

NOTICE OF JOINT PUBLIC MEETING  
THE FREEPORT CITY COUNCIL  
THE PLANNING COMMISSION  
ECONOMIC DEVELOPMENT CORPORATION  
MONDAY, JULY 16TH, 2012, 6:00 P.M.  
FREEPORT MUNICIPAL COURT ROOM  
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.  
FREEPORT, TEXAS

AGENDA  
FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration on of approving the July 2nd, 2012 Council Minutes.  
Pg. 420-425
5. Attending citizens and their business.
6. Consideration of approving Ordinance No. 2012-2315 declaring that unvaccinated cats and dogs running at large within said City constitute a nuisance which should be abated as provided therein; amending Sections 90-01 to prohibit animals running at large and to define and declare certain animal to be nuisance animals and prohibit the keeping of such animals; to add a new Section 90.41.1 specifying the manners in which cats must be kept; amending Section 90.43 to provide for the seizure and impoundment of cats and dogs at large; amending Section 90.44 treatment and care of impounded cats and dogs; amending Section 90.45 to provide for the redemption of impounded cats and dogs; amending Section 90.46 providing for redemption fees; amending Section 90.47 to provide for owner liability for costs; amending Section 90.48 limiting the number of cats and dogs that may be kept within the City. Pg. 426-431
7. Consideration of approving Resolution No. 2012-2396 appointing a qualified person to fill the unexpired term of Stoney Burke of the Brazosport Water Authority. Pg. 432
8. Consideration of approving a pay policy for exempt and non-exempt employees in the event of a Disaster Declaration, State of Emergency, and/or a long Term Emergency determined by the Mayor or City Manager. Pg. 433

9. Consideration of approving and awarding the bids for trading lots owned by the City located outside of the Urban Renewal Project for lots located within the Urban Renewal project. Pg. 434-438
10. Consideration of approving and awarding the bids for the demolition of a residential structure, known as 523 S. Ave. G., held by the City in trust. Pg. 439-443
11. Consideration of approving and awarding the bids for the City of Freeport Central Lift Station Rehabilitation. Pg. 444

Work Session:

**Joint Public Hearing**

- A. Discussion regarding vision/Master Plan for the City of Freeport.
- B. Discussion regarding a request by Ms. Juanita Gonzales of 1704 N. Ave. G. to replace the Yield Sign on the corner of North Ave. G and Varner with a Stop Sign. Pg. 445
- C. Preparation for upcoming 2012-2013 budget process.

Adjourn

Items not necessary discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

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

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, July 13, 2012 at or before 5:00 p.m.

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Delia Munoz - City Secretary  
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport, Texas

BE IT REMEMBERED, that the City Council of the City of Freeport met on Monday, July 2nd, 2012 at 6:00 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard for the purpose of considering the following agenda items:

City Council: Norma Moreno Garcia - absent  
Michelle Kent  
Fred Bolton  
Sandra Loeza  
Sandra Barbered

Staff: Gilbert Arispe, Asst. City Manager  
Wallace Shaw, City Attorney  
Delia Munoz, City Secretary  
Nat Hickey, Property Manager  
Ty Morrow, Chief of Police  
Brian Davis, Fire Chief

Visitors: Sandra Shaw Edith Fisher  
Lila Lloyd Gloria Millsap  
Sandra Barnett Jerry Meeks  
Shannan Doughtry Gary Craptree  
Mario Muraira

Call to order.

Mayor Pro Tem Michelle Kent called the meeting to order at 6:00 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Pro Tem Michelle Kent led the Pledge of Allegiance.

Consideration on of approving the June 18th, 2012 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “aye”, Council unanimously approved the June 18th, 2012 Council Minutes.

Attending citizens and their business.

There were none.

Recognition to City Hall Interns Mario Muraira & Josh Waddy for coordinating “Kidfest in Freeport” in Historic Downtown Freeport. Appreciation to City of Freeport Interns for participation: Ashley Waddy, JaQvelyn Hobbs, Justin Ramirez, Raymond Garcia, Derek Green, William Samuel, Yxzayana Acuna, Kyle Zein and Erica Durham.

Mayor Pro Tem Mitchell Kent and Council thanked City Hall Intern Mario Muraira and participating Interns for a very successful event.

Consideration of approving an agreement with Velasco Drainage District, Port Freeport, the United States Department of Energy, TBD Family, Ltd. and the City of Freeport for closing and abandoning the public roadway known as the South Levee Road from 1495 to the United States Department of Energy; Bryan Mound Facility.

On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting “aye”, Council unanimously approved an agreement with the Velasco Drainage District, Port Freeport, the United States Department of Energy, TBD Family, Ltd. and the City of Freeport for closing and abandoning the public roadway known as the South Levee Road from 1495 to the United States Department of Energy; Bryan Mound Facility.

Consideration of approving Ordinance No. 2012-2314 closing and abandoning the Public roadway known as the South Levee Road from 1495 to the United States Department of Energy; Bryan Mound Facility.

On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting “aye”, Council unanimously approved Ordinance No. 2012-2314 closing and abandoning the Public roadway known as the South Levee Road from 1495 to the United States Department of Energy; Bryan Mound Facility.

Consideration of approving Resolution No. 2012-2387 appointing Edward T. Garcia, Reuben Cuellar and Jesse Aguilar to the Planning Commission of said City.

On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting “aye”, Council unanimously approved Resolution No. 2012-2387 appointing Edward T. Garcia, Reuben Cuellar and Jesse Aguilar to the Planning Commission of said City.

Consideration of approving Resolution No. 2012-2388 appointing Rita Angel Cundieff to the Library Board of said City.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting “aye”, Council unanimously approved Resolution No. 2012-2388 appointing Rita Angel Cundieff to the Library Board of said City.

Consideration of approving Resolution No. 2012-2389 appointing Loren S. Hayes and Raul Ramirez to the Board of Adjustments of said City.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting “aye”, Council unanimously approved Resolution No. 2012-2389 appointing Loren S. Hayes and Raul Ramirez to the Board of Adjustments of said City.

Consideration of approving Resolution No. 2012-2390 appointing Guadalupe Gonzales to the Urban Renewal Board of said City.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting “aye”, Council unanimously approved Resolution No. 2012-2390 appointing Guadalupe Gonzales to the Urban Renewal Board of said City.

Consideration of approving Resolution No. 2012-2391 appointing Rosemary Bravo, Eve Thompson, Chris Kozak and Michael Dohle to the Beautification, Parks and Recreation Committee of said City.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting “aye”, Council unanimously approved Resolution No. 2012-2391 appointing Rosemary Bravo, Eve Thompson, Chris Kozak and Michael Dohle to the Beautification, Parks and Recreation Committee of said City.

Consideration of approving Resolution No. 2012-2392 appointing Brooks Bass, James A. Barnett, Jr., Kenny Kouches, and Roy Yates to the Economic Development Corporation of said City.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting “aye”, Council unanimously approved Resolution No. 2012-2392 appointing Brooks Bass, James A. Barnett, Jr., Kenny Kouches, and Roy Yates to the Economic Development Corporation of said City.

Consideration of approving Resolution No. 2012-2393 appointing Marty DeLeon, Nat Hickey, Marjorie Clark, Angela Fisher and Belinda Norris to the Historical Commission and Main Street Advisory Board of said City.

On a motion by Councilwoman Loeza, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Resolution No. 2012-2393 appointing Marty DeLeon, Nat Hickey, Marjorie Clark, Angela Fisher and Belinda Norris to the Historical Commission and Main Street Advisory Board of said City.

Consideration of approving Resolution No. 2012-2394 appointing Carol Rangel, Dorothy Pirrung and Mary K. Talbert to the Senior Citizens Commission of said City.

On a motion by Councilwoman Barbree, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved Resolution No. 2012-2394 appointing Carol Rangel, Dorothy Pirrung and Mary K. Talbert to the Senior Citizens Commission of said City.

Consideration of approving Resolution No. 2012-2395 appointing Diana Davis to the Historical Commission and Main Street Advisory Board of said City.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, , with all present voting "aye", Council unanimously approved Resolution No. 2012-2395 appointing Diana Davis to the Historical Commission and Main Street Advisory Board of said City.

Consideration of setting August 6<sup>th</sup>, 2012 for a Joint Public Hearing with the Planning Commission to consider granting to Troy Brimage a Specific Use Permit to operate a RV/Motor Coach park within said City on Lot 519 and part of Lot 518, Brazos Coast Investment Company Subdivision, Division 14, John Fields Survey, Abstract 62, Brazoria County, Freeport.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved setting August 6th, 2012 for a Joint Public Hearing with the Planning Commission to consider granting to Troy Brimage a Specific Use Permit to operate a RV/Motor Coach park within said City on Lot 519 and part of Lot 518, Brazos Coast Investment Company Subdivision, Division 14, John Fields Survey, Abstract 62, Brazoria County, Freeport.

Consideration of approving and signing a replat for Mr. and Mrs. Saucedo's, Block 533, Lots 21, 22, 23A, 24A, Velasco Townsite, Freeport, Texas, known as 221 North Ave. B.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved signing a replat for Mr. and Mrs. Saucedo, Block 533, Lots 21, 22, 23A, 24A, Velasco Townsite, Freeport, Texas, known as 221 North Ave. B.

Work Session

Mayor Pro Tem Michelle Kent opened the Work Session at 6:20 p.m.

Discuss concerning the City's Centennial Celebration.

Police Chief Morrow discussed the City's Centennial Celebration. The event will take place on November 9th, 10th, and 11th, 2012. He proposes a dinner on November 9, 2012 at the Freeport Historical Museum or at River Place. On November 10th an all day festival at the Freeport Municipal Park. The festival will include games and rides for the kids, free food and a band playing at the pavilion, having fireworks in the evening. Sunday will be a community church service, inviting all the lead churches, with a short presentation from the historical churches and business owners. A community wide choir, praise dancers, having a key note speaker, members to be acknowledged.

Presentation by Edith Fisher, Director of Tourism of the Brazosport Convention & Visitors Council promoting and request for continued funding.

Board of Directors present were Sandra Shaw, Gloria Millsap, Gary Crabtree.

Edith Fisher Director of Tourism promoting Freeport as a tourist destination. Freeport amenities are Bryan Beach, Freeport Marina, Freeport Historical Museum and all the events in Freeport are in brochures, maps, printed publication mailed, advertising, newsletters and web sites.

Consumer Confidence Report for calendar year 2011 by Project Manager Jerry Meeks.

Jerry Meeks stated that the Consumer Confidence Report had been mailed to bill paying customers. He reported that there is no problem with the water and the report is correct and consistent with the monitoring data previously submitted to Texas Commission Environmental Quality.

Executive Session Reagendaed.

Executive Session:

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:

Wallace Shaw

Adjourn

On a motion by Councilwoman Barbered, seconded by Councilwoman Loeza, with all present voting “aye”, Council adjourned at 6:26 p.m.

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Mayor Pro Tem Michelle Kent  
City of Freeport, Texas

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City Secretary – Delia Munoz  
City of Freeport, Texas



ORDINANCE NO. 2012-2315

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDING OF FACT AND DECLARING THAT UNVACCINATED CATS AND DOGS RUNNING AT LARGE WITHIN SAID CITY CONSTITUTE A NUISANCE WHICH SHOULD BE ABATED AS PROVIDED THEREIN; AMENDING SECTIONS 90-01 TO PROHIBIT ANIMALS RUNNING AT LARGE AND TO DEFINE AND DECLARE CERTAIN ANIMAL TO BE NUISANCE ANIMALS AND PROHIBIT THE KEEPING OF SUCH ANIMALS; TO ADD A NEW SECTION 90.41.1 SPECIFYING THE MANNER IN WHICH CATS MUST BE KEPT; AMENDING SECTION 90.43 TO PROVIDE FOR THE SEIZURE AND IMPOUNDMENT OF CATS AND DOGS AT LARGE; AMENDING SECTION 90.44 TREATMENT AND CARE OF IMPOUNDED CATS AND DOGS; AMENDING SECTION 90.45 TO PROVIDE FOR THE REDEMPTION OF IMPOUNDED CATS AND DOGS; AMENDING SECTION 90.46 PROVIDING FOR REDEMPTION FEES; AMENDING SECTION 90.47 TO PROVIDE FOR OWNER LIABILITY FOR COSTS; AMENDING SECTION 90.48 LIMITING THE NUMBER OF CATS AND DOGS THAT MAY BE KEPT WITHIN THE CITY; PROVIDING THAT ANY PERSON VIOLATING SAID CODE, AS AMENDED HEREBY, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 10-99 OF SAID CODE OF ORDINANCES; PROVIDING THAT EACH DAY ANY SUCH VIOLATION CONTINUES AND EACH PART OF ANY DAY ANY SUCH VIOLATION OCCURS SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Freeport, Texas, ("the City") is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Sections 51.072, 54.001, 54.004 and 217.042 of the Local Government Code, Chapter 822 of the Health and Safety Code and Section 2.01, 2.02 and Item (u) of Section 3.07 of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined and does here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City and persons sojourning therein.

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

First, the City Council of the City finds and declares that unvaccinated cats and dogs running at large within the City constitute a nuisance which should be abated as hereinafter provided.

Second, Section 90.01 of the Code of Ordinances of the City is hereby amended to read as follows:

§ 90.01 ANIMALS RUNNING AT LARGE; NUISANCE ANIMALS

(A) As used in this section, the following words shall have the following meanings:

ANIMAL shall mean any animal or fowl whatsoever which may be fenced in, staked, tied or hobbled in any manner.

OWNER shall mean any person claiming, owning, keeping, harboring or allowing an animal to remain on the premises owned on under the control of such person.

TO RUN AT LARGE or RUNNING AT LARGE shall mean that an animal whose owner is known is off of the premises of the owner of such animal or that an animal is found within the corporate limits of the City that has no known owner.

(B) It shall be unlawful and is hereby declared to be a nuisance for the owner or keeper of any animal to allow such animal to run at large within the corporate limits of the city.

(C) Proof that an animal is found running at large on any public property or any property not owned or controlled by the owner or keeper of such animal shall be prima facie evidence that the owner or keeper of such animal knowingly allowed such animal to run at large.

(D) It shall be an affirmative defense to a violation of Division (B) of this section by the owner or keeper of homing pigeons if they bear a seamless leg band issued by a recognized association of pigeon fanciers, are housed in a clean, secure and sanitary loft, are released temporarily for exercise or performance only, and such seamless banded homing pigeons are shipped or transported to the city on a temporary basis and released within the corporate limits of the city for the purpose of engaging in a pigeon race.

(E) It shall be unlawful and is hereby declared to be a nuisance for the owner or keeper of any animal to keep or harbor an animal within the City if such animal:

- (1) Destroys or damages the property of another person;
- (2) Deposits any noxious or offensive thing or substance within or upon any premises, building, structure or motor vehicle of a person other than the owner or keeper of such animal; or

- (3) Makes frequent, long or continued noise which is disturbing to persons of normal nervous sensibilities located on a premises other than the premises of the owner or keeper of such animal.

(F) The running at large of dogs and cats is governed by Sections 90.41 and 90.41.1 of this chapter, respectively, and the barking of dogs is governed by Section 90.42 of this chapter.

Third, Chapter 90 of said Code of Ordinances is hereby amended to add thereto the following new Section 90.41.1 which shall read as follows:

Section 90.41.1 CONTROL OF CATS

(A) Every owner of a cat shall have the duty to ensure that the cat is kept under control, and that reasonable care and precautions are taken to prevent the cat from leaving, while unattended, the real property limits of its owner, possessor or custodian; and that the cat is:

- (1) Securely and humanely enclosed within a house, building, fence, or pen,
- (2) On a lead or leash and under the control of a competent person; or,
- (3) Off lead or leash and obedient to that person's command, and that person is present with the animal any time it is not restrained.

(B) Every cat must be restrained on a lead or leash, or is enclosed in a cage or carrier and under the control of a competent person at any time when the cat is on property other than that of its owner, possessor or custodian.

Fourth, Section 90.43 is hereby amended to read as follows:

"§ 90.43 SEIZURE AND IMPOUNDMENT OF CATS AND DOGS AT LARGE.

(A) It shall be the duty of the Animal Control Officer or, at the direction of the Chief of Police, the duty of any police officer of the city, to seize any unrestrained cat or dog at large.

(B) Any cat or dog seized pursuant to division (A) of this section shall be confined in the Southern Brazoria County Animal Shelter at Lake Jackson, Texas, for 72 hours in the case of an animal not wearing a collar to which a current license tag is attached and 120 hours in the case of an animal wearing a collar to which a current license tag is attached."

Fifth, Section 90.44 is amended to read as follows:

"§ 90.44 TREATMENT AND CARE OF IMPOUNDED CATS AND DOGS.

All cats and dogs impounded under the provisions of this chapter shall, during confinement, be treated humanely and properly fed and cared for. An impounded cat or dog which shall display symptoms of illness or disease or which is ferocious, vicious, or dangerous shall be kept separate and apart from all other impounded cats or dogs."

Sixth, Section 90.45 is hereby amended to read as follows:

§ 90.45 REDEMPTION OF IMPOUNDED CATS AND DOGS.

The person entitled to the possession of a cat or dog impounded under § 90.43, upon proper application within the specified time limits after the impounding of such cat or dog, shall be entitled to have the impounded cat or dog released to such person, provided such cat or dog is not infected or thought to be infected with rabies, upon displaying proof of a current rabies vaccination, proof of a current license and payment of current pickup and shelter fees.

Seventh, Section 90.46 is hereby amended to read as follows:

"§ 90.46 REDEMPTION FEES.

Reasonable fees will be charged for the redemption of cats and dogs impounded under § 90.43 and for all costs and services rendered by the Animal Control Officer and the Southern Brazoria County Animal Shelter. The Animal Control Officer and the Southern Brazoria County Animal Shelter shall keep a current schedule of fees to be charged and such fees shall be approved by the City Council and the Board of Directors of the Southern Brazoria County Animal Shelter. All fees and monies for pickup and daily fees will be collected by the Southern Brazoria County Animal Shelter and are to be used to defray operational costs of the Southern Brazoria County Animal Shelter facility."

Eighth, Section 90.47 is hereby amended to read as follows:

"§ 90.47 OWNER LIABILITY FOR COSTS.

Every owner of any cat or dog impounded, whether by the city or voluntarily by the owner, shall be liable for all costs and fees incurred by such impoundment."

Ninth, Section 90.48 is hereby amended to read as follows:

"§ 90.48 LIMITATION ON NUMBER OF CATS AND DOGS.

(A) *RESIDENTIAL PREMISES* means any premises improved with a structure which is used, in whole or in part, as a dwelling; and *HAVING CONTROL* of a premises means that the utilities furnished to such premises by the city are in the name of such person in the utility records of the city or the ownership of such premises is listed on the current tax roll of the city in the name of such person.

(B) It shall be unlawful for any person having control of any residential premises in the city to keep, possess, harbor, or allow to remain upon such premises more than four (4) cats and three (3) dogs.

(C) In any prosecution in the municipal court of the city, or any other court of competent jurisdiction, proof that a cat or dog is:

(1) Confined within a fence or other enclosure located upon any residential premises in the city;

(2) Restrained by a chain, rope or other device upon an residential premises in the city; or

(3) Seen on any residential premises in the city during portions of any three out of five consecutive days; shall be prima facie evidence that such cat or dog is knowingly and intentionally being kept, possessed, harbored, or allowed to remain upon such premises by the owner or person having control of such premises.

(D) In any prosecution in the municipal court of the city, or any other court of competent jurisdiction, it shall be an affirmative defense to a prosecution under division (B) of this section if the cats or dogs relied upon to prove that more than four cats or three dogs are being kept, possessed, harbored, or allowed to remain upon the premises in question are kittens or puppies which have not yet been weaned."

Tenth, any person violating the Code of Ordinances of the City, as amended by this ordinance, shall be guilty of a misdemeanor and upon conviction therefor assessed a fine as prescribed in Section 10.99 of said Code.

Eleventh, each day a violation of the Code of Ordinances of the City, as amended by this ordinance, continues and each part of any day any such violation occurs shall constitute a separate offense.

Twelfth, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

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

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

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

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

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

Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

Delia Munoz, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

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

C:\Freeport.Ord\Dog&Cat-Amn-2Ord

Pg. 431

RESOLUTION NO. 2012-2396

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON TO FILL THE UNEXPIRED TERM OF STONEY BURKE AS A DIRECTOR OF THE BRAZOSPORT WATER AUTHORITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the position on the Board of Directors of the Brazosport Water Authority to which STONEY BURKE was heretofore appointed has become vacant, by reason of his resignation, and is required to be filled by the City Council of the City of Freeport, Texas ("the City"); and,

WHEREAS, the City Council of the City desires to appoint the below named qualified person to serve on such board for the remainder of such term.

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

**SECTION ONE (1): APPOINTMENT**

The City Council of the City hereby nominates, constitutes and appoints the following named qualified person to be a Director of the Brazosport Water Authority for the remainder of the term for which the said Stoney Burke was heretofore appointed and until a successor for such appointee has been appointed and qualified, to-wit: \_\_\_\_\_.

**SECTION TWO (2): DUTIES**

The above named appointee shall perform all of the duties imposed on members of the Board of Directors of said Authority by law.

**SECTION THREE (3): OATH OF OFFICE**

Before engaging in the performance of the duties of office, such appointee shall take the Constitution Oath of Office as required by law.

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

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

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



***FREEPORT FIRE & EMS***

*131 East Fourth Street  
P.O. Box 3356  
Freeport, Texas 77541  
(979) 233-2111*

Brian Davis  
Chief

Christopher Molley  
Deputy Chief

Billywayne Shoemaker  
Deputy Chief

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TO: Jeff Pynes  
City Manager

From: Christopher D. Motley  
Deputy Fire & EMS Chief

DATE: June 21, 2012

RE: Compensation on Exempt Employees

In reviewing response and reimbursement procedures, the City of Freeport is due to update its compensation pay policy for exempt employees to meet minimum requirements for FEMA reimbursement. In order to meet FEMA requirements, municipalities must have an adopted pay policy in place before a storm event. The City of Freeport has set precedent with Council approving overtime compensation for exempt employees who worked during Hurricane Rita and Ike. In reviewing existing policy, this procedure has not been formally adopted. With the adoption of the pay policy, this provides clarification for reimbursement from FEMA.

After reviewing pay policies, I recommend the following policy to be adopted by Council and added to the City's policy handbook.

**EXEMPT AND NON-EXEMPT EMPOLYEEES**

All employees shall be classified as exempt or non-exempt, for purposes of complying with Fair Labor Standards Act. Non-exempt employees shall be eligible for overtime pay. Exempt employees shall not be eligible for overtime during normal operations. In the event of Disaster Declaration, State of Emergency, and or a Long Term Emergency determined by the Mayor or City Manager, all exempt employees will be eligible for overtime or compensatory time off in the same manner as Non-Exempt Employees.



**INVITATION TO BID**

**NOTICE IS HEREBY GIVEN** that the City of Freeport, Texas, is interested in trading, according to the below mentioned specifications, for lots located within the Urban Renewal Project of the City and presently owned by prospective bidders, the following described lots located outside the Urban Renewal Project of the City and presently owned by the City:

**Lot 5, Block 623; Lot 19, Block 729; Lots 1, 2, 7 & 18, Block 731; Lot 16, Block 744; Lot 20, Block 776: and Lots 10 & 13, Block 787, all located in the Velasco Townsite of said City, according to the map or plat recorded in Volume 32, page 14 of the Deed Records of Brazoria County, Texas.**

**SEALED BIDS OR PROPOSALS** addressed to the City Manager labeled "Real Property Bid" by any person, firm or corporation desiring to trade for the same will be received at the office of the City Manager located at 200 W. 2nd St., Freeport, Brazoria County, Texas 77541, during normal business hours until 2:00 o'clock, p.m., on the 16th day of July , 2012, on which day, beginning at 2:00 o'clock, p.m., all such bids or proposals will be opened and publicly read aloud. Any bid received after 2:00 p.m. on such date will be returned unopened. Bids proposing a trade for less than all of the above described lots or lots located outside of the Urban Renewal Project will not be accepted.

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

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

**BY ORDER OF THE CITY COUNCIL** of the City of Freeport, Texas, this \_\_\_\_ day of \_\_\_\_\_, 2012.

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**Delia Munoz, City Secretary**  
**City of Freeport, Texas**

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

## BID SPECIFICATIONS FOR TRADE OF VELASCO LOTS

1. The Bid shall contain the legal description of the property offered in trade by lot and block and townsite, addition or subdivision, whether the Bidder will convey by general or special warranty and the reservations from and exceptions to conveyance and warranty Bidder will expect to be in the Deed of Exchange.

2. The Deed of Exchange will contain a "special warranty" on behalf of the City, by means of which it will bind itself, its successors and assigns, to Warrant and Forever Defend all and singular the title of said premises unto the Bidder, its, her, his or their heirs or successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof by, through and under the City but not otherwise.

3. The Deed of Exchange shall be prepared by the City Attorney (at the expense of the City) or, at Bidder's option, prepared by legal counsel for the Bidder (at the expense of the Bidder) and approved by the City Attorney. If the Bidder desires to exercise this option, the Bid should give the name and address of the attorney the Bidder will retain to prepare the deed.

4. The Deed of Exchange shall further provide that, notwithstanding any provision therein to the contrary, the City makes no warranty of any nature or kind, whether statutory, express or implied, with respect to the physical condition of the property being conveyed by the City, and by the acceptance of such deed, the Bidder accepts the property conveyed by the City "AS IS", "WHERE IS", "WITH ALL FAULTS and without any representations or warranties by the City (except its special warranty of title expressly set forth above).

5. The Deed of Exchange will further provide that BIDDER ACKNOWLEDGES THAT THE CITY HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES (OTHER THAN WARRANTY OF TITLE AS PROVIDED ABOVE), PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESSED OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY BEING CONVEYED, INCLUDING WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED THEREFROM, (C) THE SUITABILITY THEREOF FOR ANY AND ALL ACTIVITIES AND USES WHICH BIDDER MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY SUCH PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS, OR ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS OF SUCH PROPERTY FOR A PARTICULAR PURPOSE, (F) THE MANNER OR QUALITY OF CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO SUCH PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF SUCH PROPERTY, (H) ANY OTHER MATTER WITH RESPECT TO SUCH PROPERTY, AND SPECIFICALLY, THAT THE CITY HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS,

ORDERS OR REQUIREMENTS, OR THE DISPOSAL OR EXISTENCE IN OR ON SUCH PROPERTY OF ANY HAZARDOUS SUBSTANCE, AS DEFINED BY THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980, AS AMENDED, AND REGULATIONS PROMULGATED THEREUNDER. 6. The Deed of Exchange shall further provide that BIDDER FURTHER ACKNOWLEDGES AND AGREES THAT, HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT SUCH PROPERTY, BIDDER IS RELYING SOLELY ON THE BIDDER'S OWN INVESTIGATION OF SUCH PROPERTY, AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY THE CITY; that BIDDER FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED BY OR ON BEHALF OF THE CITY WITH RESPECT TO SUCH PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT THE CITY HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND MAKES NO REPRESENTATIONS AS TO THE ACCURACY OF COMPLETENESS OF SUCH INFORMATION; that THE CITY IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY ORAL OR WRITTEN STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO SUCH PROPERTY OR THE OPERATION THEREOF FURNISHED BY ANY REAL ESTATE BROKER, OR ANY AGENT, EMPLOYEE OR SERVANT OF THE CITY OR OTHER PERSON; and that BIDDER FURTHER ACKNOWLEDGES AND AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF SUCH PROPERTY AS PROVIDED FOR THEREIN IS MADE ON AN "AS IS", "WHERE IS" AND "WITH ALL FAULTS" CONDITION AND BASIS.

7. The Deed of Exchange shall specify that the conveyance by the City of Freeport is subject to any and all valid and subsisting easements, rights-of-way, conditions, exceptions, reservations, restrictions, covenants and other encumbrances properly of record affecting the title to the property and to all visible and apparent easements, including but not being limited to any existing utility lines.

8. The City of Freeport and the Bidder shall each pay their own attorney's fees but all other closing costs shall be paid one-half by the Bidder and one-half by the City.

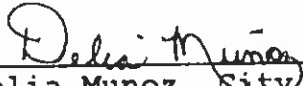
9. Taxes, if any, will be prorated to the date of execution of the Deed of Exchange.

10. Bids proposing a trade for less than all of the above described lots or for lots not located in the Urban Renewal Project will not be accepted.

ADVERTISEMENT FOR BIDS

Notice is hereby given that sealed bids or proposals, addressed to the City Council of the City of Freeport, Texas, ("the City") will be received by the City Manager at the City Hall, located therein at 200 West Second Street, Freeport, TX 77541, until 2:00 o'clock, p.m., on , the 16th day of JULY, 2012, for the demolition of a held by the City in trust for itself and the other taxing entities under the provisions of the Property Tax Code, all of such entities having consented to such demolition. On such last mentioned day, all bids received will be opened and tabulated by the City Manager and, thereafter, presented to the City Council at its next or a subsequent meeting which will be held in the Municipal Courtroom of the Police Department Building, located at 430 North Brazosport Boulevard, Freeport, TX 77541. All bids received after closing time will be unopened. A copy of the bid specifications and the contract which the successful bidder will be expected to sign, are available for inspection at the office of the Building Official in the City Hall. A copy thereof may be obtained from the Building Official for the cost of copying. A cashier's or certified check, payable to the order of the City, or an acceptable proposal bond with good and sufficient corporate surety licensed to do business in Texas, in an amount not less than ten (10%) percent of the total bid or \$500.00, whichever is greater, must accompany the bid as a guarantee that, if awarded the bid, the bidder will sign such contract within ten (10) day from the date the bid is awarded. The City reserves the right to reject any and all bids, to waive informalities and to award the bid to the bidder who provides the best value for the city.

By Order of the City Council of the City of Freeport, Texas, this 18th day of JUNE, 2012.

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

DEMOLITION SPECIFICATIONS AND BID DOCUMENT

1. The bidder will execute the attached contract, hereinafter "the contract", (all the terms and conditions of which form a part of these specifications and are incorporated herein by reference) within ten (10) days after the bid is awarded to the bidder.

2. The bidder will begin the demolition and removal of the structures to be demolished by such bidder within ten (10) days after the date that the City approves the contract.

3. The bidder will complete the demolition and removal of all structures from each lot bid by the bidder on the form attached hereto within three (3) days, weather permitting. The demolition and removal of all structures from all lots bid by the bidder must be completed before payment will be made.

4. Before signing the contract, the bidder must provide proof of insurance acceptable to the Building Official, and such insurance shall include state required workers compensation and vehicular liability insurance on all vehicles to be used by the bidder as well as comprehensive general public liability and property damage insurance of at least \$250,000.00 for each person, \$500,000.00 for each single occurrence for bodily injury or death and \$100,000.00 for each single occurrence for injury to or destruction of property.

5. The bidder is responsible for removal of all debris from each lot and the proper disposal of all such debris. A copy of a receipt from a landfill authorized to receive such debris for each lot shall be delivered to the Building Official before payment will be made.

6. After the demolition and removal of all structures, the bidder must bring all lots to grade level for easy maintenance by the City before payment will be made.

COPY RECEIVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Demolisher

By \_\_\_\_\_

\_\_\_\_\_  
(Title)

DEMOLITION AGREEMENT

This Agreement for the demolition of the structure on Lot 12,Block 48, Velasco Townsite, City of Freeport, Brazoria County, Texas, by and between the CITY OF FREEPORT, TEXAS, a municipal corporation lying and situated in Brazoria County, Texas, hereinafter "the City", and the other undersigned, hereinafter called "the Demolisher" (whether one or more), viz.:

W I T N E S S E T H:

1. All work will be completed in a good and workmanlike manner and according to the terms hereof and the specifications and bid document signed by or on behalf of the Demolisher and attached hereto.

2. All materials, appliances, fixtures, equipment, supplies, machinery, tools, supervision of work, labor, insurance, services and any other commodity, item or expense necessary to complete the demolition and removal of such structures and the cleaning of the premises shall be furnished at Demolisher's expense and Demolisher shall for all purposes be regarded as an independent contractor.

3. Demolisher agrees to indemnify the City and the officers, agents and employees of the City from any and all claims for personal injury or property damage made by or for any compensation for labor or materials furnished by any third party, including but not being limited to the claims of any officer, partner, agent or employee of Demolisher, arising out of or resulting from the demolition of such structures, the removal of such structures from the premises and the cleaning of all debris from the premises and from all interest, costs of court, attorney's fees and other expenses incurred by the City or any officer, agent or employee of the City in connection therewith.



4. At the time the work is completed and as a condition to its acceptance by the Building Official of the City, the Demolisher will execute, have notarized and furnish to the Building Official of the City an affidavit stating that the claims of all subcontractors, suppliers, materialmen, mechanics and laborers have been paid; and that if Demolisher is mistaken in this regard, upon notice of the existence of any such claims, the Demolisher will immediately pay off and discharge all such claims as have not been paid and obtain a release thereof.

5. The parties intend that Contractor, in performing such services, shall act as an independent contractor and shall have control of the work and the manner in which it is performed. Contractor shall be free to contract for similar services to be performed for other persons, firms or corporations and Contractor is not to be considered an agent or employee of the City and is not entitled to participate in any employee benefits of the City.

6. Whenever the context so requires, the masculine shall include the feminine and neuter genders and the singular shall include the plural, and conversely.

7. IT IS EXPRESSLY AGREED AND UNDERSTOOD THAT THIS CONTRACT CONTAINS ALL AGREEMENTS, REPRESENTATIONS, COVENANTS AND WARRANTIES, EXPRESSED OR IMPLIED, RELATIVE TO THE OPERATION AND SALE OF THE ABOVE DESCRIBED PROPERTY, AND THE PRICE THEREFOR, AND NO PRIOR AGREEMENT, IF ANY, SHALL BE BINDING UPON THE PARTIES HERETO UNLESS CONTAINED HEREIN.

8. In the event any provision of this contract is declared invalid for any reason by the final judgment of a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this contract but effect shall be given to the intent manifested by the portion held invalid or inoperative.

9. This contract shall be performable in Brazoria County, Texas, shall be governed by the law of the State of Texas and shall be binding upon the parties hereto as well as their respective heirs, executors, administrators, successors and assigns.

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

THE CITY OF FREEPORT, TEXAS

By \_\_\_\_\_  
Its Mayor

ATTEST: \_\_\_\_\_  
Its City Secretary

\_\_\_\_\_  
Demolisher

By \_\_\_\_\_

\_\_\_\_\_  
(Title)

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## ADVERTISEMENT AND INVITATION FOR BIDS

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The City of Freeport will receive bids for the **City of Freeport Central Lift Station Rehabilitation**, with partial funding through a Community Development Block Grant (HUD #B-11-UC-480005), and partial funding through the Texas General Land Office with funds allocated by the United States Department of Housing and Urban Development through the Community Development Block Grant Program (TX CDGB DRS 210246), until **2:00 PM on July 12, 2012 at City Hall, 200 West Second Street, Freeport, Texas 77541**. The bids will be publicly opened and read aloud at 2:00 PM on July 12, 2012, at the City Hall, in Freeport, Texas.

**A mandatory Pre-Bid meeting will be held at 2:00 PM on June 28, 2012 at the City Hall, 200 West Second Street, Freeport, Texas. Only bids from attendees at the Pre-Bid meetings will be accepted.**

Major items of work include the following:

### **“City of Freeport Central Lift Station Rehabilitation”**

Including excavation, reinforced concrete, piping, electrical and controls, fencing, site work and other appurtenant items.

Bid/Contract Documents, including Drawings and Technical Specifications are on file at the City of Freeport City Hall and at the office of John D. Mercer & Associates, Inc., 7002 Harborside Drive, Suite A, Galveston, Texas, and will be forwarded to prospective bidders or suppliers upon paying a **\$100.00 non-refundable fee** to the Engineer, John D. Mercer & Associates, Inc., for each set of documents obtained, or via email for \$35.00.

A bid bond by an acceptable surety, in the amount of 5% of the largest bid amount shall be submitted with each bid. A certified check or bank draft payable to the City of Freeport or negotiable U.S. Government Bonds (as par value) may be submitted in lieu of the Bid Bond.

Attention is called to the fact that not less than the federally determined prevailing (Davis-Bacon and Related Acts) wage rate, as issued by the US Department of Labor and contained in the contract documents, must be paid on this project. In addition, the successful bidder must ensure that employees and applicants for employment are not discriminated against because of race, color, religion, sex, age, or national origin.

The City of Freeport reserves the right to reject any and all bids or to wave any informality in the bidding. Adherence to the grant recipient's Section 3 Policy is required for contracts and subcontracts in excess of \$100,000.00.

Bids may be held by the City of Freeport for a period not to exceed 90 days from the date of the bid opening for the purpose of reviewing the bids and investigating the bidder's qualifications prior to the contract award.

Any contractor/subcontractor that is barred, suspended or otherwise excluded from or ineligible for participation on federal assistance programs may not undertake any activity in part or in full under this project.

By Order of the City Council dated June 4, 2012.

The City of Freeport, Texas  
Norma M. Garcia, Mayor

COUNTY OF BRAZORIA )(

CITY OF FREEPORT )(

BE IT REMEMBERED that the Planning and Traffic Commission of the City of Freeport, Texas met in a regular meeting on, **Tuesday, June 26, 2012 at 6:00 P.M.** at the Police Department Conference Room, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

**Planning Commission:**

**Edward Garcia – Chairman  
Reuben Cuellar  
Tobey Davenport  
Jesse Aguilar  
Eddie Virgil**

**Staff:** Melissa Farmer  
Kola Olayiwola  
Wallace Shaw  
Nat Hickey

**Guest:** Joyce Adkins  
Sabrina Brimage  
Annette Sanford

**Open Meeting.**

Mr. Edward Garcia called meeting to order at 6:00 P.M.

**Invocation.**

Mr. Wallace Shaw opened the meeting with a prayer.

**Approval of the Minutes for May 22, 2012 and the Minutes for Joint Public Hearing on June 4, 2012.**

Ms. Eddie Virgil moved to accept the minutes for May 22, 2012 and the Minutes for the Joint Public Hearing on June 4, 2012, seconded by Mr. Reuben Cuellar, unanimous vote for approval.

**Discuss/consider request by Ms. Juanita Gonzales of 1704 North Avenue G to replace the Yield Sign on the corner of North Avenue G and Varner with a Stop Sign.**

The Board Members discussed the stop sign and the need to have one placed there.

Mr. Tobey Davenport made a motion to have a 4-Way Stop Sign placed at the intersection of North Avenue G and Varner, seconded by Mr. Jesse Aguilar, Jr., unanimous vote for approval.