

City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, JULY 6, TH, 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 June 15th, 2009 Council Minutes. pg. 483-488
5. Attending Citizens and Their Business.
6. **Presentation** by Thomas J. Hilton, President of Reef-Man, LLC the first company in the State of Texas formed for the purpose of manufacturing and deploying artificial reefs in Texas inshore and offshore waters. pg. 489-493
7. Consideration of the approval of Resolution No. 2009-2193 in support of the Reef-Man, LLC Artificial Reef Program. pg.494
8. **Presentation** of the annual financial audit for fiscal year 2007-2008 by Tom Masters of Kennemer-Masters, LLC.
9. Consideration of the approval of appointing qualified person(s) to the Charter Review Board. pg. 495-498
10. Consideration of the approval of setting a date for a public hearing on the designation of the Super S Foods location as a reinvestment zone and the approval of a tax abatement agreement with Mass Marketing, Inc. d/b/a Super S Foods. pg.499-526
11. Consideration of the approval of selling the City's interest on Block 7, Lot 8, Southview Gardens Subdivision, Freeport Townsite, known as 727 W. 11th, Tax Id. # 4201-0151-000. pg. 527-530

12. Consideration of the approval of selling the City's interest on Block 4, Lot 13, Section 2, Marlin Lane, Bridge Harbor Subdivision, Tax Id # 2190-0239-000. pg.531-534
13. Consideration of the approval of selling the City's interest on Block 4, Lot 14, Section 2, Marlin Lane, Bridge Harbor Subdivision, Tax Id # 2190-0240-000. pg. 535-538
14. Consideration of the approval of leasing Antonelli's Root Beer stand to Ms. Debra Molina. pg. 539-547
15. Consideration of the approval to authorize the City Manager to enter into a contract with a Buy Board service provider to construct an interactive water park in a designated area of the Main Street District.
16. Consideration of the approval of any action to be taken as a result of closed executive session.

Elected Officials Report

Work Session

1. Presentation by Edith Fischer, director of tourism of the Brazosport Convention & Visitors Council promoting and request for continued funding. pg. 548-549
2. Report from Jerry Meeks of Veolia Water on the 2008 Annual Drinking Water Quality Report. pg. 550-559

Executive Session

A. Section 551.071, Government Code

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

Richard Miller, Etal vs City of Freeport – United States District Court

B. Section 551.074, Government Code

Deliberations concerning the duties and responsibilities, to wit:

City Manager

Adjourn

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, Jeff Pynes, City Manager, 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 July 1st, 2009, at or before 5:00 p.m.

Jeff Pynes
City Manager

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday, June 15th, 2009 at 6:00 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport, Freeport Texas, for the purpose of considering the following agenda:

City Council: Larry L. McDonald
 Clan A. Cameron
 James W. Phillips – Absent
 Ron Wise
 Norma M. Garcia

Staff: Jeff Pynes-City Manager
 Wallace Shaw, City Attorney
 Delia Munoz, City Secretary
 Nat Hickey, Property Manager
 John Stanford, Fire Chief
 Gus Flores, Interim Chief of Police
 Allan Lawson, Police Lieutenant
 Brian Dybala, Golf Course Director

Visitors: Larry Schaefer Judy Schaefer
 Jim Pirrung Dorothy Pirrung
 Rosa McDonald Susie Wise
 Joyce Adkins Brenda Laird
 Edna Allan William Morris
 Alan Rodenstein Pixie Floyd
 Manning Rollerson Melanie Oldham
 Ron Martin Dan Tarver
 Brian Begle

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 June 2nd, 2009 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved the June 2nd, 2009 Council Minutes as amended.

Attending Citizens and Their Business.

Manning Rollerson does not feel safe in the City because Capt. Gus Flores was appointed Interim Chief of Police. Other than this, City is doing a good job.

Recognition of Brazosport High School student, Maria Arreola for participating in the Junior Olympics Boxing Championship in Denver, Colorado.

Mayor McDonald recognized Maria Arreola, a 15 year old Brazosport High School student. She participated in the Junior Olympics and brought back a gold medal in Denver, Colorado. City Council congratulated and applauded her.

Consideration of the approval of Ordinance No. 2009-2221 amending section 71.50 of the Code of Ordinance to erect a 3-way stop sign at the intersection of Yellowstone and Ave. O. and a 4-way stop sign at Skinner and Ave O.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 3 to 1, Council approved Ordinance No. 2009-2221 amending section 71.50 of the Code of Ordinance to erect a 3-way stop sign at the intersection of Yellowstone and Ave. O. and a 4-way stop sign at Skinner and Ave O. Councilwoman Garcia opposed.

Consideration of the approval of Resolution No. 2009-2192 authorizing the Mayor to enter into negotiations for an Interlocal Agreement with the Gulf Coast Center/Connect Transit to operate local bus service in the City of Freeport and authorizing City funding for the twelve months of operations not to exceed \$20,000.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Resolution No. 2009-2192 authorizes the Mayor to enter into negotiations for an Interlocal Agreement with the Gulf Coast Center/Connect Transit to operate local bus service in the City of Freeport and authorizing City funding for twelve months of operations not to exceed \$20,000.

Consideration of the approval of a request from the Freeport Host Lions Club to waive the vendor permit fees, sell alcohol, have a public dance, erect temporary fencing, have fireworks display in conjunction with 62nd, Annual Fishing Fiesta on July 1st thru July 5th, 2009 at the Freeport Municipal Park.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved a request from the Freeport Host Lions Club to waive the vendor permit fees, sell alcohol, have a public dance, erect temporary fencing, have fireworks display in conjunction with 62nd, Annual Fishing Fiesta on July 1st thru July 5th, 2009 at the Freeport Municipal Park.

Consideration of the approval of accepting the bids and awarding the "Water Craft Lease Bid" on Tract 4, 066 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 Wise, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved to table this item.

Consideration of the approval of a request from Brazoria County Community Development Department to waive all permitting fees for residential reconstruction for Mary Deas who reside at 3230 Hwy. 36.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved a request from the Brazoria County Community Development Department to waive all permitting fees for residential reconstruction for Mary Deas who resides at 3230 Hwy. 36

Consideration of the approval of advertising and setting a bid date for the sale for the following described land: A portion of Gulf Boulevard Right-of-Way being 50 feet by 202.73 feet adjoining Block 708, Velasco Townsite, according to the map or plat recorded in Volume 32, page 14, of the Deed Records of Brazoria County, Texas, and lying between Skinner Street and Stratton Street.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved to advertise and set a bid date for July 20th, 2009 at 2:00 p.m., for the sale of the following described land: A portion of Gulf Boulevard Right-of-Way being 50 feet by 202.73 feet adjoining Block 708, Velasco Townsite, according to the map or plat recorded in Volume 32, page 14, of the Deed Records of Brazoria County, Texas, and lying between Skinner Street and Stratton Street.

Consideration of the approval of authorizing the Mayor to sign an Interlocal Agreement with the City of Freeport and Brazoria County Health Department to allow them to provide immunization or treatment to the First Responders within the City and identified adjacent areas prior to the general public.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Chief John Stanford's recommendation to authorize the Mayor to sign an Interlocal Agreement with the City of Freeport and Brazoria County Health Department to allow them to provide immunization

or treatment to the First Responders within the City and identified adjacent areas prior to the general public.

Consideration of the approval of selling the City's interest on Block 797 (Undivided interest ½), Lots 3-4, Velasco Townsite , known as 1718-1720 North Ave. R., Tax Id. # 8110-4043-000.

On a motion by Councilman Wise, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved to sell the City's interest on Block 797 (Undivided interest ½), Lots 3-4, Velasco Townsite , known as 1718-1720 North Ave. R. Tax Id. # 8110-4043-000.

Consideration of the approval of selling the City's interest on Block 779, Lot 18, Velasco Townsite, known as 1611 North Ave. R., Tax. Id. 8110-3887-000.

On a motion by Councilman Wise, seconded by Mayor McDonald, with all present voting "aye", Council unanimously approved to sell the City's interest on Block 779, Lot 18, Velasco Townsite, known as 1611 North Ave. R., Tax. Id. 8110-3887-000.

Consideration of the approval of selling the City's interest on Block 758, Lot 20 (Undivided ½), Velasco Townsite, known as 1515 North Ave. N., Tax. Id 8110-3887-000.

On a motion by Councilman Wise, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved to sell the City's interest on Block 758, Lot 20 (Undivided ½), Velasco Townsite, known as 1515 North Ave. N., Tax. Id 8110-3887-000.

Consideration of the approval of selling the City's interest on Block 25, Lot 9, Freeport Townsite, known as 230 E. 8th Street, Tax. Id. 4200-0322-000.

On a motion by Councilman Wise, seconded by Councilman Cameron, with all present voting 3 to 1, Council declined to sell the City's interest on Block 25, Lot 9, Freeport Townsite, known as 230 E. 8th Street, Tax. Id. 4200-0322-000. Councilwoman Garcia opposed.

Consideration of the approval of authorizing the City Manager to spend funds from the Hotel Occupancy Tax fund to update the City's website.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved authorizing the City Manager to spend \$6,125 from the Hotel Occupancy Tax fund to update the City's website.

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

Mayor McDonald opened the open session at 7:48 p.m. to take action on:

B. 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:

City Manager - Contract & Duties

On a motion by Councilman Wise, seconded by Councilman Cameron, with all present voting, Council unanimously authorized Mayor McDonald to execute and sign an employment agreement/contract with City Manager-Jeff Pynes.

Elected Officials Report

No reports

Mayor McDonald opened the work session at 6:31 p.m.

Work Session

Discussion concerning budget workshops dates for Fiscal Year 2009-2010.

City Manager, Jeff Pynes, suggested to Council to schedule July 7th & July 21st, 2009, at 6:00 p.m., for Budget Workshops dates at the Freeport Municipal Court Room.

Recognition of the Freeport Golf Course winning the "Brazos Cup" tournament.

Brian Dybala, Freeport Municipal Golf Course Director proudly displayed to Council the "Brazos Cup". Brazosport Golf Association has held on to the cup for three years in a row after beating the "Wilderness" in Lake Jackson. City Manager and Council commended Brian Dybala for an outstanding job with the Freeport Golf Course.

Mayor McDonald closed the Work Session and opened the Executive Session at 6:38 p.m.

Executive Session

A. Section 551.071, Government Code

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

Richard Miller, Etal vs City of Freeport – United States District Court

(No action)

B. 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:

City Manager - Contract & Duties

Action taken during open session on agenda item # 19.

Adjourn

On a motion by Councilman Cameron, seconded by Councilman Wise, the meeting was adjourned at 7:49 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor

14 April 2009

Brazoria County Commissioners Court
111 East Locust Street
Angleton, Texas 77515

Copy to:
Jeff Fynes
M. Stotler
4-14-09

County Judge and Commissioners,

I am Tom Hilton, president of Reef-Man, LLC, the first company in the state of Texas formed for the purpose of manufacturing and deploying artificial reefs in Texas inshore and offshore waters. We have decided to headquarter out of the Western Seafood docks in Freeport, and our project has the potential to have a significant, positive economic impact on the Freeport and Brazoria County area. In these times of economic hardship coupled with ever-stringent fishing regulations, our plan could provide substantial return on investment to the local community. I consider this to be a true grass-roots "Stimulus Package" - Texans helping Texans.

As an avid fisherman and map maker, I have observed the remarkable success of the artificial reefing efforts offshore of Alabama and the Florida panhandle. A recent study by Bonn and Bell of FSU revealed that the economic impact of the artificial reefs offshore of the 5 county region of the Florida panhandle equates to over \$300 million annually to the economies of those coastal communities. In addition, the cost/benefit ratio has been shown to be over 100 to one - in other words, for every dollar invested in reefing, it comes back to the coastal communities one hundredfold. For example, if we are able to deploy 500 reefs offshore of Freeport at a cost of \$1,000 each, research has shown that could mean as much as \$50 million to the Freeport/Brazoria County economies.

We have purchased our first reef deployment and research vessel "Reef-Man" - a 21' wide by 60' long aluminum catamaran which we are currently retrofitting with rigging, hydraulic winches, and a 8' wide x 14' high a-frame to be used to safely deploy the reefs. Texas Parks and Wildlife has acknowledged our efforts by designating the "BA-336 Reef-Man LLC Deployment Zone" located inside of the TPWD George Vancouver Reef Site. Currently the Vancouver site is 40 acres in size, but TPWD is working to expand it to 160 acres. TPWD is also working as you know to provide similar 160 acre sites offshore of Matagorda and Galveston. Since we are based out of Freeport Texas, our goal is to populate each of these 3 sites with about 500 reefs each, consistent with the Texas Coastal Management Program and TPWD artificial reef program standards. This will ensure quantities needed to make a substantial impact to the fisheries and thus coastal communities that would not be easily overcapitalized by overfishing.

A major component of our program is to provide habitat conducive to improving survival of juvenile red snapper and other finfish and shellfish species, providing more accessible fishing grounds for Texas anglers, and, thus, providing social and economic benefits to recreational fishing industries in Texas. It's a win-win proposal for the fish, the fishermen, and the Texas coastal communities. This will be a long-term project that will benefit fishery resources while avoiding, to the maximum extent possible, user conflict and be consistent with a stated purpose of NEPA to "encourage productive and enjoyable harmony between people and their environment and to enrich the understanding of the ecological systems and natural resources important to the Nation."

Commissioners, endorsement by the Brazoria County Commissioners Court would be greatly appreciated as I am making a presentation on April 15, 2009 to the Natural Resource Trustee Program and would like to be able to show that Brazoria County supports our initiative.

Thanks in advance for your help, as this project is extremely important to the future of Texas offshore fisheries.

Sincerely,



Tom Hilton
President, Reef-Man, LLC
5310 East Plantation Oaks
Arcola, Texas 77583
713 530-2267
www.Reef-Man.com

REEF-MAN
Artificial Reefs

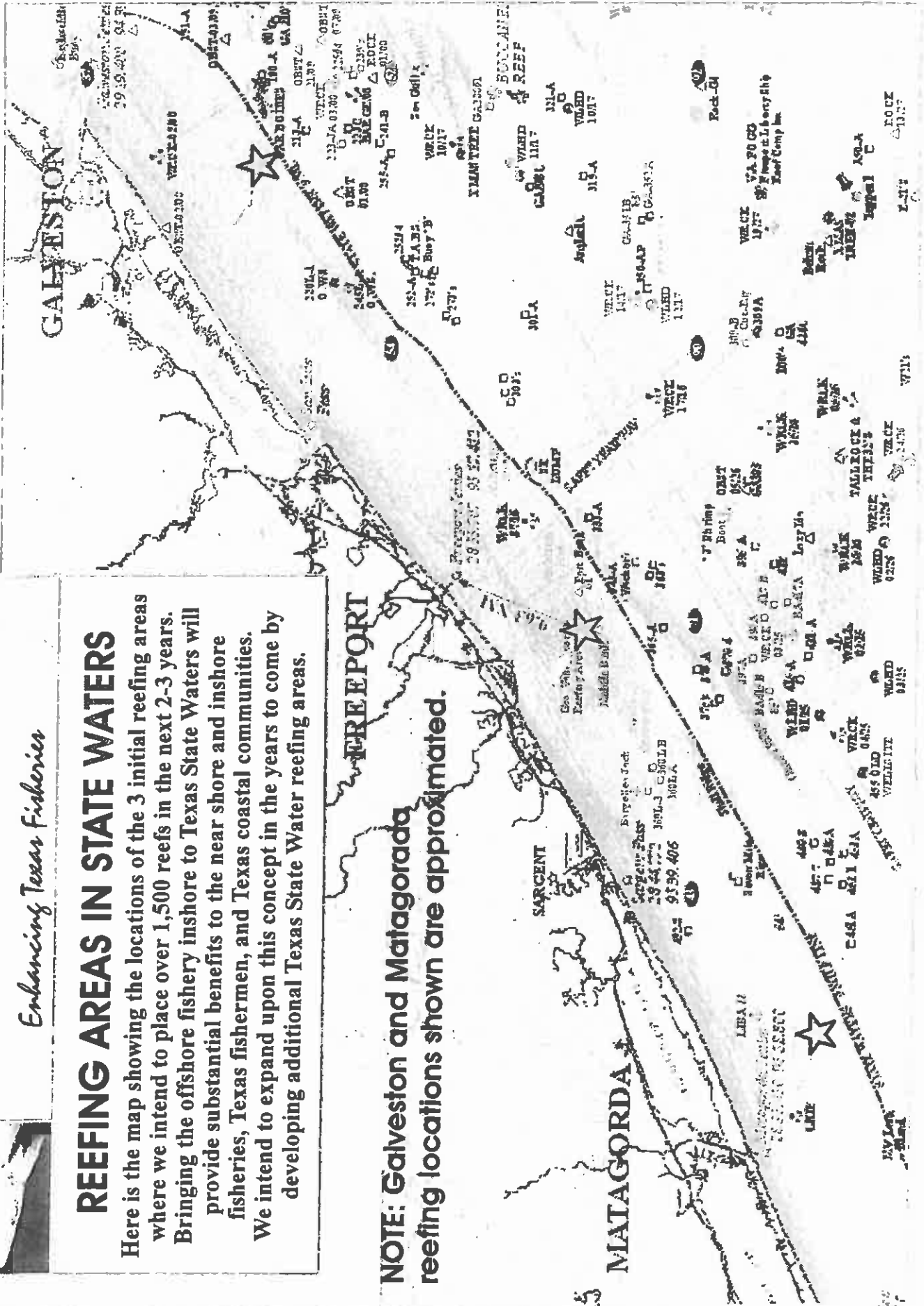
Thomas J. Hilton
5310 East Plantation Oaks
Arcola, Texas 77583
713 530-2267 Fax 281 431-8125
www.Reef-Man.com

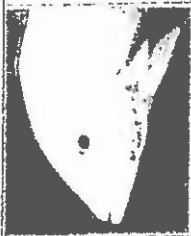
Enhancing Texas Fisheries

REEFING AREAS IN STATE WATERS

Here is the map showing the locations of the 3 initial reefing areas where we intend to place over 1,500 reefs in the next 2-3 years. Bringing the offshore fishery inshore to Texas State Waters will provide substantial benefits to the near shore and inshore fisheries, Texas fishermen, and Texas coastal communities. We intend to expand upon this concept in the years to come by developing additional Texas State Water reefing areas.

NOTE: Galveston and Matagorda reefing locations shown are approximated.

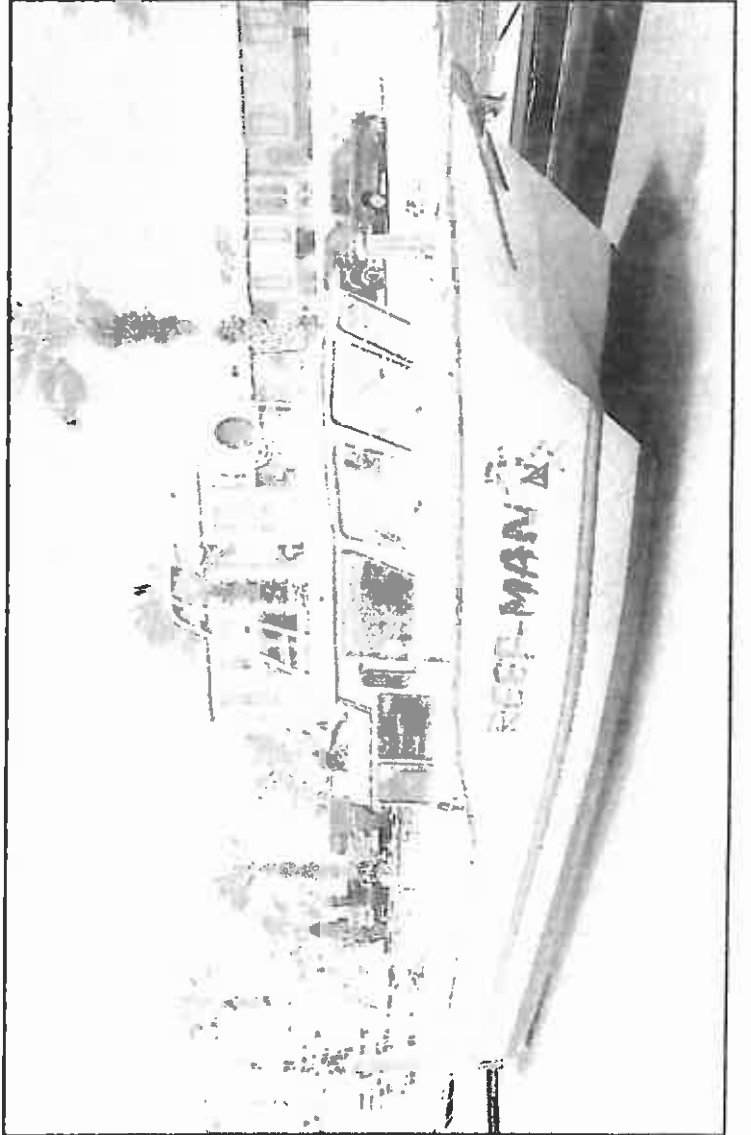
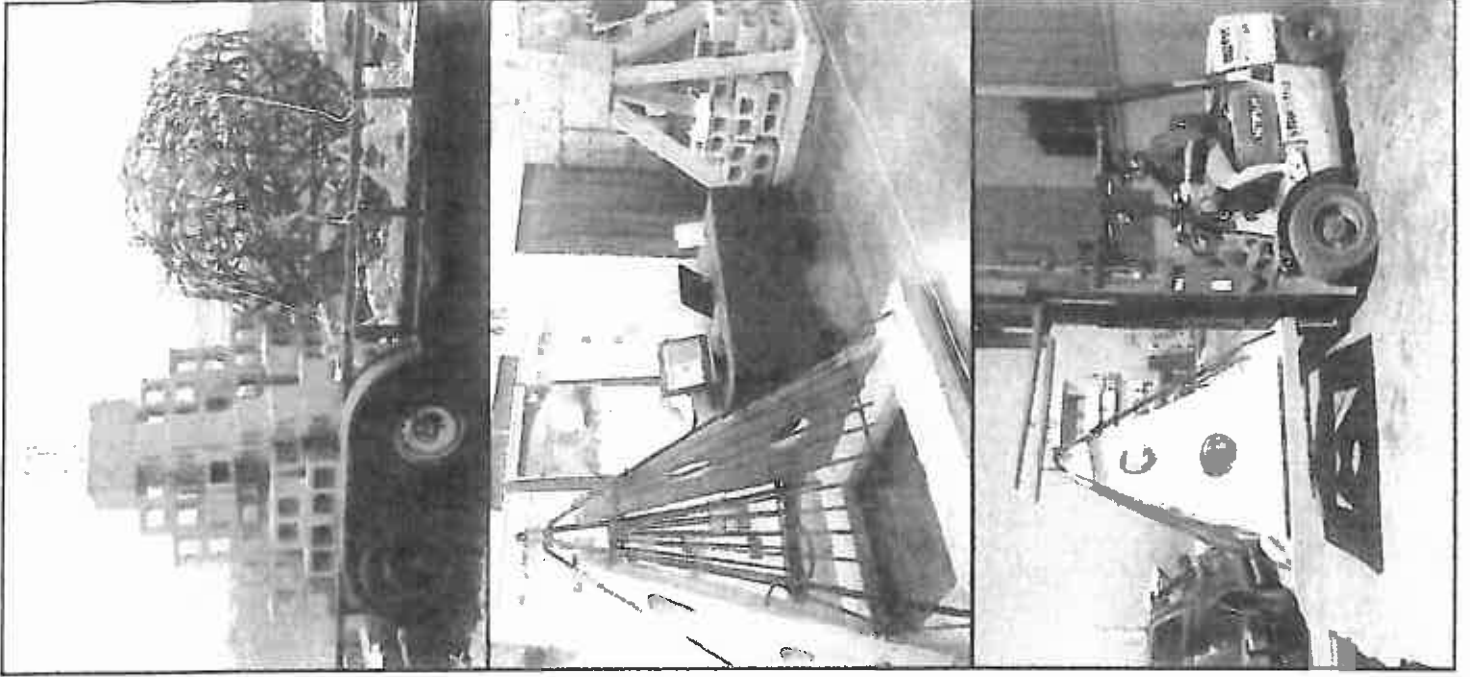




Enhancing Texas Fisheries

OUR VESSEL AND REEF DESIGNS

Here is our deployment and research vessel "Reef-Man" which is currently docked at Western Seafood docks (lower right). We are retrofitting her with the required rigging, a-frame and winches to get the reefs safely into the water. You can see that we are designing and manufacturing a variety of reef designs. Our intent is to deploy and monitor to determine which designs are superior in terms of producing fishery biomass.





Life's better outside.™

24 March 2009

Commissioners

Peter M. Holt
Chairman
San Antonio

T. Dan Friedkin
Vice-Chairman
Houston

Mark E. Bivins
Amarillo

J. Robert Brown
El Paso

Ralph H. Duggins
Fort Worth

Antonio Falcon, M.D.
Rio Grande City

Karen J. Hixon
San Antonio

Margaret Martin
Boerne

John D. Parker
Lufkin

Lee M. Bass
Chairman-Emeritus
Fort Worth

Carter P. Smith
Executive Director

Mr. Tom Hilton
Reef-Man, LLC
5310 E. Plantation Oaks
Arcola, TX 77583

RE: Deployment of Reefing Material at BA-336 George Vancouver Liberty Ship Reef Site

Dear Tom:

Thank you for your continued support of the Texas Artificial Reef Program (TARP). From our numerous discussions, your custom built reef modules are very suitable for adding structure to the BA-336 George Vancouver Liberty Ship reef site, located 9 nautical miles from Freeport in 55ft of water. In addition, this material will demonstrate to the U.S. Army Corps of Engineers that TARP is actively placing materials at nearshore reef sites along the Texas coast. Hopefully, this will in effect decrease the wait-time for other reef site permit approvals.

We are currently working with the Texas General Land Office to expand the George Vancouver Liberty Ship reef site to 2600 ft x 2600 ft. The expansion will allow us to add smaller suitable materials through our nearshore reefing program.

Nearshore reefs are created for the enhancement of fish populations and for the benefits of fishermen. The close proximity of this reef site to shore makes it accessible to small boat fishermen and an ideal candidate for your participation in the nearshore reef program.

I look forward to working with you on this project. If you have any questions, please feel free to contact me at 512-389-4686 or via email at dale.shively@tpwd.state.tx.us.

Sincerely,

J. Dale Shively, Coordinator
Texas Artificial Reef Program

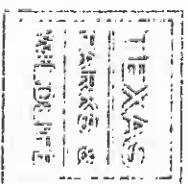
Exhibit A

BA-336 Reef-Man LLC Deployment Zone 2008

-  Deployment Zone
-  Proposed Grid
-  Current Artificial Reef
-  Existing Structure



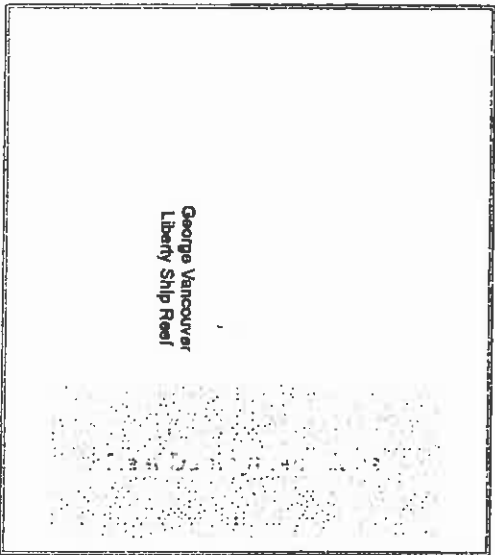
Coastal Fisheries
Artificial Reef Program



**NOTE: THIS MAP IS FOR
REFERENCE ONLY**

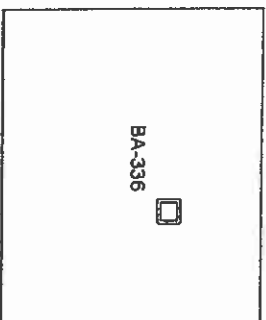
Prepared August 12, 2008 by:
Ashley Summers
TPWD C/F/GIS
512-389-8199

The requester must be aware of data conditions and ultimately bear responsibility for the appropriate use of the information with respect to possible errors, original map scale, collection methodology, currency of data, and other conditions specific to certain data.



Reef Deployment Zone Coordinates

Corner	NAD27 Lat	NAD27 Long	NAD83 Lat	NAD83 Long	NAD27 X	NAD27 Y
Center	28° 47' 33.807" N	95° 20' 46.387" W	28° 47' 34.847" N	95° 20' 47.177" W	3,170,091.007	307,117.697
North	28° 47' 38.137" N	95° 20' 46.487" W	28° 47' 40.047" N	95° 20' 46.287" W	3,169,868.357	307,840.117
Northwest	28° 47' 38.413" N	95° 20' 44.317" W	28° 47' 40.047" N	95° 20' 45.107" W	3,170,238.957	307,651.707
West	28° 47' 28.687" N	95° 20' 44.277" W	28° 47' 28.687" N	95° 20' 45.087" W	3,170,238.287	308,097.297
Southwest	28° 47' 28.687" N	95° 20' 48.487" W	28° 47' 28.687" N	95° 20' 49.287" W	3,169,921.307	308,668.687
Artificial Reef Coordinates						
Center	NAD27 Lat	NAD27 Long	NAD83 Lat	NAD83 Long	NAD27 X	NAD27 Y
North	28° 47' 40.447" N	95° 20' 56.687" W	28° 47' 41.387" N	95° 20' 56.477" W	3,169,878.637	307,744.087
Northwest	28° 47' 40.447" N	95° 20' 43.887" W	28° 47' 41.387" N	95° 20' 44.637" W	3,170,288.077	307,755.317
West	28° 47' 27.377" N	95° 20' 43.887" W	28° 47' 28.287" N	95° 20' 44.637" W	3,170,337.127	308,468.147
Southwest	28° 47' 27.377" N	95° 20' 56.687" W	28° 47' 28.287" N	95° 20' 58.477" W	3,169,017.647	308,424.807
Existing Structure Centroid						
BA-336 George Vancouver	NAD27 Lat	NAD27 Long	NAD83 Lat	NAD83 Long	NAD27 X	NAD27 Y
	28° 47' 33.877" N	95° 20' 51.287" W	28° 47' 34.827" N	95° 20' 52.087" W	3,169,856.677	307,105.107



RESOLUTION - NO. 2009- 2193
In Support of the Reef-Man, LLC Artificial Reef Program

WHEREAS, Artificial reefs can be used with other fishery management techniques designed to achieve optimum yield from fisheries; and

WHEREAS, the Texas Legislature recognized this potential with the passage of the Artificial Reef Act of 1989, which directed the Texas Parks and Wildlife Department to promote, develop, maintain, monitor and enhance the artificial reef potential in State and Federal waters adjacent to Texas; and

WHEREAS, Reef-Man, LLC, headquartered in the City of Freeport, is the first company in the State of Texas formed for the purpose of manufacturing and deploying artificial reefs in Texas inshore and offshore waters; and

WHEREAS, the goal of Reef-Man, LLC is to provide habitat conducive to improving survival of juvenile red snapper and other finfish and shellfish species, providing more accessible fishing grounds for Texas anglers and providing social and economic benefits to recreational fishing industries in Texas as well as providing a positive economic impact on the Freeport and Brazoria County area; and

WHEREAS, Due to the efforts of Reef-Man, LLC the Texas Parks and Wildlife Department has designated the "BA-336 Reef-Man LLC Deployment Zone" located inside the TPWD George Vancouver Reef Site to deploy their reefs.

NOW, THEREFORE BE IT RESOLVED, THAT the City of Freeport endorses Reef-Man, LLC in their effort to assist the Texas Parks & Wildlife Department's already successful artificial reef program placing substantial amounts of habitat in already-permitted TPWD reef sites along the Texas coast.

Approved this ____ day of _____, 2009.

Larry L. McDonald
Mayor/City of Freeport

Delia Munoz
Attest

Delia Munoz

From: Law Offices of Wallace Shaw, P.C. [shawpc@sbcglobal.net]
Sent: Monday, June 22, 2009 10:11 AM
To: Delia Munoz
Cc: Jeff Pynes
Subject: Charter Revises

Delia,

The Home Rule Charter contains the following provisions:

SECTION 11.13. CHARTER REVIEW COMMISSION.

The City Council shall appoint at its first regular meeting in June in each odd numbered year, a Charter Review Commission of five citizens of the City of Freeport.

(a) *Duties of the Commission:* It shall be the duty of such Charter review Commission to:

(1) Inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and

the Commission shall have the power to compel the attendance of any officer or employee of the City and to require the submission of any of the City records which it may deem necessary to the conduct of such hearing;

(2) Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the several departments of the City Government;

(3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of said Charter to current conditions;

(4) Report its finding and present its proposed amendments, if any, to the City Council.

(b) *Action by the City Council:* The City Council shall receive and have published in the official newspaper of the City any report presented by the Charter Review Commission, shall consider any recommendations made, and if any amendment or amendments be presented as a part of such report, may order such amendment or amendments to be submitted to the voters of the City in the manner provided by Chapter 9 of the Local Government Code, as now or hereafter amended.

(Amendment adopted by electorate 5-2-98)

(c) *Term of Office:* The term of office of such Charter Review Commission shall be six months, and, if during such term no report is presented to the City Council, then all records of the proceedings of such Commission shall be filed with the person performing the duties of City Secretary and shall become a public record. (Election of 4-3-82)

We missed the June meetings but I don't think we will have a problem if you put it on the agenda for the first meeting in July.

Wallace Shaw

From:



Please return to the City Secretary:

200 West 2nd St
Freeport, TX 77541
Phone: 979.233.3526
Fax: 979.233.8867
dmunoz@freeport.tx.us

Boards and Commissions Application

Name: Tobey L. Davenport

Address: 201 A EAST PARK AVENUE

Home Phone: (979) 233-4148 Alternate Phone (979) 236-4148

Email (optional): tobeydavenport@hotmail.com

Do you live inside the City Limits? Yes No If yes, for how long? 59 years

Do you live in the Extra Territorial Jurisdiction? Yes No

Are you registered to vote in Brazoria County? Yes No

Please indicate by rank which Board or Commission you wish to serve on by placing your 1st through 3rd choice in the appropriate box.

<u>2</u>	Planning Commission
	Main Street/Historical Board
	Board of Adjustments
	Urban Renewal Board
	Senior Citizens Committee

	Library Board
	Beautification/Parks & Recreation
<u>3</u>	Charter Review
<u>1</u>	Economic Development

The City Council will make appointments to the Boards and Commissions. This application will be given to them for review. Please explain why you wish to serve, and what you consider to be your qualifications.

Help provide positive leadership. Served on previous Charter Review Commission, two years City Council (1971-73) Twelve years as Mayor (1973-1985). SERVED as first vice-chairman of Main Street Board. Served eighteen years as Port Commissioner (1989-2007) Chair (2001-2007)

Signature Tobey L. Davenport Date: 6-22-09

- Step 1: Fill Out this Application.
- Step 2: Attach a cover letter or resume if you would like.
- Step 3: Mail the application and any other related information to the City Secretary, or fax: (979) 233-8867.

If you have any questions about the process or about a particular board or commission, please call De'ra Munoz at (979) 233-3526.

Last revised 03/31/07



Please return to the
City Secretary:

200 West 2nd St
Freeport, TX 77541
Phone: 979.233.3526
Fax: 979.233.8867
dmunoz@freeport.tx.us

Boards and Commissions Application

Name: Dorothy M. Pirrung

Address: 101 Dolphin Lane

Home Phone: (979) 233-7267 Alternate Phone () _____

Email (optional): _____

Do you live inside the City Limits? Yes No If yes, for how long? 20yrs

Do you live in the Extra Territorial Jurisdiction? Yes No

Are you registered to vote in Brazoria County? Yes No

Please indicate by rank which Board or Commission you wish to serve on by placing your 1st through 3rd choice in the appropriate box.

<input type="checkbox"/>	Planning Commission
<input type="checkbox"/>	Main Street/Historical Board
<input type="checkbox"/>	Board of Adjustments
<input type="checkbox"/>	Urban Renewal Board
<input type="checkbox"/>	Senior Citizens Committee

<input type="checkbox"/>	Library Board
<input type="checkbox"/>	Beautification/Parks & Recreation
<input checked="" type="checkbox"/>	Charter Review
<input type="checkbox"/>	Economic Development

The City Council will make appointments to the Boards and Commissions. This application will be given to them for review. Please explain why you wish to serve, and what you consider to be your qualifications.

I Have served on this Board Before,
and I believe myself To be qualified

Signature Dorothy M. Pirrung Date: 6/23/09

Step 1: Fill Out this Application.

Step 2: Attach a cover letter or resume if you would like.

Step 3: Mail the application and any other related information to the City Secretary, or fax: (979) 233-8867.

If you have any questions about the process or about a particular board or commission, please call Delia Munoz at (979) 233-3526.



Please return to the City Secretary:

200 West 2nd St
Freeport, TX 77541
Phone: 979.233.3526
Fax: 979.233.8867
dmunoz@freeport.tx.us

Boards and Commissions Application

Name: WW Fain

Address: 1202 W Broad

Home Phone: (979) 233-1725 Alternate Phone: 979-236-0423 cell

Email (optional): WWF@SBCGLOBAL.NET

Do you live inside the City Limits? Yes No If yes, for how long? 30 yrs

Do you live in the Extra Territorial Jurisdiction? Yes No

Are you registered to vote in Brazoria County? Yes No

Please indicate by rank which Board or Commission you wish to serve on by placing your 1st through 3rd choice in the appropriate box.

<input type="checkbox"/>	Planning Commission
<input type="checkbox"/>	Main Street/Historical Board
<input type="checkbox"/>	Board of Adjustments
<input type="checkbox"/>	Urban Renewal Board
<input type="checkbox"/>	Senior Citizens Committee

<input type="checkbox"/>	Library Board
<input type="checkbox"/>	Beautification/Parks & Recreation
<input checked="" type="checkbox"/>	Charter Review
<input type="checkbox"/>	Economic Development

The City Council will make appointments to the Boards and Commissions. This application will be given to them for review. Please explain why you wish to serve, and what you consider to be your qualifications.

Signature: WW Fain Date: 6/25/09

- Step 1: Fill Out this Application.
- Step 2: Attach a cover letter or resume if you would like.
- Step 3: Mail the application and any other related information to the City Secretary, or fax: (979) 233-8867.

If you have any questions about the process or about a particular board or commission, please call Delia Munoz at (979) 233-3526.

NOTICE OF PUBLIC HEARING

The City Council of the City of Freeport, Texas, will hold a public hearing on Monday, the 20th day of July, 2000, beginning at 6:00 o'clock, p.m., in the Police Department Municipal Courtroom located therein at 430 North Brazosport Boulevard, Freeport, Brazoria County, Texas, to consider designating the following described real property located within the corporate boundaries of the City as a reinvestment zone for the purpose of entering into an agreement with Mass Marking, Inc., d/b/a Super S Foods, the lessee of the building containing approximately 27,100 square feet located on the following real estate lying and situated in said city:

Tract 5A2, J.E. Austin Survey, Abstract 16, City of Freeport, Brazoria County, Texas, known locally as 301 S. Brazosport Blvd., Freeport, Texas, more particularly described in the deed recorded as Document#2004-901066 in the Official Records of said county;

and the granting of a tax abatement to said lessee for improvements to such building to be made by said lessee.

All interested persons will be given an opportunity to speak and present evidence for or against such designation and for and against such abatement.

By order of the City Council the ____ day of July, 2009.

Delia Muñoz, City Secretary
City of Freeport, Texas

NOTE: This notice should be published in the Brazosport Facts ONE (1) time only at least seven (7) full days prior to the date of the public hearing. A copy of this notice, together with a copy of the proposed tax abatement agreement, should also be sent to the presiding officer of all other taxing units having jurisdiction over the above described property at least seven (7) full days prior to the date of the public hearing.

SUPER 5 FOODS

We Love Our Customers!



1

FAX

DATE: 6-2-09

Number of pages including cover sheet: 8

TO: GILBERT ARISPE

FROM: MARVAL BAILIFF

Phone: ~~979-233-3526~~

Fax Number: 979-233-2172

CC: _____

SUPER 5 FOODS
Phone: 210-326-7344 *Call*
(210) 344-1960

Fax Number: (210) 341-6326

REMARKS: Urgent For your review Reply ASAP
 Please comment Per your request

Please review and call me.

marval

Super S Foods - Tax Abatement Application

Mass Marketing, Inc. dba Super S Foods is a privately-owned chain of grocery stores operating in Central, South, and Southeast Texas. Our stores are conveniently located, and due to their smaller size, are more easily shopped and cultivate a friendlier, more service-oriented environment. Super S places a priority on maintaining an attractive, modern store base.

PROJECT DESCRIPTION

Super S Foods plans to open a new 27,100 square foot supermarket at 301 South Brazosport Blvd, Freeport, Texas. Super S will install all of the fixtures and equipment necessary to be installed to operate our grocery store at this location. A list of these costs is attached showing the estimated total investment to be \$467,172.

Super S Foods herein makes application and requests an abatement of city property taxes on the fixtures and equipment investment being made to accommodate and serve the City of Freeport, Texas.

The abatement of city property taxes is requested for our investment of \$467,172 for seven tax years beginning in 2010, and for the respective year's, percentages, and assumed rates the same as 2008, which computes to \$15,533.45, as shown below.

EXISTING IMPROVEMENTS

Regarding existing improvements, before the store could be leased to us for use as a supermarket, the landlord, Four Corners Partnership Ltd. (Bob Brooks, principal) had to replace the roof, redo the walls, replace the HVAC unit, install a new tile floor, new ceiling tiles, and new lighting. Also, he agreed to install new entrance doors to the front of the building and make the restrooms ADA compliant. The total of these remodel costs by the landlord to make the store compatible with the needs of a retail grocery store is approximately \$849,000. If agreeable, Super S Foods requests an abatement of city property taxes on this investment by the landlord.

Together the total investment is in excess of \$1 million.

			Super S	Four Corners
Year 1	100%	.70 (2008 rate)	\$ 3,270.20	\$ 5,943.00
Year 2	100%	.70 (2008 rate)	\$ 3,270.20	\$ 5,943.00
Year 3	100%	.70 (2008 rate)	\$ 3,270.20	\$ 5,943.00
Year 4	75%	.70 (2008 rate)	\$ 2,452.65	\$ 4,457.25
Year 5	50%	.70 (2008 rate)	\$ 1,635.10	\$ 2,971.50
Year 6	25%	.70 (2008 rate)	\$ 817.55	\$ 1,485.75
Year 7	25%	.70 (2008 rate)	\$ 817.55	\$ 1,485.75
		Total	\$15,533.45	\$28,229.25

Please favorably consider this request.

ATTACHMENT**APPLICATION FOR TAX ABATEMENT**

- #2. Applicant and project meet the 8 requirements established by the City of Freeport Guidelines and Criteria:**
1. Super S Foods Store #318 will expand the local tax base
 2. Super S Foods Store #318 will create 25+ full-time permanent employment opportunities.
 3. The building (formerly Kroger), in all likelihood would not otherwise be developed if not for Super S Foods Store #318.
 4. A grocery store will add and support additional economic development in the City of Freeport.
 5. Super S Foods Store #318 will remain in good standing to all reasonable aesthetic and environmental concerns.
 6. *Waived*
 7. Super S Foods Store #318 is not seeking to qualify for tax abatement on the basis of job retention.
 8. Super S Foods Store #318 does not have any of the listed objections.
- #3. A \$500.00 check is attached for application processing fee.**
- #4. Legal Description of Four Corners Shopping Center at 301 South Brazosport Blvd., Freeport, Brazoria County, Texas 77541:**
- Brazoria County Property ID: 148809, Geographic ID: 0016-0005-000;
A0016 J E B AUSTIN, TRACT 5A-1-5A2-5B3, ACRES 6.120, FREEPORT,
BRAZORIA COUNTY, TEXAS**
- #5. (sec attachment)**

APPLICANT INFORMATION:

Mass Marketing, Inc. dba Super S Foods was established February 21, 1973.

Bank: Officer John Harris
Frost National Bank
100 W. Houston St.
San Antonio, TX 78205
(210) 220-5350

Accountant: Gene Barber
Barber & Associates
2147 E. Hildebrand Ave.
San Antonio, TX 78209
(210) 227-6363

Atty: Chialing Liu
Duncan, Weakley & Bressler, Inc.
1020 NE Loop 410, Ste 500
San Antonio, TX 78209
(210) 224-0781

Business References:

Grocers Supply
3131 E. Holcombe
Houston, TX 77021-2199
(713) 749-9333

Frito Lay, North America
7701 Legacy Drive
Plano, TX 75024
(972) 334-7000

Arnold Refrigeration, Inc.
1122 North Cherry St.
San Antonio, TX 78202
(210) 225-5493

ADGRAPHICS
801 S. Laurent St.
Victoria, TX 77901
(361) 578-6411

PROJECT INFORMATION

Super S Foods #318 meets the guideline definitions of qualification for abatement.

ECONOMIC MARKET**Permanent Employment Estimate**

Super S Foods #318 will employ a minimum of 25 full-time permanent employees.

Estimated Appraised Value on Site

The value established by the Brazoria County Appraisal District is _____.

DECLARATION

To the best of my knowledge, the above information is an accurate description of project details.

Marval Bailiff
Company Official Signature

MARVAL BAILIFF, VP-SEC/TREAS
Printed Name and Title of Company Official

June 2, 2009
Date Signed

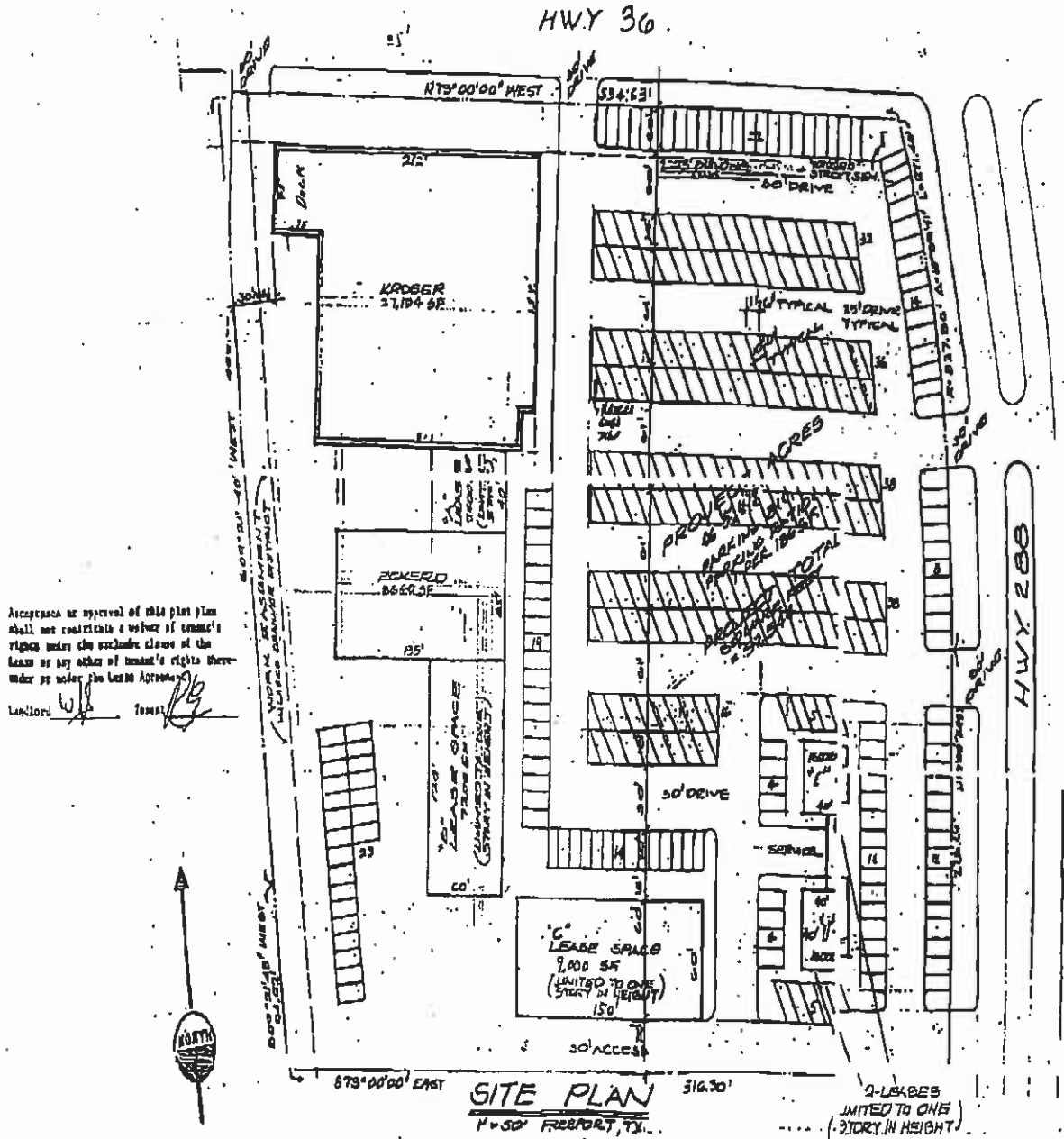
**Super S Foods #318
301 South Brazosport Blvd
Freeport, Texas**

Fixture and Equipment Estimates

	<u>Cost</u>
Baler	2,800
5 Checkstands	4,500
6 Fujitsu Teampos 3000 Terminals	30,000
Interior signage and décor package	10,500
Alarm system	1,075
Surveillance system	11,000
Combination safe	500
27" Propane buffer	750
Shopping carts	4,500
Ice maker, bagger, and merchandiser	20,120
Shelving	18,000
Rotisserie, express case	16,297
Convection oven	5,980
Double seat baskets	500
Meat slicers, saws, scales, etc	8,300
Freezers, dairy, and deli cases	56,000
Refrigeration equipment installation	118,000
Produce cases	16,000
Electrical	30,500
Plumbing	10,250
Office construction	4,900
Hauling	6,000
Equipment rental	5,200
Hotel/travel	25,000
Outside signage	16,500
Grand opening expenses	10,000
Misc	14,000
Training	20,000
	<hr/>
TOTAL	467,172

3 EXHIBIT A-1

Plat of Shopping Center and leased premises outlined in red



Acceptance or approval of this plat plan shall not constitute a waiver of tenant's rights under the provisions clause of the lease or any other of tenant's rights thereunder or under the Lease Agreement.

Leasors: *WJ* Tenant: *RS*

DATE 1/18-74
JOB 7657
BYX HBB
CHKD

d.d. stewart & associates

Commercial Developers
Investors
Builders

HEROY HERMES ARCHITECTS INC.
5116 WINDSWEEP HE
PHONE 713-786

REFERENCE
SHEET NO.
1 of 1

2223 Wilson Blvd S. Suite 500 Houston, Texas 77027 708-70153

1-20-318-1-6070

\$500.00

application processing fee

DETACH BEFORE DEPOSITING
THE ATTACHED CHECK IS IN FULL PAYMENT OF ITEMS LISTED ABOVE - MASS MARKETING, LTD. - 401 ISOM RD. #100 - SAN ANTONIO, TEXAS 78216

MASS MARKETING, LTD. dba
SUPER S FOODS

No.001825

FROST NATIONAL BANK
SAN ANTONIO, TEXAS

THE SUM 500.00

PAY TO THE
ORDER OF

Month	Day	Year	Amount
5	27	09	\$500.00*****

CITY OF FREEPORT
BUILDING INSPECTION DEPT.
200 WEST 2nd
FREEPORT, TX 77541

MASS MARKETING, LTD.

Marcel Bailey
VOID AFTER 60 DAYS

⑈001825⑈ ⑆114000093⑆ ⑆01 0148636⑈

SUPER S FOODS

We Love Our Customers!



#2

FAX

DATE: 6-4-09

Number of pages including cover sheet: 10

TO:

MR. SHAW

FROM:

MARVAL BAILIFF

Phone: 979-233-2411

SUPER S FOODS

Fax Number: 979-233-4895

Phone: (210) 344-1960

CC: _____

Fax Number: (210) 341-6326

REMARKS: Urgent

Please comment

For your review
 Per your request

Reply ASAP

Pls tell me if this is correct.

I will change any item needed.

Marval

APPLICANT INFORMATION

Company Name: MASS MARKETING, Inc Submittal Date: 6/05/2009

Address: 401 ISOM RD, BLDG 100, SAN ANTONIO, TX 78216

Name/Address/Telephone of Company contact on this project: _____

MARVAL BAILIFF (ABOVE ADDRESS)

210-344-1960

PROJECT INFORMATION

Check type of facility to be abated:

- Manufacturing Regional Distribution
- Regional Service Regional Entertainment Center
- Research Other Basic Industry

Proposed facility address and legal description: (attach exhibit if necessary): (EXHIBIT A)

301 S BRAZOSPORT BLVD

FREEPORT, TX 77541

Attach a map showing the site. (Attach as Exhibit) (EXHIBIT A-1)

Proposed facility located in the following taxing jurisdictions:

- School District
- Drainage District
- City
- Other Taxing Jurisdictions
- Brazoria Independent School District
- Velasco Drainage District
- City of Freeport
- Brazoria County
- Brazos River Harbor Navigation District

Describe product or service to be provided: SUPERMARKET

This application is for a: New Facility Expansion MODERNIZATION

PROJECT DESCRIPTION

Please attach a statement which: **(EXHIBIT B)**

- 1. fully explains the project;
- 2. describes the site and existing improvements;
- 3. describes all proposed improvements;
- 4. provides a list of improvements and fixed equipment

ECONOMIC IMPACT INFORMATION

A. Estimated cost of improvements:

Real Estate	\$ <u>849,000</u>
Personal Property	\$ <u>467,172</u>

B. Permanent employment estimates:

If existing facility, current plant employment: _____
Estimated number of jobs retained: () jobs created: **() 25**
Number of employees anticipated at start up: () within _____ 1 yr. ()
25

C. Construction employment estimates:

Construction to start: Month: 05 Year: 2009
Construction to be completed: Month: 06 Year: 2009
Number of construction jobs anticipated: At start: 12
Peak 12 Finish: 12 local people

D. School District impact estimates: (for projects over \$5,000,000)

Number of families transferred to area: _____

Number of students added to ISD: _____

E. City Impact estimates:

Volume of treated water required from city: _____

Volume of effluent water to be treated by city: _____

Has permitted been started? Yes () No ()

F. Estimated appraised value on site:

	LAND	PERSONAL PROPERTY	IMPROVEMENTS
Valuation of existing property as of January 1, preceding this abatement Application	\$ ____	\$ ____	\$ ____
Valuation of Personal Property and Improvements, not subject to Abatement, excluding exempt Pollution Control Equipment, upon completion of the project subject to this application	\$ ____	\$ ____	\$ ____
Estimated value, upon completion of project of exempt pollution control equipment	\$ ____	\$ ____	\$ ____
Estimated value of abated improvements after abatement agreement expire	\$ ____	\$ <u>467,172</u>	\$ <u>849,000</u>

G. Statement of planned efforts to use City of Freeport Vendors and services: **(EXHIBIT C)**

Please attach a statement describing willingness and planned efforts to use qualified City of Freeport vendors and services where applicable in the construction and operation of the facility.

DECLARATION

To the best of my knowledge, the above information is an accurate description of project details.

Company Official Signature

Printed Name and Title of
Company Official

Date Signed

**CERTIFICATION OF APPRAISED VALUE OF PROPERTIES
AS OF JANUARY 1, _____**

To: City of Freeport
Fm: Brazoria County Appraisal District
Date: _____

The Brazoria County Appraisal District hereby certifies that the following appraised values as of January 1, _____ for property of _____. Described in Exhibit "A" attached hereto are listed in the records of Brazoria County Appraisal District and indicated by the following Account Numbers:

PERSONAL PROPERTY	APPRAISAL VALUE
Account No. _____	\$ _____
Account No. _____	\$ _____
LAND	
Account No. _____	\$ _____
Account No. _____	\$ _____
Account No. _____	\$ _____
IMPROVEMENTS	
Account No. _____	\$ _____
Account No. _____	\$ _____
Account No. _____	\$ _____

Certified this _____ day of _____, _____

Chief Appraiser
Brazoria County Appraisal District

By: _____

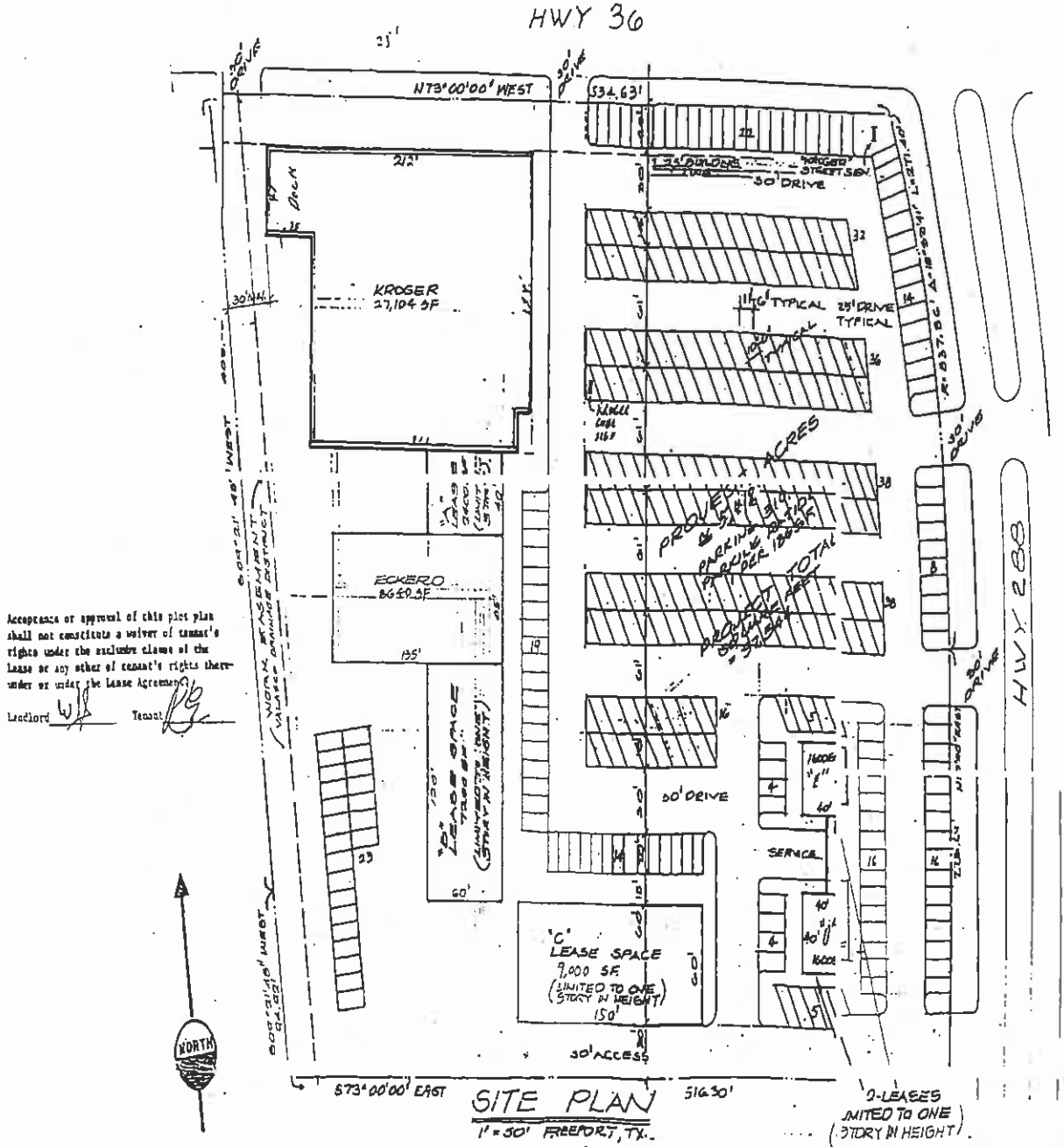
EXHIBIT A

Legal Description of Shopping Center

Brazoria County Property ID: 148809, Geographic ID: 0016-0005-000;
A0016 J E B AUSTIN, TRACT 5A-1-5A2-5B3, ACRES 6.120, FREEPORT, BRAZORIA
COUNTY, TEXAS.

EXHIBIT A-1

Plat of Shopping Center and leased premises outlined in red



DATE 11-8-74	d.d. Stewart & associates	Commercial Developers	LEROY HEERMES ARCHITECTS INC.	REFERENCE
JOB 74-57		Investors		SHEET NO.
DRX HEB		Builders		1 of 1
CHEO		2223 Wilson Ave S. Suite 503 Houston, Texas 77027 713-637-0163		6116 WINDSWEEP HOUSTON TX 77057 PHONE 713-785-3644

EXHIBIT B

PROJECT DESCRIPTION:

1. The project is for Super S Foods to open a new 27,100 square foot supermarket at 301 South Brazosport Blvd, Freeport, Texas. Super S will install all of the fixtures and equipment necessary to be installed to operate our grocery store at this location. Super S Foods herein makes application and requests an abatement of city property taxes on the fixtures and equipment investment being made to accommodate and serve the City of Freeport, Texas.
2. The site is a 27,100 square foot building located in the Four Corners Shopping Center located at 301 South Brazosport Blvd, Freeport, Texas. The building is being leased by Super S Foods.
3. The landlord, Four Corners Partnership Ltd. (Bob Brooks, principal) has to replace the roof, redo the walls, replace the HVAC unit, install a new tile floor, new ceiling tiles, and new lighting. Also, he agreed to install new entrance doors to the front of the building and make the restrooms ADA compliant. The total of these remodel costs by the landlord to make the store compatible with the needs of a retail grocery store is approximately \$849,000.

Super S will install all of the fixtures and equipment necessary to be installed to operate our grocery store at this location. The estimated total investment by Super S Foods will be \$467,172.

4. List of improvements and fixed equipment:

▪ Replace roof	
▪ Redo the walls	
▪ Replace the HVAC Unit	
▪ Install a new tile floor	
▪ Install new ceiling tiles	
▪ Install new lighting	
▪ Install new entrance doors to front of building	
▪ Make the restrooms ADA compliant	
TOTAL	849,000
▪ Baler	2,800
▪ 5 Checkstands	4,500
▪ 6 Fujitsu Teampos 3000 Terminals	30,000
▪ Interior signage and décor package	10,500
▪ Alarm system	1,075
▪ Surveillance system	11,000
▪ Combination safe	500
▪ 27" Propane buffer	750
▪ Shopping carts	4,500
▪ Ice maker, bagger, and merchandiser	20,120
▪ Shelving	18,000
▪ Rotisserie, express case	16,297
▪ Convection oven	5,980
▪ Double seat baskets	500

EXHIBIT B

▪ Meat slicers, saws, scales, etc	8,300
▪ Freezers, dairy, and deli cases	56,000
▪ Refrigeration equipment installation	118,000
▪ Produce cases	16,000
▪ Electrical	30,500
▪ Plumbing	10,250
▪ Office construction	4,900
▪ Hauling	6,000
▪ Equipment rental	5,200
▪ Hotel/travel	25,000
▪ Outside signage	16,500
▪ Grand opening expenses	10,000
▪ Misc	14,000
▪ Training	<u>20,000</u>
TOTAL	467,172

EXHIBIT C

Super S Foods, during the construction of the facility, is using local: roofers, flooring company, rental companies, hardware stores, restaurants, hotel, safe company, trash service.

Super S Foods, during the operation of the facility, will continue to use local refrigeration repair company and any other local vendors and services as necessary to maintain the supermarket.



401 ISOM, BLDG. #100 • SAN ANTONIO, TEXAS 78216 • (210) 344-1960 • FAX (210) 341-6326

MASS MARKETING, INC.

dba SUPER S FOODS
dba PIEDRAS NEGRAS SUPERMARKET
dba ACE HARDWARE
dba PET SUPPLIES "PLUS"

Moved to address: 07/01/94
401 Isom Road, Bldg. 100
San Antonio, TX 78216
Telephone #: (210) 344-1960
Fax #: (210) 341-6326

BUSINESS

Supermarket / Hardware / Pet Food Chain, operating since 02/21/73

OFFICERS

President

David McBurnett
401 Isom, Bldg. 100
San Antonio, TX 78216

Secretary/Treasurer

Marval Bailiff
401 Isom, Bldg. 100
San Antonio, TX 78216

CREDIT INFORMATION

BANK REFERENCE

Frost National Bank
Acct. No. 01-0148636
100 W. Houston St.
San Antonio, TX 78205

Officer: John Harris
(210) 220-5350

TRADE REFERENCES

Grocers Supply
3131 E. Holcombe
Houston, TX 77021-2199
(713) 749-9333

Frito Lay, North America
7701 Legacy Drive
Plano, TX 75024
(972) 334-7000

Arnold Refrigeration, Inc.
1122 North Cherry St.
San Antonio, TX 78202
(210) 225-5493

ADGRAPHICS
801 S. Laurent St.
Victoria, TX 77901
(361) 578-6411

STATE SALES TAX NUMBER

MASS MARKETING, LTD. 1-74-1758668-6

FEDERAL TAX ID NUMBER

MASS MARKETING, LTD. 74-1758668

DISCUSSION DRAFT

TAX ABATEMENT AGREEMENT

This Tax Abatement Agreement (this "Agreement") is made by and between the City of Freeport, Texas a municipal corporation and home-rule city (the "City"), and MASS MARKETING, INC., a Texas corporation d/b/a SUPER S FOODS, (the "Applicant"), and the lessee of real property located within the Zone (as defined below).

W I T N E S S E T H:

WHEREAS, the creation and retention of job opportunities within the City is paramount to the City's continued economic development; and

WHEREAS, the Owner desires to modernize the existing building located at 301 S. Brazosport Blvd., Freeport, Texas, more particularly known as Tract 5A2, J.E.B. Austin Survey, Abstract 16, City of Freeport, Brazoria County, Texas, as described in the deed recorded as Document#04-901066 in the Official Records of said county, to be used as a supermarket for the sale of food and other related products to persons residing in the City and its environs; and

WHEREAS, the Applicant filed a written request for tax abatement, dated June 5, 2009, in accordance with the City's Resolution No. 2007-2153, adopted August 20, 2007, ("the Resolution"), as amended by Resolution No. 2007-2155, adopted September 4, 2007, which establishes the property tax abatement program for the City of Freeport in designated reinvestment zones; and

WHEREAS, it is reasonably likely that this Agreement will contribute to the retention, expansion and creation of primary employment and will attract major investment in the Zone that would be of benefit to property within the Zone and that would contribute to the economic development of the City; and

WHEREAS, the City Council has determined that the Improvements are practical and are of benefit to the land within the Zone and to the City; and

WHEREAS, City Council finds that there will be no substantial potential adverse effect on the provision of City services or on the tax base caused by this Agreement; and

WHEREAS, the Applicant has represented that the facility will be designed and constructed to meet all applicable federal, state, and local environmental degradation of hazard; and

WHEREAS, the City Council finds that the planned use of the leased premises will be operated in accordance with applicable environmental standards and will not constitute a hazard to public health, safety, or morals; and

WHEREAS, City Council finds that the terms of this Agreement meet the applicable requirements of the Resolution and The Texas Tax Code.

NOW THEREFORE,, the parties hereto, for and in consideration of the premises and mutual promises stated herein, agree as follows:

1. **Definitions**

The following terms shall have the meanings assigned below, unless otherwise defined or the context clearly requires otherwise.

"Abatement Period" means that period which commences on the first day of the Effective Date of Abatement and ends three (3) years thereafter.

"Applicant" means Mass Marketing, Inc., a Texas corporation, d/b/a Super S Foods, of which Marval Bailiff is the Vice President, Secretary and Treasurer.

"BCAD" means the Brazoria County Appraisal District.

"City" means the City of Freeport, Texas.

"City Manager" means the City Manager of the City.

"Effective Date of Abatement" means January 1, 2010.

"Eligible Property" improvements described in Exhibit "A" attached hereto which expands the local tax base as those terms are defined in the Guidelines and Criteria for Tax Abatement in the City of Freeport attached to and adopted by the Resolution.

"Improvements" means the improvements to the property, more fully described in Section 5 below, constituting the Project.

"Ordinance" means City of Freeport Ordinance Number 2000— _____, which created the Zone.

"Owner" means Four Corners Partnership, LTD, a Texas Limited Partnership.

"Project" means the improvements to be constructed and used by the Owner on the Real Property as more fully described in Section 5(c) below.

"Property" means the real property to be improved, as more fully described in Section 3(a) below.

"Resolution" means City of Freeport Resolution 2007-2153, adopted August 20,2007, as amended by Resolution 2007-2155, adopted September 4, 2007, establishing the property tax abatement program for the City in designated reinvestment zones, for which an abatement is being granted.

"Tax Code" means the Texas Property Tax Code, as amended.

"Zone" means the Super S Foods Reinvestment Zone, which is more particularly described in the Ordinance.

2. Authorization

This Agreement is authorized by Resolution which established the property tax abatement program for properties in designated reinvestment zones and by the Ordinance.

3. Property

(a) The Street Address of the taxable real property being improved under this Agreement is 301 S. Brazosport Blvd., Freeport, Texas. It is Tract 5A2 of the J.E.B. Austin Survey and is more fully described in the deed to Owner recorded as Document#2004-901066 in the Official Records of Brazoria County, Texas, to which reference is here made for all appropriate purposes.

(b) The BCAD tax account number(s) of the Property are:
0016-0005-000 (land) and 0016-0005-098 (improvements).

4. Representations and Warranties by the Applicant

(a) Applicant represents that Applicant has leased the Property from the Owner and that the Property is located within boundaries of the Zone. The Applicant represents that the Applicant is authorized to execute this Agreement and to complete the Improvements described in Section 5 hereof and in the project description marked Exhibit "B" and attached hereto. The Applicant represents that as of January 1, 2009, the Property had an approximate appraised value of \$111,400.00 Dollars and the existing improvements thereon at that time had an approximate appraised value of \$499,890.00 Dollars. The Applicant represents and warrants that the construction of the Improvements described in Exhibit "A" will begin on or about May 1, 2009, and will be completed as of the effective date of this Agreement. The Applicant represents and warrants that the construction of the Improvements shall be completed as described in Exhibit "A", for the purpose of using the premises as a retail grocery store. The total size of the building on the Property to be improved is approximately 27,100 square feet, more or less.

(b) The Applicant represents that no interest in the Property is held or leased by a member of the City Council or a member of the City's Planning Commission.

(c) The Applicant represents and warrants that the value of the Property will increase by at least \$400,000.00 upon completion of the Improvements.

(d) The Applicant represents and warrants that twelve (12) construction jobs will be provided while the improvements are being constructed; that the Project will create employment for at least twenty-five (25) people on a permanent basis in the City; and that within one (1) year of the beginning of the Abatement Period and continuing through the term of this Agreement, excepting accident, casualty, fire, explosion, or natural disaster that is found by the City Manager to substantially impact the Applicant's ability to use the Project as specified in Section 5© below.

(e) The Applicant represents and warrants that the Improvements will not solely or primarily have the purpose of transferring employment from one part of the City to another.

(f) The Applicant represents and warrants that it will construct and operate the Project as described in Exhibit "B" attached hereto and incorporated herein by this reference.

(g) The Applicant represents and warrants that the Improvements will be designed, constructed, and operated in accordance with all applicable federal, state, and local environmental regulations, and that the construction and operation of the Improvements will not cause environmental degradation or hazard to the Property or the environs of the City.

(h) The Applicant represents that the improvements are necessary because the existing facilities are not adequate for the use of the Property for the purpose described in Section 4(a) above.

5. Terms of the Agreement

(a) The Owner shall make the Improvements substantially in conformity with the descriptions, plans and specifications, all as described in Exhibit "A".

(b) The Improvements shall be completed in accordance with the provisions of Exhibit "A" and the City's Building and other Standard Codes and shall conform to the City's Zoning Ordinance. In case of any conflict, the Building Code or Standard Code, or Zoning Ordinance as the case may be, shall prevail.

(c) Upon completion of the Improvements, the Applicant shall use the Property for the proposed use specified above in Section 4(a) during the Abatement Period specified in Section 6 hereof. However, the City Council may approve a change from the proposed use in writing, if the City Council determines that the change is consistent with the guidelines adopted by the Resolution and with the City's general purpose of encouraging development or redevelopment of the Zone during the Abatement Period specified in Section 6 hereof. The proposed use of the Property (unless and until the City Council approves a change in use) is for the purpose set forth above in Section 4(a) pursuant to and to the extent described in Exhibit "A" attached hereto and incorporated herein.

(d) The Applicant shall allow the City's employees access to the Property for the purpose of inspecting the Improvements to ensure that the Improvements were completed and are being maintained in accordance with the terms of this Agreement. All inspections will be made only after giving the Applicant notice at least twenty-four (24) hours in advance thereof, and will be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the Project. All inspections will be made with one (1) or more representatives of the Applicant and in accordance with the safety and security standards of the Applicant, but this shall not act as a limitation on the City's ability to perform any inspection or enter the affected property pursuant to the Code of Ordinances, the Building Code or other Standard Code or otherwise.

(e) The Applicant shall maintain the Improvements in good repair and condition during the Abatement Period specified in Section 6 hereof.

(f) The Applicant shall provide the City's employees access to all records requested and necessary for the purpose of conducting an audit of the Project. Any such audit shall be made only after giving the Applicant notice at least seven (7) days in advance thereof, and will be conducted in such a manner as to not unreasonably interfere with the operation of the Project.

(g) The Applicant shall not assign this Agreement without the written approval of the City Council. In addition, any such assignment must be approved by City Council.

(h) Not later than March 15th of each year during the Abatement Period, the Owner shall submit to the City Manager and the Chief Appraiser of BCAD a January employee count for the Project. The employee count submitted shall correspond to the Employment count reported in the Applicant's "Employer Quarterly Report" to the Texas Workforce Employment Commission.

(i) The employee count submitted by the Applicant shall be used to determine eligibility for that year and be used to determine abatement eligibility for that year and be subject to audit, pursuant to the provisions of the guidelines attached to and adopted by the Resolution. The City Manager shall certify to the Chief Appraiser of BCAD whether the Applicant is in compliance with the employment requirements of this Agreement.

6. Tax Abatement

(a) Abatement on the Improvements specifically listed in Exhibit "A" shall be permitted only for the value of new "eligible property" constructed or added after January 1, 2008, subject to the limitation stated in subsection 5(c) above. In addition, this exemption from taxation is specifically subject to the rights of the holders of outstanding bonds of the City. The portion of the value of new eligible Improvements subject to the abatement shall be determined in accordance with the following schedule:

Total Investment	Abatement Per Year
\$50,000 to \$100,000	100% 50%
\$100,000 to \$1,000,000	100% 75% 50%
Over \$1,000,000	100% 100% 100% 75% 50% 25% 25%

If the construction period extends beyond one (1) year from the Effective Date of Abatement, the Improvements shall be considered completed for purposes of abatement and, in no case, shall the Abatement Period exceed three (3) years from the Effective Date of Abatement.

(b) From the Effective Date of Abatement to the end of the Abatement Period, taxes shall be payable as follows:

1. The value of (i) the property on which the project is located without regard to any improvements thereon and (ii) any tangible personal property not attached to the land and for which an abatement has not been specifically granted shall be fully taxable.

2. The base year value of any improvements on the property which are not eligible improvements shall be fully taxable.

3. The additional value of the eligible improvements constructed after January 1, 2009, but before the effective date of this Agreement, shall be taxable in accordance with Section 6(a) of this Agreement.

4. Any equipment or machinery, described in Exhibit "A" and installed in the property pursuant to this Agreement, that is removed from the property for longer than a temporary repair period, shall be fully taxable.

(c) The City shall enter into only one tax abatement agreement for the Project described in Exhibit "A" of this Agreement during the existence of the Super S Foods Reinvestment Zone.

7. **Default and Recapture**

(a) This Agreement shall terminate in the event that the use and operation of the facility for the purpose specified in Section 5(c) above is discontinued, for any reason excepting fire, explosion, other casualty or accident, or natural disaster, continuously for a period in excess of twelve (12) month during the Abatement Period. The Owner shall not be entitled to the abatement of taxes for that twelve month period during which the facility did not produce a product or service. The taxes abated during that twelve month period shall become immediately due and payable, and shall be paid to the City within sixty (60) days from the date of termination of this Agreement.

(b) The Applicant shall be in default hereof in the event that the Applicant:

1. allows ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or

2. has made any material representation which is determined to be false or misleading in any respect; or

3. is in breach of any material warranty and fails to cure within 60 days from the date notice is provided thereof as described below (the "Cure Period"); or

4. violates any of the terms and conditions of this Agreement and fails to cure during the Cure Period.

(c) Should the City Council determine that the Applicant is in default according to the terms and conditions of this Agreement, the City Manager shall notify the Applicant in writing at the address stated in this Agreement, and if such default is not cured during the Cure period, then this Agreement may be terminated as to all parties and all taxes previously abated by virtue of this Agreement, shall be recaptured, and paid by the Applicant within sixty (60) days of the termination.

8. **Administration**

(a) For purposes of this Agreement, the value of the real and personal Property comprising the Zone, including the value of the Improvements listed in Exhibit "A" hereof, shall be the same as the value of the Improvements determined annually by the chief appraiser of BCAD.

(b) Each year, the Owner shall furnish the City with such information as may be necessary for calculating the amount of abatement. Once the value of the Improvements has been established and the amount of the abatement calculated, the chief appraiser of the BCAD shall notify the affected jurisdictions that levy taxes of the amount of assessment.

(c) Upon the completion of construction of the Improvements, the City Manager shall annually evaluate each facility receiving abatement to ensure compliance with this Agreement and prepare a report of any violations of this Agreement.

9. Compliance with State and Local Regulations

Except as specifically provided herein, nothing in this Agreement shall be construed to alter or affect the obligation of the Applicant to comply with any ordinance, rule or regulation of the City, or the laws and regulations of the State of Texas and the United States.

10. Merger

The parties agree that this Agreement contains all of the terms and conditions of the understanding of the parties relating to the subject matter hereof. All prior negotiations, discussions, correspondence and preliminary understandings between the parties and others relating hereto are superseded by this Agreement.

11. Notice

(a) All notices shall be in writing and unless hand delivered, shall be sent by U.S. Mail certified, return receipt requested. If mailed, any notice or communication shall be deemed to be received three (3) days after the date of deposit in the United States Mail. Unless otherwise provided in this Agreement, all notices shall be delivered to the following address:

To the Applicant

If mailed or personally delivered:

Marval Bailiff
Vice President/Secretary/Treasurer
Mass Marketing, Inc., d/b/a
Super S Foods
401 Isom Road, Bldg. 100
San Antonio, TX 78216

To the City

If mailed or personally delivered:

City Manager
200 West Second Street
Freeport, TX 77541

(b) Each party may designate a different address by giving the other party written notice as prescribed above at least ten (10) days in advance of the effective date of such designation.

12. Effective Date

If approved by the Mayor and City Council, the Effective Date of this Agreement shall be the Effective Date of Abatement as defined in Section 1 hereof.

This agreement has been executed by the parties in multiple originals, each having full force and effect.

MASS MARKETING, INC., d/b/a
SUPER S FOODS

BY: _____
Title _____

ATTEST:

Title: _____

THE CITY OF FREEPORT, TEXAS

BY _____
Its Mayor

ATTEST:

Its City Secretary

APPROVED AS TO FORM

City Attorney

C:\Freeport.Abt\Super S Foods - Abt Agr



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

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

PROPERTY MANAGEMENT

June 23, 2009

Jeff Pynes
City Manager

re: Lot 8, Block 7, Southview Garden S/D
727 West 11th Street
Tax ID 4201-0151-000

Please place the following item on the July 6, 2009, Council Agenda:

Discuss / consider the sale of the City interest in lot 8, block 7 Southview Garden subdivision, Freeport Townsite, known as 727 West 11th Street. Tax ID 4201-0151-000

Bid analysis and calculation sheets attached

N C Hickey
Property Manager

attach

/s



PROPERTY MANAGEMENT MEMO

Council Agenda Date: June 15, 2009
Agenda item:

Type of Property: Trust
Sheriff Deed: 8-29-2007
Street Address: 727 West 11th
Legal Description: Lot 8, Block 7, Southview Garden
Account Number: 4201-0151-000

Years Taxes Delinquent: 11 years (1998-2009)
Extinguished by Sheriff Sale: \$ 4360.61

Appraisal District Value: \$4580.00
Offer by: Juan Nunez \$4550.00
Court Cost & Post Judgment: \$1126.14

Amount to Distribute: \$3423.86
Distribution to Freeport: **\$1027.16**

Council Action: Accept Offer
 Reject Offer

COMMENTS:

None

Motion by _____ Second _____ Vote _____

Brazoria CAD

Property Search Results > Property ID 251529 CITY OF FREEPORT IN TRUST for Year 2009

Property Details		1: <input type="text" value="Zoom"/>	
Account	Property ID: 251529 Geo. ID: 7750-0151-000 Type: Real		
Legal Description:	SOUTH VIEW GARDENS (FREEPORT) BLK 7 LOT 8 CAUSE NO 39373		
Location	Address: 727 W 11TH ST FREEPORT, TX 77541 Neighborhood: SOUTH VIEW GARDENS		
Mapsco:	CAD, CFP, DR2, GBC, JBR, NAV, RDB, SBR		
Jurisdictions:			
Owner	Name: CITY OF FREEPORT IN TRUST Address: 200 W 2ND ST FREEPORT, TX 77541-5773		
Property	Appraised Value: \$4,580		
	Map Layers		
	Radius Search		

Website version: 1.2.2.2

Database last updated on: 5/7/2009 8:19 PM

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

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

BID ANALYSIS

Cause Number: 39373

Account Number: 7750-0151-000

Offer Amount: \$4,550.00

Value \$: \$3,050.00

Person Offering: Juan Nunez

Adjudged Value\$: \$3,050.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	1987-2005	\$649.32
Brazosport ISD	1987-2005	\$2,015.26
BRHND	1987-2005	\$125.32
Brazosport College	1987-2005	\$143.06
Velasco Drainage	1987-2005	\$119.46
City of Freeport	1987-2005	\$1,308.19

Total \$4,360.61

Costs

Court Costs	\$362.00	Sheriff Fees	\$195.63
Publication Fees	\$151.20	Research Fees	\$175.00
Ad Litem		Recording fee's	\$24.00
	Liens		0

Total \$907.83

Post Judgement Information

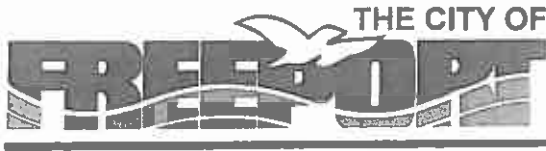
Taxing Entity	Tax Year's	
BC	2006-2008	\$30.95
Brazosport ISD	2006-2008	\$107.73
BRHND	2006-2008	\$4.78
Brazosport College	2006-2008	\$9.97
Velasco Drainage	2006-2008	\$6.72
City of Freeport	2006-2008	\$58.16

Post Judgment Total \$218.31

Proposed Distribution

Offer Amount	Costs + P & J
\$4,550.00	\$1,126.14
Net to Distribute \$	\$3,423.86

BC	14.89%	\$509.83
Brazosport ISD	46.22%	\$1,582.34
BRHND	2.87%	\$98.40
Brazosport College	3.28%	\$112.33
Velasco Drainage	2.74%	\$93.80
City of Freeport	30.00%	\$1,027.16



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

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

PROPERTY MANAGEMENT

June 23, 2009

Jeff Pynes
City Manager

re: Lot 13, Block 4, Section 2
Marlin Ave, Bridge Harbor
Tax ID 2190-0239-000

Please place the following item on the July 6, 2009, Council Agenda:

Discuss / consider the sale of the City interest in Lot 13, Block
4, Section 2, Marlin Lane, Bridge Harbor, City of Freeport
Tax ID 2190-0239-000

Bid analysis and calculation sheets attached

N C Hickey
Property Manager

attach

/s



PROPERTY MANAGEMENT MEMO

Council Agenda Date: June 15, 2009
Agenda item:

Type of Property: Trust
Sheriff Deed: 4-20-2004
Street Address: Marlin Ave, Bridge Harbor
Legal Description: Lot 13, Block 4, Section 2
Account Number: 2190-0239-000

Years Taxes Delinquent: 24 years (1985-2009)
Extinguished by Sheriff Sale: \$814.94

Appraisal District Value: \$440.00
Offer by: Joyce Cornwell \$440.00
Court Cost & Post Judgment: \$716.57

Amount to Distribute: . \$(-276.57)
Distribution to Freeport: \$0

Council Action: Accept Offer
 Reject Offer

COMMENTS:

Property more valuable to City for mitigation

Motion by _____ Second _____ Vote _____

Brazoria CAD

Property Search Results > Property ID 193481 BRAZOSPORT ISD IN TRUST for Year 2009

Property Details	
Account	
Property ID:	193481
Geo. ID:	2190-0239-000
Type:	Real
Legal Description:	BRIDGE HARBOR (A0051 F J CALVIT DIV 8 (B C I C)), BLOCK 4, LOT 13 NO 2, CAUSE #91T5260, FREEPORT
Location	
Address:	MARLIN DR FREEPORT, TX 77541
Neighborhood:	FREEPORT ORIGINAL
Mapsc0:	
Jurisdictions:	CAD, CFP, DR2, GBC, JBR, NAV, RDB, SBR
Owner	
Name:	BRAZOSPORT ISD IN TRUST
Address:	PO BOX 2 FREEPORT, TX 77542-1926
Property	
Appraised Value:	\$440
Map Layers Radius Search	

1:

Website version: 1.2.2.2

Database last updated on: 5/7/2009 8:19 PM

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

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

BID ANALYSIS

Cause Number: 91T5260 **Account Number:** 2190-0239-000

Offer Amount: \$440.00 **Value \$:** \$440.00

Person Offering: Joyce Cornwell **Adjudged Value\$:** \$25,760.00

9 Other accounts included

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	1985-1991	\$110.69
BCED	1985-1991	\$90.01
Brazosport ISD	1985-1991	\$249.62
BRHND	1985-1991	\$32.75
Brazosport College	1985-1991	\$17.41
Velasco Drainage	1985-1991	\$45.59
City of Freeport	1985-1991	\$268.87

Total **\$814.94**

Costs

Court Costs	\$18.00	Sheriff Fees	
Publication Fees		Research Fees	\$20.42
Ad Litem		Recording fee's	
Liens			0

Total **\$38.42**

Post Judgement Information

Taxing Entity	Tax Year's	
BC	1992-2008	\$85.81
BCED	1992-2008	\$98.29
Brazosport ISD	1992-2008	\$229.45
BRHND	1992-2008	\$20.89
Brazosport College	1992-2008	\$18.62
Velasco Drainage	1992-2008	\$28.28
City of Freeport	1992-2008	\$196.81

Post Judgment Total **\$678.15**

Proposed Distribution

Offer Amount	Costs + P & J
\$440.00	\$716.57
Net to Distribute \$	-276.57

BC	13.58%	-\$37.57
BCED	11.04%	-\$30.55
Brazosport ISD	30.63%	-\$84.71
BRHND	4.02%	-\$11.11
Brazosport College	2.14%	-\$5.91
Velasco Drainage	5.59%	-\$15.47
City of Freeport	32.99%	-\$91.25



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

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

PROPERTY MANAGEMENT

June 23, 2009

Jeff Pynes
City Manager

re: Lot 14, Block 4, Section 2
Marlin Ave, Bridge Harbor
Tax ID 2190-0240-000

Please place the following item on the July 6, 2009, Council Agenda:

Discuss / consider the sale of the City interest in Lot 14, Block
4, Section 2, Marlin Lane, Bridge Harbor, City of Freeport
Tax ID 2190-0240-000

Bid analysis and calculation sheets attached

N C Hickey
Property Manager

attach

/s



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

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

PROPERTY MANAGEMENT MEMO

Council Agenda Date: June 15, 2009
Agenda item:

Type of Property: Trust
Sheriff Deed: 4-20-2004
Street Address: Marlin Ave, Bridge Harbor
Legal Description: Lot 14, Block 4, Section 2
Account Number: 2190-0240-000

Years Taxes Delinquent: 24 years (1985-2009)
Extinguished by Sheriff Sale: \$814.94

Appraisal District Value: \$440.00
Offer by: Joyce Cornwell \$440.00
Court Cost & Post Judgment: \$716.57

Amount to Distribute: . \$(-276.57)
Distribution to Freeport: \$0

Council Action: Accept Offer
 Reject Offer

COMMENTS:

Property more valuable to City for mitigation

Motion by _____ Second _____ Vote _____

Brazoria CAD

Property Search Results > Property ID 193482 BRAZOSPORT ISD IN TRUST for Year 2009

Property Details	
Account	
Property ID:	193482
Geo. ID:	2190-0240-000
Type:	Real
Legal Description:	BRIDGE HARBOR (A0051 F J CALVIT DIV 8 (B C I C)), BLOCK 4, LOT 14 NO 2, CAUSE #91T5260, FREEPORT
Location	
Address:	MARLIN DR FREEPORT, TX 77541
Neighborhood:	FREEPORT ORIGINAL
Mapsc0:	
Jurisdictions:	<u>CAD, CFP, DR2, GBC, JBR, NAV, RDB, SBR</u>
Owner	
Name:	BRAZOSPORT ISD IN TRUST
Address:	PO BOX Z FREEPORT, TX 77542-1926
Property	
Appraised Value:	\$440
Map Layers Radius Search	

Website version: 1.2.2.2

Database last updated on: 5/7/2009 8:19 PM

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

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

BID ANALYSIS

Cause Number:	91T5260	Account Number:	2190-0240-000
Offer Amount:	\$440.00	Value \$:	\$440.00
Person Offering:	Joyce Cornwell	Adjudged Value\$:	\$3,000.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	1985-1991	\$110.69
BCED	1985-1991	\$90.01
Brazosport ISD	1985-1991	\$249.62
BRHND	1985-1991	\$32.75
Brazosport College	1985-1991	\$17.41
Velasco Drainage	1985-1991	\$45.59
City of Freeport	1985-1991	\$268.87
Total		\$814.94

Costs

Court Costs	\$18.00	Sheriff Fees	
Publication Fees		Research Fees	\$20.42
Ad Litem		Recording fee's	
Liens			0
Total		\$38.42	

Post Judgement Information

Taxing Entity	Tax Year's	
BC	1992-2008	\$85.81
BCED	1992-2008	\$98.29
Brazosport ISD	1992-2008	\$229.45
BRHND	1992-2008	\$20.89
Brazosport College	1992-2008	\$18.62
Velasco Drainage	1992-2008	\$28.28
City of Freeport	1992-2008	\$196.81
Post Judgment Total		\$678.15

Proposed Distribution

Offer Amount	Costs + P & J
\$440.00	\$716.57
Net to Distribute \$	-\$276.57

BC	13.58%	-\$37.57
BCED	11.04%	-\$30.55
Brazosport ISD	30.63%	-\$84.71
BRHND	4.02%	-\$11.11
Brazosport College	2.14%	-\$5.91
Velasco Drainage	5.59%	-\$15.47
City of Freeport	32.99%	-\$91.25

INTEROFFICE MEMORANDUM

TO: JEFF PYNES, CITY MANAGER
FROM: LARRY FANSHER, PARKS & REC DEPARTMENT
SUBJECT: PROPOSED ANTONELLI'S ROOT BEER STAND LEASE AND RENTAL
DATE: 6/30/2009

The Beautification/Parks & Recreation Board is recommending Antonelli's Root Beer Stand be leased again since it closed about a year ago.

The board advertised the facility twice in the Brazosport Facts and posted an announcement on the city hall public notice bulletin board to insure the general public was made aware of the vacant facility's availability.

The city has had one person express an interest in reopening the building. Ms. Debra Molina approached the Parks Board with a proposed menu and is agreeing to the standard terms of the agreement the city has been using over the last several years.

A sample lease agreement is attached for your review. City Attorney Wallace Shaw also has a copy.

The board would like to recommend the city council's consideration be given to this proposal at its next regularly scheduled council meeting.

Menu:

(Debra Molina)

Sandwiches:

Panini's (Grilled Chicken, Pizza, BLT, etc.)
Tuna
Turkey
Ham and cheese
Grilled Chicken

Soup: (Seasonal)

Chicken Soup
Tortilla Soup
Broccoli and Cheese Soup

Snack foods:

Nachos
Hot Dogs
Frito Pie
Chips
Pickles
Assortment of Candy

Desserts: (Seasonal)

Blue Bell Ice Cream
On cones, or in a cup
Banana Splits
Sundaes
Root Beer Floats
Shakes (Banana, Strawberry, Chocolate)

Drinks:

Soft Drinks
Bottled Water
Coffee
Hot Chocolate (Seasonal)
Fruit Drinks (Seasonal Fruit)

STATE OF TEXAS X
COUNTY OF BRAZORIA X

LEASE OF REAL PROPERTY

PARTIES: This Lease agreement made and entered into by and between the CITY OF FREEPORT, TEXAS, a municipal corporation, hereinafter designated Lessor, and _____, hereinafter designated Lessee, whereby Lessor leases unto Lessee the property lying and situated in the Freeport Municipal Park, within the incorporated limits of the City of Freeport, In Brazoria County, Texas, known as "Antonelli's Root Beer Stand", and the movable personal property now located therein, such movable personal property being described in Exhibit "A" attached hereto and made a part hereof.

TERM: The term of this Lease is six (6) months, to begin on the _____ day of _____, 20____, and ending on the _____ day of _____, 20____.

RENTAL: Lessee agrees to pay Lessor at the City Hall, 200 West 2nd Street, Freeport, Texas, the sum of \$1.00 per month, without demand, on the 25th day of each month beginning _____.

USE OF PREMISES HOURS: Lessee agrees to use the demised premises for the retail sale of food and beverages and for no other purpose. Lessee agrees to open for business for a minimum of twenty (20) hours per week.

PROHIBITED USE OF PREMISES: Lessee hereby covenants not to make or allow to be made by any person unlawful, improper or offensive use of the premises hereby demised, including but not limited to all applicable health and fire codes. Further, Lessee agrees not to possess, sale or offer for sale any alcoholic beverages on the premises.

REPAIRS BY LESSEE: Lessee acknowledges that he has fully inspected the demised premises and on the basis of such inspection, Lessee hereby accepts the demised premises and the building and improvements thereon, as suitable for the purposes for which same are leased, in their present condition, with such changes therein as may be caused by reasonable deterioration between the date hereof and the commencement date of this Lease. Lessee shall throughout the term of this lease, take good care of the demised premises, including the building and other improvements located thereon, keep them free from waste or nuisance of any kind, and make all necessary repairs not to exceed \$250.00. All repairs in excess of such amount shall be made by Lessor, who shall have the option of either making such repairs or terminating this lease. At the end or termination of this Lease, Lessee shall deliver up the demised premises with all building improvements located thereon in good repair and condition, reasonable wear and tear and damage by fire, tornado or other casualty only excepted.

ASSIGNMENT ETC., PROHIBITED: Lessee shall not assign, sublet, mortgage or pledge the Lease, nor let the whole or any part of the demised premises without prior written consent of Lessor.

LAWS: Lessee agrees to comply with all laws, rules and orders of Federal, State and Municipal Governments and all of their departments applicable to the demised premises.

INSURANCE: Lessee agrees to obtain and maintain at Lessor's expense during the term of this lease a policy of public liability insurance in the amount of \$100,000.00 per individual and \$300,000.00 in the aggregate with the Lessor names as an additional insured.

INDEMNITY: Lessee agrees to indemnify and save harmless the Lessor and the officers, agents and employees of Lessor of and from all fines, suits, claims, demands, cost of court, attorney fees and actions of any kind by reason of any breach, violation, or non-performance of any condition hereof on the part of Lessee. Except as provided above, the Lessor shall not be liable for any injury or damage to persons or property happening in or about the demised premises, including but not limited to the persons and property of Lessee, her employees and invitees and the Lessee agrees to indemnify and save harmless the Lessor and the officers, agents and employees of Lessor from any liability thereof. The Lessee shall indemnify and hold harmless the Lessor of and from any and all damages or liability for anything arising from or out of the condition of the premises or the occupancy thereof by the Lessees.

ALTERATION: The Lessee shall not make any alteration, additions, or improvements to the demised premises without Prior written consent of the lessor. All fixtures, alterations, additions and improvements put in at the expense of the Lessee, shall be the property of the Lessor and shall remain upon and be surrendered with the demised premises as a part thereof at the termination of this Lease.

ENTRY: The Lessor by representative shall have the right to enter the demised premises at all reasonable times to inspect and examine demised premises. Lessee shall not be entitled to any abatement or reduction of rent by reason thereof.

SIGNS: Lessee shall not place any signs or objects on the roof or any part of the exterior of the building, nor place any signs umbrella or other moveable personal property on the sidewalks, parking lots, driveways or exterior of the building located on the demised property.

NOTICE: Any demands to be made or notice to be given hereunder to Lessee shall be made on, or given to such party either personally or by sending a copy of such demand or notice by certified mail, return receipt requested, addressed to the Lessee at the demised premises or at such other address as Lessee may by separate writing designate. Notice to Lessor shall be given to its City Manager at the place specified above for the payment of rent.

MORTGAGES: Lessee shall not mortgage, pledge or otherwise hypothecate the demised premises or any moveable personal property included in this lease.

WAIVER: NO WAIVER AT ANY TIME ON THE RIGHT TO TERMINATE THIS LEASE SHALL IMPAIR THE RIGHT OF THE LESSOR TO INSIST UPON SUCH TERMINATION IN THE EVENT OF SUBSEQUENT BREACH OR DEFAULT BY LESSEE, NOR SHALL THE ACCEPTANCE OF RENT AT ANY TIME CONSITUTE SUCH WAIVER OF DEFAULT OR WAIVER OF DAMAGES, AND IN ADDITION TO ANY OTHER REMEDIES WHICH THE LESSOR MAY HAVE, THE LESSOR MAY APPLY FOR AND OBTAIN AN INJUNCTION OR USE ANY OTHER LEGAL PROCESS TO ENFORCE THE RIGHTS OF THE LESSOR.

UTILITIES: Lessee shall pay all charges incurred for any utility services used on the demised premises, and shall furnish all electric light bulbs and tubes. Provided, however, until a separate meter for electricity service is installed. Lessee agrees to reimburse Lessor for electric service furnished to the premises at the rate of \$150.00 per month.

TAXES: Lessee agrees to pay before they become delinquent all ad valorem taxes and assessments lawfully levied or assessed against the demised premises or any moveable personal property listed on exhibit "A" and to furnish Lessor a receipt evidencing such payment within five (5) days after such payment is made.

FIRE CLAUSE: In the event that the premises hereby demised, or the building of which the same is a part, shall be damaged by fire, the elements, civil disorder, or other casualty, the Lessor shall have the option of either rebuilding or repairing or terminating the lease.

BANKRUPTCY: In the event that the assets of the Lessee shall become subject to the jurisdiction of the bankruptcy court, Voluntary or involuntary, or should the Lessee make a voluntary assignment for the benefit of creditors, or in the event that a receiver for the Lessee shall appointed, then, at the option of the Lessor and upon ten (10) days notice of the Lessee or the representative of the Lessee, this Lease shall cease and come to an end.

REMOVING CLOUD FROM TITLE: Upon the expiration of this lease or upon its termination during the existence hereof pursuant to its terms, Lessee covenants to execute, acknowledge and deliver to Lessor at the cost of Lessee such written instruments evidencing the same as Lessor may require. Further, IT IS EXPRESSLY AGREED that an affidavit reciting the facts such expiration or termination when recorded in the Public Records of the county herein the above described property is located shall be prima facie evidence of the truth of the statements contained in such affidavit.

PEACEABLE SURRENDER OF PREMISES: Upon the expiration or termination of this lease according to its terms, Lessee will peaceably yield up to Lessor, all and singular, the demised premises, and any future erections or additions made thereto during the existence of this Lease, in good and tenantable repair and condition in all respects, reasonable use and wearing thereof and damage by accidental fire or inevitable accident only excepted.

HOLDING OVER: IT IS AGREED AND UNDERSTOOD that any holding over by the Lessee of the hereby demised premise at the expiration of this Lease shall operate and be construed as a tenancy at will.

DEFAULT BY LESSEE: In the event that the Lessee shall default in the prompt payment of rent when the same is due, or shall violate or omit to perform any of the provisions of this lease herein contained, or in the event that the Lessee shall abandon the premises or leave them vacant, Lessor may at the opinion of Lessor send written notice of such default, violation or omission to the Lessee, and unless Lessee shall have completely cured or removed said default within ten (10) days after the sending of such notice, Lessor may thereupon re-enter the demised premises, take possession of said premises and remove all of Lessee's property there from and cancel this Lease. In the event the Lessee shall continue to hold the demised premises, after demand therefore by Lessor, at the termination of this Lease or after default or breach of this Lease by Lessee, then the Lessor shall be entitles to institute and maintain a Forcible Entry and Detainer suit in the Justice of the Peace Court and obtain a writ of possession for the demised premises.

CONSTRUCTION AND PLACE OF PERFORMANCE:

Whenever the

context so requires the singular shall include the plural number, and conversely, and the masculine shall include the feminine and neuter genders. This Lease shall be performable in Brazoria County, Texas, and shall be governed by the law of the State of Texas.

INTEGRATION, PARTIAL INVALIDITY AND BINDING EFFECT:

IT IS EXPRESSLY AGREED AND UNDERSTOOD that this Lease contains all agreements, representations, covenants and warranties, expressed or implied, relative to the operation and demise of the above described property, and the price therefore, and no prior agreement, if any, shall be binding upon the parties hereto unless contained herein. In the event any provision of this Lease is declared invalid for any reason by any court, such invalidity shall not affect the remaining provisions of this Lease but effect shall be given to the intent manifest by the portion held invalid or inoperative. This lease shall be binding upon the parties hereto as well as their respective heirs, executors, administrators, successors and assigns.

EXECUTED in duplicate original copies this the _____ day of _____, 20__

THE CITY OF FREEPORT, TEXAS, Lessor

By _____

Larry McDonald, Sr., Mayor

ATTEST:

Delia Munoz, City Secretary

Lessee

BRAZOSPORT
CONVENTION & VISITORS COUNCIL
A Division of The Brazosport Area Chamber of Commerce

April 29, 2009

Mr. Jeff Pynes
Interim City Manager
200 West Second Street
Freeport, TX 77541

Dear Mr. Pynes:

The Brazosport Area Chamber of Commerce would like to request to be on the city council agenda for July 6, 2009. At that time an update will be given on the Brazosport Convention & Visitors Council's tourism promotion. We will also ask for continued funding for our marketing efforts.

Feel free to contact Sandra Shaw or myself if you have any questions.

Sincerely,

Edith Fischer
Director of Tourism

CC: Delia Munoz, City Secretary

Delia Munoz

From: Edith Fischer [edithfischer@sbcglobal.net]
Sent: Wednesday, April 29, 2009 3:48 PM
To: jpynes@freeport.tx.us; Delia Munoz
Subject: Tourism Presentation

We are firming up our summer schedules and would like to make our annual presentation to council at the July 6th meeting. I have attached a letter requesting to be on the agenda.

Let me know if you need anything else from us.

Thanks.

Edith Fischer
Director of Tourism
Brazosport Convention & Visitors Council
979-285-2501 / 888-477-2505



June 8, 2009

Delia Munoz
City Secretary
City of Freeport
200 West Second Street
Freeport, Texas 77541

Re: Annual Drinking Water Quality Report

Dear Ms. Munoz:

It is time again for the Annual Drinking Water Quality Report (Consumer Confidence Report) to be delivered to the public. Along with the report being delivered the public should have an opportunity to ask questions about the report. I am requesting that time period be set during the work session of the city council meeting on July 6, 2009. The reports are to be delivered prior to July 1, 2009 and this would be the first council meeting after that date.

If you have any questions please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Meeks".

Jerry Meeks,
Project Manager, Veolia Water

2008 Annual Drinking Water Quality Report

(Consumer Confidence Report)

CITY OF FREEPORT

Phone Number: 979-233-3526

Special Notice for the ELDERLY, INFANTS, CANCER PATIENTS, people with HIV/AIDS or other immune problems:

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. The EPA/Centers for Disease Control and Prevention (CDC) guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (1-800-426-4791).

Public Participation Opportunities

Date: July 06, 2009

Time: 6:00PM

Location: 430 N. Brazosport Blvd

Phone Number: 979-233-3526

To learn about future public meetings (concerning your drinking water), or to request to schedule one, please call us.

Our Drinking Water Meets or Exceeds All Federal (EPA) Drinking Water Requirements

This report is a summary of the quality of the water we provide our customers. The analysis was made by using the data from the most recent U.S. Environmental Protection Agency (EPA) required tests and is presented in the attached pages. We hope this information helps you become more knowledgeable about what's in your drinking water.

WATER SOURCES: The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals, and in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water before treatment include: microbes, inorganic contaminants, pesticides, herbicides, radioactive contaminants, and organic chemical contaminants.

En Español

Este informe incluye información importante sobre el agua potable. Si tiene preguntas o comentarios sobre éste informe en español, favor de llamar al tel. (979) 233 - 3526 - para hablar con una persona bilingüe en español.

Where do we get our drinking water?

Our drinking water is obtained from SURFACE water sources. It comes from the following Lake/River/Reservoir/Aquifer: OYSTER CREEK CANAL. A Source Water Susceptibility Assessment for your drinking water source(s) is currently being updated by the Texas Commission on Environmental Quality and will be provided to us this year. The report will describe the susceptibility and types of constituents that may come into contact with your drinking water source based on human activities and natural conditions. The information contained in the assessment will allow us and/or the system(s) from which we receive water to focus on source water protection strategies. For more information on source water assessments and protection efforts at our system, please contact us.

ALL drinking water may contain contaminants.

When drinking water meets federal standards there may not be any health based benefits to purchasing bottled water or point of use devices. Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (1-800-426-4791).

Secondary Constituents

Many constituents (such as calcium, sodium, or iron) which are often found in drinking water, can cause taste, color, and odor problems. The taste and odor constituents are called secondary constituents and are regulated by the State of Texas, not the EPA. These constituents are not causes for health concern. Therefore, secondaries are not required to be reported in this document but they may greatly affect the appearance and taste of your water.

About The Following Pages

The pages that follow list all of the federally regulated or monitored contaminants which have been found in your drinking water. The U.S. EPA requires water systems to test for up to 97 contaminants.

DEFINITIONS

Maximum Contaminant Level (MCL)

The highest permissible level of a contaminant in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

Maximum Contaminant Level Goal (MCLG)

The level of a contaminant in drinking water below which there is no known or expected health risk. MCLGs allow for a margin of safety.

Maximum Residual Disinfectant Level (MRDL)

The highest level of disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG)

The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.

Treatment Technique (TT)

A required process intended to reduce the level of a contaminant in drinking water.

Action Level (AL)

The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

ABBREVIATIONS

- NTU** - Nephelometric Turbidity Units
- MFL** - million fibers per liter (a measure of asbestos)
- pCi/L** - picocuries per liter (a measure of radioactivity)
- ppm** - parts per million, or milligrams per liter (mg/L)
- ppb** - parts per billion, or micrograms per liter (µg/L)
- ppt** - parts per trillion, or nanograms per liter
- ppq** - parts per quadrillion, or picograms per liter

Pg. 552

Inorganic Contaminants

Year or Range	Contaminant	Average Level	Minimum Level	Maximum Level	MCL	MCLG	Unit of Measure	Source of Contaminant
2008	Fluoride	0.25	0.25	0.25	4	4	ppm	Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories.
2008	Nitrate	0.54	0.54	0.54	10	10	ppm	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
2006	Gross beta emitters	5.5	5.5	5.5	50	0	pCi/L	Decay of natural and man-made deposits.

Organic Contaminants

Year or Range	Contaminant	Average Level	Minimum Level	Maximum Level	MCL	MCLG	Unit of Measure	Source of Contaminant
2008	Atrazine	0.29	0.29	0.29	3	3	ppb	Runoff from herbicide used on row crops.

Maximum Residual Disinfectant Level

Year	Disinfectant	Average Level	Minimum Level	Maximum Level	MRDL	MRDLG	Unit of Measure	Source of Disinfectant
2008	Chloramine Residual	2.12	0.5	3.9	4	4	ppm	Disinfectant used to control microbes.

Disinfection Byproducts

Year	Contaminant	Average Level	Minimum Level	Maximum Level	MCL	Unit of Measure	Source of Contaminant
2008	Total Haloacetic Acids	15.1	12.1	20.6	60	ppb	Byproduct of drinking water disinfection.
2008	Total Trihalomethanes	19.4	14.4	22.5	80	ppb	Byproduct of drinking water disinfection.

Unregulated Initial Distribution System Evaluation for Disinfection Byproducts

This evaluation is sampling required by EPA to determine the range of total trihalomethane and haloacetic acid in the system for future regulations. The samples are not used for compliance, and may have been collected under non-standard conditions. EPA also requires the data to be reported here.

Year	Contaminant	Average Level	Minimum Level	Maximum Level	MCL	Unit of Measure	Source of Contaminant
2008	Total Haloacetic Acids	13.1	2.9	37.7	NA	ppb	Byproduct of drinking water disinfection.
2008	Total Trihalomethanes	19.4	11.1	31.8	NA	ppb	Byproduct of drinking water disinfection.

Unregulated Contaminants

Bromoform, chloroform, dichlorobromomethane, and dibromochloromethane are disinfection byproducts. There is no maximum contaminant level for these chemicals at the entry point to distribution.

Year or Range	Contaminant	Average Level	Minimum Level	Maximum Level	Unit of Measure	Source of Contaminant
2008 2005	Chloroform	1.8	1.4	2.6	ppb	Byproduct of drinking water disinfection.
2008 2005	Bromoform	3.27	1.3	7.2	ppb	Byproduct of drinking water disinfection.
2008 2005	Bromodichloromethane	3.5	2.4	5.7	ppb	Byproduct of drinking water disinfection.
2008 2005	Dibromochloromethane	4.53	2.7	8.2	ppb	Byproduct of drinking water disinfection.

Lead and Copper

Year	Contaminant	The 90th Percentile	Number of Sites Exceeding Action Level	Action Level	Unit of Measure	Source of Contaminant
2007	Lead	2.8	0	15	ppb	Corrosion of household plumbing systems; erosion of natural deposits.
2007	Copper	0.21	0	1.3	ppm	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.

Recommended Additional Health Information for Lead

All water systems are required by EPA to report the language below starting with the 2009 CCR to be delivered to you by July of 2010. We are providing this information now as a courtesy.

"If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. This water supply is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>."

Turbidity

Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.

Year	Contaminant	Highest Single Measurement	Lowest Monthly % of Samples Meeting Limits	Turbidity Limits	Unit of Measure	Source of Contaminant
2008	Turbidity	0.30	100.00	0.3	NTU	Soil runoff.

Total Coliform REPORTED MONTHLY TESTS FOUND NO COLIFORM BACTERIA.

Fecal Coliform REPORTED MONTHLY TESTS FOUND NO FECAL COLIFORM BACTERIA.

Secondary and Other Constituents Not Regulated (No associated adverse health effects)

Year or Range	Constituent	Average Level	Minimum Level	Maximum Level	Secondary Limit	Unit of Measure	Source of Constituent
2008	Bicarbonate	148	148	148	NA	ppm	Corrosion of carbonate rocks such as limestone.
2008	Chloride	101	101	101	300	ppm	Abundant naturally occurring element; used in water purification; byproduct of oil field activity
2008	pH	7.2	7.2	7.2	>7.0	units	Measure of corrosivity of water.
2008	Sulfate	79	79	79	300	ppm	Naturally occurring; common industrial byproduct; byproduct of oil field activity.
2008	Total Alkalinity as CaCO ₃	121	121	121	NA	ppm	Naturally occurring soluble mineral salts.
2008	Total Dissolved Solids	425	425	425	1000	ppm	Total dissolved mineral constituents in water.

2008 Annual Drinking Water Quality Report

(Consumer Confidence Report)

FREERPORT SLAUGHTER RD WATER SYSTEM

Phone Number: 979-233-3526

Special Notice for the ELDERLY, INFANTS, CANCER PATIENTS, people with HIV/AIDS or other immune problems:

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. The EPA/Centers for Disease Control and Prevention (CDC) guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (1-800-426-4791).

Public Participation Opportunities

Date: July 06, 2009

Time: 6:00PM

Location: 430 N. Brazosport Blvd.

Phone Number: 979-233-3526

To learn about future public meetings (concerning your drinking water), or to request to schedule one, please call us.

Our Drinking Water Meets or Exceeds All Federal (EPA) Drinking Water Requirements

This report is a summary of the quality of the water we provide our customers. The analysis was made by using the data from the most recent U.S. Environmental Protection Agency (EPA) required tests and is presented in the attached pages. We hope this information helps you become more knowledgeable about what's in your drinking water.

WATER SOURCES: The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals, and in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water before treatment include: microbes, inorganic contaminants, pesticides, herbicides, radioactive contaminants, and organic chemical contaminants.

En Español

Este informe incluye información importante sobre el agua potable. Si tiene preguntas o comentarios sobre éste informe en español, favor de llamar al tel. (979)233 -3526- para hablar con una persona bilingüe en español.

Pg. 555

Where do we get our drinking water?

Our drinking water is obtained from GROUND water sources. It comes from the following Lake/River/Reservoir/Aquifer: CHICOT. A Source Water Susceptibility Assessment for your drinking water sources(s) is currently being updated by the Texas Commission on Environmental Quality and will be provided to us this year. The report will describe the susceptibility and types of constituents that may come into contact with your drinking water source based on human activities and natural conditions. The information contained in the assessment will allow us to focus our source water protection strategies. For more information on source water assessments and protection efforts at our system, please contact us.

ALL drinking water may contain contaminants.

When drinking water meets federal standards there may not be any health based benefits to purchasing bottled water or point of use devices. Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (1-800-426-4791).

Secondary Constituents

Many constituents (such as calcium, sodium, or iron) which are often found in drinking water, can cause taste, color, and odor problems. The taste and odor constituents are called secondary constituents and are regulated by the State of Texas, not the EPA. These constituents are not causes for health concern. Therefore, secondaries are not required to be reported in this document but they may greatly affect the appearance and taste of your water.

About The Following Pages

The pages that follow list all of the federally regulated or monitored contaminants which have been found in your drinking water. The U.S. EPA requires water systems to test for up to 97 contaminants.

DEFINITIONS

Maximum Contaminant Level (MCL)

The highest permissible level of a contaminant in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

Maximum Contaminant Level Goal (MCLG)

The level of a contaminant in drinking water below which there is no known or expected health risk. MCLGs allow for a margin of safety.

Maximum Residual Disinfectant Level (MRDL)

The highest level of disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Maximum Residual Disinfectant Level Goal (MRDLG)

The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.

Treatment Technique (TT)

A required process intended to reduce the level of a contaminant in drinking water.

Action Level (AL)

The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

ABBREVIATIONS

- NTU** - Nephelometric Turbidity Units
- MFL** - million fibers per liter (a measure of asbestos)
- pCi/L** -picocuries per liter (a measure of radioactivity)
- ppm** - parts per million, or milligrams per liter (mg/L)
- ppb** - parts per billion, or micrograms per liter (µg/L)
- ppt** - parts per trillion, or nanograms per liter
- ppq** - parts per quadrillion, or picograms per liter

Pg. 556

Inorganic Contaminants

Year or Range	Contaminant	Average Level	Minimum Level	Maximum Level	MCL	MCLG	Unit of Measure	Source of Contaminant
2006	Barium	0.234	0.234	0.234	2	2	ppm	Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits.
2006	Fluoride	0.4	0.4	0.4	4	4	ppm	Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories.
2008	Nitrate	0.07	0.07	0.07	10	10	ppm	Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits.
2006	Selenium	6.2	6.2	6.2	50	50	ppb	Discharge from petroleum and metal refineries; erosion of natural deposits; discharge from mines.

Organic Contaminants TESTING WAIVED, NOT REPORTED, OR NONE DETECTED

Maximum Residual Disinfectant Level

Year	Disinfectant	Average Level	Minimum Level	Maximum Level	MRDL	MRDLG	Unit of Measure	Source of Disinfectant
2008	Chlorine Residual, Free	0.62	0.2	2.5	4	4	ppm	Disinfectant used to control microbes.

Disinfection Byproducts

Year	Contaminant	Average Level	Minimum Level	Maximum Level	MCL	Unit of Measure	Source of Contaminant
2008	Total Haloacetic Acids	7.9	7.9	7.9	60	ppb	Byproduct of drinking water disinfection.
2008	Total Trihalomethanes	10.7	10.7	10.7	80	ppb	Byproduct of drinking water disinfection.

Unregulated Initial Distribution System Evaluation for Disinfection Byproducts WAIVED OR NOT YET SAMPLED

Unregulated Contaminants

Bromoform, chloroform, dichlorobromomethane, and dibromochloromethane are disinfection byproducts. There is no maximum contaminant level for these chemicals at the entry point to distribution.

Year or Range	Contaminant	Average Level	Minimum Level	Maximum Level	Unit of Measure	Source of Contaminant
2008	Chloroform	1.1	1.1	1.1	ppb	Byproduct of drinking water disinfection.
2008	Bromoform	6.1	6.1	6.1	ppb	Byproduct of drinking water disinfection.
2008	Bromodichloromethane	1.5	1.5	1.5	ppb	Byproduct of drinking water disinfection.
2008	Dibromochloromethane	2.0	2.0	2.0	ppb	Byproduct of drinking water disinfection.

Lead and Copper

Year	Contaminant	The 90th Percentile	Number of Sites Exceeding Action Level	Action Level	Unit of Measure	Source of Contaminant
2000	Lead	5.3	3	15	ppb	Corrosion of household plumbing systems; erosion of natural deposits.
2000	Copper	0.134	0	1.3	ppm	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.

Recommended Additional Health Information for Lead

All water systems are required by EPA to report the language below starting with the 2009 CCR to be delivered to you by July of 2010. We are providing this information now as a courtesy.

"If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. This water supply is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>."

Turbidity NOT REQUIRED

Total Coliform REPORTED MONTHLY TESTS FOUND NO COLIFORM BACTERIA.

Fecal Coliform REPORTED MONTHLY TESTS FOUND NO FECAL COLIFORM BACTERIA.

Secondary and Other Constituents Not Regulated
(No associated adverse health effects)

Year or Range	Constituent	Average Level	Minimum Level	Maximum Level	Secondary Limit	Unit of Measure	Source of Constituent
2006	Bicarbonate	510	510	510	NA	ppm	Corrosion of carbonate rocks such as limestone.
2006	Calcium	42.6	42.6	42.6	NA	ppm	Abundant naturally occurring element.
2006	Chloride	206	206	206	300	ppm	Abundant naturally occurring element; used in water purification; byproduct of oil field activity
2006	Copper	0.022	0.022	0.022	1	ppm	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives.
2006	Iron	0.489	0.419	0.559	.3	ppm	Erosion of natural deposits; iron or steel water delivery equipment or facilities.
2006	Lead	0.001	0.001	0.001	NA	ppm	Corrosion of household plumbing systems; erosion of natural deposits.
2006	Magnesium	19.6	19.6	19.6	NA	ppm	Abundant naturally occurring element.
2006	Manganese	0.045	0.045	0.045	.05	ppm	Abundant naturally occurring element.
2006	pH	7.2	7.2	7.2	>7.0	units	Measure of corrosivity of water.
2006	Sodium	237	237	237	NA	ppm	Erosion of natural deposits; byproduct of oil field activity.
2006	Sulfate	21	21	21	300	ppm	Naturally occurring; common industrial byproduct; byproduct of oil field activity.
2006	Total Alkalinity as CaCO ₃	418	418	418	NA	ppm	Naturally occurring soluble mineral salts.
2006	Total Dissolved Solids	792	792	792	1000	ppm	Total dissolved mineral constituents in water.
2006	Total Hardness as CaCO ₃	187	187	187	NA	ppm	Naturally occurring calcium.
2006	Zinc	0.048	0.048	0.048	5	ppm	Moderately abundant naturally occurring element; used in the metal industry.