to any existing utility lines.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto Grantee and the heirs and assigns of Grantee, forever; and Grantor does hereby bind itself, its successors and assigns, to Warrant and Forever Defend all and singular the said premises unto Grantee, and the heirs and assigns of Grantee, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through and under Grantor but not otherwise; BUT THE ABOVE CONVEYANCE IS SUBJECT TO THE FOLLOWING CONDITION AND IT IS EXPRESSLY MADE AND PROVIDED THAT GRANTEE WILL IMMEDIATELY DEVELOP SUCH LAND with bulkheading the waterfront and building a slightly elevated traditional style residence (not a beach house look) with a completed structure improvement value of at least \$300,000.00, to be completed by October 1, 2013, and without applying for the City's tax exemption for newly constructed residences upon the premises herein conveyed.

IT IS EXPRESSLY AGREED AND UNDERSTOOD that such condition shall be binding upon and shall be observed by the Grantee herein, and the heirs, executors, administrators, and assigns of Grantee, and shall run with such land in favor of and shall be enforceable by the Grantor. IN THE EVENT OF ANY VIOLATION OR NON-OBSERVANCE OF THE ABOVE CONDITION, upon the affirmative vote of a majority of the members of its City Council taken at any meeting thereof, called and notice of which is given in accordance with the Texas Open Meeting Act and sent to Grantee by certified mail, return receipt requested, the Grantor shall have the right to terminate the estate herein granted and to re-enter and retake said premises; and no act or omission upon the part of Grantor or any officer, agent or employee of Grantor, shall be a waiver of the operation or enforcement of such condition.

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

GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES (OTHER THAN WARRANTY OF TITLE AS PROVIDED ABOVE), PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESSED OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY BEING CONVEYED, INCLUDING WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED THEREFROM, (C) THE SUITABILITY THEREOF FOR ANY AND ALL ACTIVITIES AND USES WHICH BUYER MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY SUCH PROPERTY OR ITS

OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS, OR MAY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS OF SUCH PROPERTY FOR A PARTICULAR PURPOSE, (F) THE MANNER OR QUALITY OF CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO SUCH PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF SUCH PROPERTY, (H) ANY OTHER MATTER WITH RESPECT TO SUCH PROPERTY, AND SPECIFICALLY, THAT THE CITY HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, OR THE DISPOSAL OR EXISTENCE IN OR ON SUCH PROPERTY OF ANY HAZARDOUS SUBSTANCE, AS DEFINED BY THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980, AS AMENDED, AND REGULATIONS PROMULGATED THEREUNDER.

HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT SUCH PROPERTY, GRANTEE IS RELYING SOLELY ON THE GRANTEE'S OWN INVESTIGATION OF SUCH PROPERTY, AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY THE GRANTOR; that GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED BY OR ON BEHALF OF THE GRANTOR WITH RESPECT TO SUCH PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT THE GRANTOR HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND MAKES NO REPRESENTATIONS AS TO THE ACCURACY OF COMPLETENESS OF SUCH INFORMATION; that THE GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY ORAL OR WRITTEN STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO SUCH PROPERTY OR THE OPERATION THEREOF FURNISHED BY ANY REAL ESTATE BROKER, OR ANY AGENT, EMPLOYEE OR SERVANT OF THE CITY OR OTHER PERSON; GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT, TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF SUCH PROPERTY AS PROVIDED FOR THEREIN IS MADE ON AN "AS IS", "WHERE IS" AND "WITH ALL FAULTS" CONDITION AND BASIS.

The consideration for this conveyance is the following:

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

Second, the assumption by Grantee of any taxes for the year 2012, prorated to the date hereof.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 2012.

THE CITY OF FREEPORT, TEXAS, Grantor

By \_\_\_\_\_  
Norma Moreno Garcia, Mayor

ATTEST: \_\_\_\_\_  
Delia Munoz, City Secretary

AGREED TO AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Gary J. Woodring, Grantee

THE STATE OF TEXAS X  
COUNTY OF BRAZORIA X

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by NORMA MORENO GARCIA, as MAYOR of the CITY OF FREEPORT, TEXAS.

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS X  
COUNTY OF BRAZORIA X

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by GARY J. WOODRING.

\_\_\_\_\_  
Notary Public, State of Texas

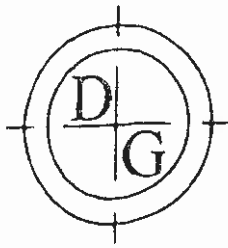
MAILING ADDRESS OF GRANTEE:

P.O. Box 2497  
Freeport, TX 77542

AFTER RECORDING, RETURN TO

Gary J. Woodring  
P.O. Box 2497  
Freeport, TX 77542

C:\Freeport.Sale\Woodring-GJ-EWD



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Surveyed on the ground June 23, 2006.

## Delia Munoz

---

**From:** mfarmer@freeport.tx.us  
**Sent:** Wednesday, May 02, 2012 6:27 PM  
**To:** dmunoz@freeport.tx.us  
**Cc:** kolayiwola@freeport.tx.us  
**Subject:** Agenda Request for City Council

Delia,

On, Tuesday, May 1, 2012 by a motion made by Tobey Davenport, seconded by Mr. Rueben Cuellar, they requested to send a recommendation to City Council to call a Joint Public Hearing to add a proposed W-4, Marina District to the Comprehensive Zoning Ordinance of the City which may include the following real property located therein:

Beginning at the intersection of the north ROW line of West Second Street, at its intersection with the east ROW line of Cherry Street; thence north to the northern ROW line of the Freeport Townsite Levee; thence east to the extension of the eastern property line of Tract 1A, Thomas McKinney Survey, Abstract 87, Brazoria County, Texas; thence north along that extended line to the centerline of the Old Brazos River Channel; thence along the center line of that Channel east to the extension of the western property line of Tract B1A, S.F. Austin Survey, Abstract 28, Brazoria County, Texas; thence south along that extended line to the west ROW line of Spruce Street, and continuing along that line to its intersection with the north ROW line of East Second Street; then west along that line to the place of beginning.

If you have any questions, please contact either myself or Mr. Shaw.

Thank you,

Melissa Farmer  
Building Secretary

**CITY OF FREEPORT  
PLANNING COMMISSION  
SPECIAL MEETING  
Tuesday, May 1, 2012, 6:00 P.M.  
Freeport Police Department, Municipal Court Room,  
430 North Brazosport Boulevard  
Freeport, Texas**

**AGENDA**

Edward Garcia, Chairman  
Tobey Davenport  
Jesse Aguilar, Jr.

Reuben Cuellar  
Eddie Virgil

NOTICE is hereby given that the Planning Commission of the City of Freeport, Texas will meet in a special meeting on **Tuesday, May 1, 2012 at 6:00 P.M.** at the Freeport Police Department Municipal Courtroom, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

1. Open Meeting.
2. Invocation.
3. Discuss/consider making a recommendation to the City Council to schedule a Joint Public Hearing to grant Mr. Ravin Patel a Specific-Use Permit to construct an RV Park to be located on Tract Six (6), Bridge Harbor, Freeport, Texas.
4. Adjourn.

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

I, Melissa Farmer, Building/Permit Department 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 access at 200 West 2<sup>nd</sup> Street, Freeport, Texas on or before Friday, April 27, 2012 at 5:00 P.M.

---

Melissa Farmer  
Building/Permit Department

**INVITATION TO BID**

NOTICE IS HEREBY GIVEN that the City of Freeport, Texas, is interested in purchasing a forklift for the Freeport Marina located at 202 East Second St., Freeport, Brazoria County, Texas, according to the below mentioned plans and specifications.

SEALED BIDS addressed to the City Manager by any person, firm or corporation desiring to sell such forklift will be received at the office of the City Manager located at 200 W. 2nd Street, Freeport, Brazoria County, Texas 77541, during normal business hours until 2:00 o'clock, p.m., on the 4<sup>th</sup> day of June, 2012, on which day, beginning at 2:00 o'clock, p.m., all such bids will be opened and publicly read aloud. Any bid received after 2:00 p.m. on such date will be returned unopened.

COPIES OF THE SPECIFICATIONS for such forklift are available for public inspection at the office of the City Manager during normal business hours. A copy of such specifications may be obtained from such office upon payment of the customary copy charge.

A CASHIER'S OR CERTIFIED CHECK drawn on a bank acceptable to said Board and payable to the order of said City, OR an ACCEPTABLE BID BOND with a corporate surety included on the latest list of surety companies holding certificates of authority from the State Board of Insurance, in the amount of not less than ten (10%) of the total bid or \$1,000.00, whichever is less, must accompany the bid as guarantee that if awarded the bid the bidder will enter into a contract with said City for the sell and purchase of such forklift within ten (10) days from the above date.

The contract will be awarded to the LOWEST RESPONSIBLE BIDDER OR to the BIDDER WHO PROVIDES goods or services at the BEST VALUE for the municipality.

The City RESERVES the right to REJECT ANY AND ALL BIDS, to WAIVE any INFORMALITIES in bidding and, in the case of any AMBIGUITY OR LACK OF CLARNESS, the City reserves the right to construe the same in a manner most advantageous to the City, or to reject the bid.

BY ORDER OF THE CITY COUNCIL this \_\_\_\_ day of \_\_\_\_\_, 2012.

---

Delia Munoz, City Secretary  
City of Freeport, Texas

**NOTE:** Publish once per week for two consecutive weeks, first publication to be more than 14 days before date of meeting at which bids are to be opened and read aloud.

## FORKLIFT SPECIFICATIONS

30,000lbs @ 96" load center- minimum boat handling capacity requirement.

Minimum of 20ft forks.

Minimum lift height of 44ft to store boats on the marina's highest rack.

Must be capable of launching and retrieving boats in and out of the water with a minimum of 12 foot negative lift.

Max overall lowered height, with forks lowered, of 1-2 feet less than your barn door height.

Solid white non-marking drive and steer tires. Minimum tire size of 14.00 x 25.

Wireless remote to operate minimum of 3 functions with emergency shutdown switch.

Overload protector designed to prevent the machine from trying to lift a boat too far out on the forks or too heavy. The overload protection will only limit lift and back tilt functions. If overload occurs, it will not shut down the machine.

Back up alarm, amber strobe light, 2 operator fans, air ride adjustable seat, tilt steering column, minimum of 4 work lights (2 forward & 2 reverse).

All North American sourced components, for instance: Cummins diesel engine, Dana Transmission, Axletech drive axle, Parker hydraulics, 12 Volt electronics, etc.

Transmission protection system to prevent unit from shifting travel directions until unit comes to a complete stop.

Force cooled brakes and outboard planetary drive axle rated to handle the weight of mast, carriage, forks, and max load of 30,000lbs @ 96" LC.

Seller must have spare parts in stock within 75 to 100 miles of marina and trained technicians available on a daily basis if needed.

It must be designed to lift, stack, and retrieve fishing boats up to 38 feet long.

## City Council Request

Council Meeting Date	<u>5/7/12</u>
Name of Organization	<u>St. Mary's Catholic Church</u>
Name of Event	<u>St. Mary's Festival</u>
Date of Event	<u>Sat., May 19<sup>th</sup> and Sun. May 20<sup>th</sup></u>
Type of Event	<u>Festival</u>

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

The Parks Department has reviewed the noted requests.

We forward our recommendations for your consideration and approval.

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

Thank you for your assistance.

Sincerely,

\_\_\_\_\_  
Organization Representative/ Date

Thank you.

Sincerely,

5/1/12  
\_\_\_\_\_  
Director-Parks & Recreation/Date

Mayor Garcia  
Freeport City Council  
Re: State of the Golf Course

Dear Mayor and City Council Members:

As per recommendation of Freeport City Manager, Jeff Pynes, the following is a review of the progress of the golf course at its current condition and a scope for the possible direction of the future of the course.

Prior to the date I took over the golf course it was losing roughly \$300,000 each year. After taking several proactive measures we now lose approximately \$100,000 each year. We are now looking at potential ways to further decrease our losses.

After doing a breakeven analysis at our current state it would take an increase of about \$7.00 per round of golf to reduce our losses and reach a breakeven point. This includes going up on every round of golf (local resident, non-resident, senior and twilight). The City manager suggested that we not adjust the senior rate. This would bring the rate increase closer to \$8.00 per round of golf to breakeven. Membership rates would not be increased.

Included on a separate page are our current rates as well as the rates of other local 18 hole golf facilities. While I agree we do have room to increase our rates to help obtain our goal of breaking even one area of concern would be the potential for losing paid rounds of golf because of the steep price increase if applied all at once. We have gone up roughly \$3.00 per round in the last 3 years.

The following is a brief overview of improvements made to the course over the past few years:

- Increased rounds of golf by 7,000/year
- Overall conditions of the course
- Implemented Kids 14 and under play free
- Multiple golf clinics are now offered to families
- Increased membership from 32 to almost 100

As you can see per the rate comparison, our golf course has the best rates in the area. Although we do have areas on the course that require attention in the very near future (leveling tee boxes, cart paths, etc....) we do provide a very playable golf course and satisfactory facility for the local community at very affordable rates. However if the city's overall goal is to breakeven then we would need to increase rates by \$7.00 per round of golf.

Sincerely,

Brian Dybala  
Director of Golf

## Golf Course Rate Comparisons of Local Courses

	Freeport	Wilderness	Rio Colorado	Southwyck	Columbia Lakes
<b>Weekday</b>					
Local Resident	\$17.00	\$43.00	\$29.00	\$30.00	\$35.00
Non-Resident	\$23.00	\$48.00	\$29.00	\$30.00	\$35.00
Senior	\$17.00	\$32.00	\$24.00	n/a	\$35.00
Twilight	\$17.00	\$36.00	\$23.00	\$25.00	\$25.00
Super Twilight	n/a	\$20.00	n/a	n/a	n/a
Junior	free	\$17.00	\$24.00	n/a	n/a
<b>Weekends</b>					
Local Resident	\$25.00	\$53.00	\$39.00	\$40.00	\$45.00
Non-Resident	\$32.00	\$58.00	\$39.00	\$40.00	\$45.00
Senior	\$25.00	\$37.00	\$28.00	n/a	\$45.00
Twilight	\$17.00	\$41.00	\$28.00	\$25.00	\$25.00
Super Twilight	n/a	\$20.00	n/a	n/a	n/a
Junior	free	\$17.00	\$28.00	n/a	n/a
Membership Rates	\$120/month	\$219/month	\$75.00/month no cart included	\$167/month	\$250/month

The courses listed above are all 18 hole facilities in our local area.