

# CITY OF FREEPORT

NOTICE OF PUBLIC MEETING  
THE FREEPORT CITY COUNCIL  
MONDAY, JULY 18TH 2011, 6:00 P.M.  
FREEPORT MUNICIPAL COURT ROOM  
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.

## AGENDA FORMAL SESSION

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance
4. Consideration of approving the July 5th, 2011 Council Minutes. Pg. 425-430
5. Read the Rules & Procedures of City Council Meetings. Pg. 431
6. Attending citizens and their business.
7. Consideration of the approving Resolution No. 2011-2256 authorizing Wallace Shaw and Julian W. Taylor, III the City Attorney and Assistant City Attorney of said City, respectively, and either of them, to purchase or, failing purchase, to cause to be filed and prosecuted proceedings in eminent domain under Chapter 21 of the property code against all owners and lienholders of the fee simple title (exclusive of the title to the oil, gas and other minerals, if any, in and under and that may be produced therefrom but including all interest in the adjoining streets, easements and rights of way, if any) of Block 515, Lots 1, 2, 3, 4, 5 & 6, Block 517, Lot 1, Block 549, Lots 2, 3, 5, 6, 7 & 8, Block 576, Lot 1 & 2, Block 617, Lot 16, Block 644, Lot 5, Block 654, Lot 10, Block 685, Lot 22, all in the Velasco Townsite of the City Freeport, in Brazoria County, Texas. Pg. 432-435
8. Consideration of approving Resolution No. 2011-2257 nominating, constituting and appointing qualified person(s) for expired terms to the Planning Commission of said city. Pg. 436
9. Consideration of approving Resolution No. 2011-2258 nominating, constituting and appointing qualified person(s) for expired terms to the Library Board of said city. Pg. 437
10. Consideration of approving Resolution No. 2011-2259 nominating, constituting and appointing qualified person(s) for expired terms of the Board of Adjustments of said city. Pg. 438

11. Consideration of approving Resolution No. 2011-2260 nominating, constituting and appointing qualified person(s) for expired terms of the Urban Renewal Board of said city. Pg. 439
12. Consideration of approving Resolution No. 2011-2261 nominating, constituting and appointing qualified person(s) for expired terms of the Beautification/Parks & Recreation Committee of said city. Pg. 440
13. Consideration of approving Resolution No. 2011-2262 nominating, constituting and appointing qualified person(s) for expired terms to the Economic Development Corporation of said city. Pg. 440B
14. Consideration of approving Resolution No. 2011-2263 nominating, constituting and appointing qualified person(s) for expired terms to the Historical Commission and Main Street Advisory Board of said city. Pg. 441
15. Consideration of approving Resolution No. 2011-2264 nominating, constituting and appointing qualified person(s) for expired terms to the Charter Review Commission of said city. Pg. 442
16. Consideration of approving Resolution No. 2011-2265 nominating, constituting and appointing qualified person(s) for expired terms to the Senior Citizens Commission of said city. Pg. 443
17. Consideration of setting a public hearing date to implement an anti-tethering ordinance. Pg. 444-445
18. Consideration of authorizing the Mayor to sign a lease agreement with Platinum Marketing. Pg. 446-451
19. Consideration of the approval of any action items discussed in Executive Session.

Work Session:

- A. Discussion regarding the new Senate Bill 100 requiring adjustments to the Municipal Election Dates.

Executive Session:

Section 551.071, Government Code

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

- Freeport Marina
- Urban Renewal Plan 1
- Proposed Annexation

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

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 American with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Requests 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 W. 2nd Street, Freeport Texas, July 15th , 2011 at or before 5:00 p.m.

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Delia Munoz – City Secretary  
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport met on Tuesday, July 5th, 2011 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  
Michelle Kent  
Fred Bolton  
Nicolasa Mireles  
Sandra Barbree

Staff: Jeff Pynes, City Manager  
Gilbert Arispe, Administrative Asst.  
Wallace Shaw, City Attorney  
Delia Munoz, City Secretary  
Nat Hickey, Property Manager  
Larry Fansher, Parks Director  
Ty Morrow, Police Chief  
Brian Davis, Fire Chief  
Sadie Alanis, Police Officer

Visitors: Lalo Garcia                      Joyce Adkins  
Annette Sanford                  Gina Adams  
Landis Adams                      Dan Tarver  
Eric Hayes                          Lila Diehl  
Lila Lloyd                          Louis Barrientes  
Glen Moody                        Ed Garcia  
Lucky Gilbert                      Marjorie Clark  
Cliff Shimek                        Mike Kouches  
Stephanie Brown                  George Elizondo  
Jim Barnett                         Pixie Floyd  
Jack Brown                         Brenda Laird  
Sandra Leavey                      Martin Villarreal  
Manny Sanchez                    Danny Davis  
Shari Wright

Call to Order.

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

Invocation.

Mr. Shaw offered the invocation.

Pledge of Allegiance

Mayor Norma Garcia led the Pledge of Allegiance.

Consideration of approving the June 20th & June 23rd, 2011 Council Minutes.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting 'aye", Council unanimously approved the June 20th, & June 23rd Council Minutes.

Attending citizens and their business.

Manning Rollerson asked when he could expect the information he requested on Chief Morrow.

**Proclamation: Proclaiming the month of July 2011 as Adopt a Shelter Animal Month.**

Mayor Norma Garcia read out the Proclamation proclaiming the month of July as Adopt a Shelter Animal Month.

Jack Brown Director of the SPCA received the Proclamation and thanked Mayor Norma M. Garcia and Council.

Consideration of transferring Block 538, Lots 13 to 24, Block 558, Lots 13-24, Block 539, Lots 1-24, Block 557, Lots 1-24 in Urban Renewal Project No. 1 to Freeport Economic Development for economic development.

Mr. Shaw advised Council that the Urban Renewal Plan had to be for residential development.

On a motion by Councilwoman Mireles, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved transferring Block 538, Lots 13-24, Block 539, Lots 1-24, Block 557, Lots 1-24 in Urban Renewal Project No. 1 to Freeport Economic Development for economic development. Mayor Norma Garcia instructed Mr. Shaw to proceed with the necessary documentation.

Consideration of setting a date for a Joint Public Hearing with the Planning Commission to consider granting Richard Clark a Specific Use Permit for the purpose of constructing a Recreational Vehicle Park, Freeport Properties S/D, Lot Two (2) Acres 12.863.

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved setting August 15<sup>th</sup>, 2011 for a Joint Public Hearing with the Planning Commission to consider granting Richard Clark a Specific Use Permit for the purpose of constructing a Recreational Vehicle Park, Freeport Properties S/D, Lot Two (2) Acres 12.0863.

Joyce Adkins complained, stating that the address was not given, city had problems with their computers, notices were poorly written, due diligently was not done.

Consideration of authorizing Chief Morrow to expand court technical funds to purchase audio/video equipment.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Chief Morrow to expand court technical funds to purchase audio/video equipment, not to exceed \$8,000.

Work Session:

Update by the Veteran of Foreign Wars on the Summertime Blues event.

Glen Moody VFW Commander stated that the Summertime Blues event will take place September 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 2011 at the Freeport Memorial Park. Mayor Garcia asked Mr. Moody what resources he was requesting from the City. He stated that he needed security, EMS, participation from the Street Department and Parks Department, trash pickup, generators, diesel fuel and maybe if possible a notice of the event in the water bills. Mayor Norma Garcia requested that Mr. Moody submit a list of resources to her or Mr. Pynes. He invited all to their meeting at 101 North Gulf Blvd. Meetings are held every Tuesday at 5:00 p.m. Councilwoman Barbree stated that Main Street Committee had partnered with VFW and asked members to attend the meetings. Councilwoman Mireles and Councilwoman Barbree requested that a money trail be kept.

Discussion regarding an agreement with PoliceReports.Us, LLC to retrieve police reports on line.

Chief Morrow explained the agreement with PoliceReports.Us, LLC. This will allow citizens and businesses get police reports online. The fee collected for each report is \$10.00, PoliceReport.Us per report fee is \$4.00, and amount returned per report distributed is \$6.00, no cost to the City.

Discussion regarding the new Senate Bill 100 requiring adjustments to the Municipal Election Dates.

This item was reagendaed.

Appointing City Council liaison(s) to the following boards and commissions.

- Planning Commission
- Library Board
- Freeport Historical Commission & Main Street Advisory Board
- Board of Adjustments
- Urban Renewal Board
- Beautification/Parks & Rec. Committee
- Economic Development Corporation
- Charter Review Commission
- Senior Citizens Commission

City Council liaison(s) to the boards and commissions are:

- Planning Commission, Councilman Kent
- Library Board, Councilman Bolton
- Freeport Historical Commission & Main Street Advisory Board, Councilwoman Barbree
- Board of Adjustments, Mayor Garcia
- Urban Renewal Board, Councilwoman Mireles
- Beautification/Parks & Rec. Committee, Mayor Garcia
- Economic Development Corporation, Councilman Bolton
- Charter Review Commission, Councilwoman Mireles
- Senior Citizens Commission, Councilwoman Mireles

Appointing qualified person(s) to the following boards and commissions.

- Planning Commission
- Library Board
- Freeport Historical Commission & Main Street Advisory Board
- Board of Adjustments
- Urban Renewal Board
- Beautification/Parks & Rec. Committee
- Economic Development Corporation
- Charter Review Commission
- Senior Citizens Commission

Council members reviewed the applications and appointed person(s) to the following boards and commissions. The approval of applications will be on the July 18<sup>th</sup>, Council Meeting.

Discuss and consider an ordinance regarding chaining or restraining a dog to a stationary object and/or safety guideless.

Chief Morrow introduced Larissa Faskan and Kylie Stuart, the two animal control officers. He proposes a no tethering ordinance be implemented. The City of Freeport has a lot of irresponsible pet owners. He presented a video where chains wrapped around dog's necks have cut into their skin.

Veterinarian Manny Sanchez, owner of the Freeport Veterinary Medical Center, 1316 North Brazosport stated that dogs chained alone in one spot for hours, days, months or even years suffer psychological issues. Tethering restricts a dogs movement, causing them to be aggressive and mean.

Martin Villarreal and his wife with Brazosport Muffler, 713 North Gulf Blvd., grieved over their boston terrier killed by a pit bull that had been tethered. Mr. Villarreal emphasized that it was at 8:15 a.m. in the morning when kids are walking to school.

Dan Tarver is an owner of three dogs, chaining a dog is abusive and needs to stop. He is in favor of a no tethering ordinance.

Councilwoman Kent agrees that Council needs to look at implementing a anti-tethering ordinance.

Discussion regarding Chief Morrow expanding court technical funds to purchase audio/video equipment.

Chief Morrow discusses the need to purchase audio/video equipment. The equipment would be permanently mounted on police cruisers, when police officers are out of their vehicles talking to suspects.

Mayor Norma Garcia closed the formal agenda and opened the executive session at 7:38 p.m.

Executive Session:

Section 551.071, Government Code  
Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- Freeport Marina



Adjourn

Mayor Norma Garcia reconvened the formal session to adjourn. On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all voting "aye", the meeting adjourned at 8:00 p.m.

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Mayor Norma Garcia  
City of Freeport, Texas

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City Secretary-Delia Munoz  
City of Freeport, Texas

Jerry McDonald  
Council Member  
Ward A

Michelle Kohl  
Council Member  
Ward A

Jim Phillips  
Council Member  
Ward B

Lucia Mirales  
Council Member  
Ward C

Isma Moreno Garcia  
Council Member  
Mayor Pro Tem  
Ward D

Jeff Pynes  
Chief Executive Officer  
City Manager

On this day, June 21, 2010, the Freeport City Council does hereby adopt and affirm the below civil and orderly set of rules and procedures. These procedures are adopted to facilitate an open, courteous, orderly and professional public meeting while handling the affairs of the City of Freeport. The purpose of council meetings is to handle the business of the City in a professional orderly manner. Citizens are welcome and encouraged to be a part of, witness, and when applicable address the council in a professional and courteous manner.

In order to insure all Freeport City Council meetings are conducted in an orderly and businesslike manner, all attendees and participants will adhere to the following adopted rules and procedures related to council meetings.

#### Attending citizens and/or guests:

1. Citizens and/or guest must remain silent from individual conversation and/or meeting distractions/disruptions in the in the audience.
2. Cellular phones or other electronic devices that by design or use that make noise are prohibited from use during the council meeting. The exception to this rule is if the device is being used during an authorized presentation to the council during the meeting.
3. Citizens and/or guest are permitted to address the council only during the agenda item appropriately titled "Citizen Comments". Persons desiring to make a comment must pre-register with the City Secretary before the start of the meeting. Persons who fail to register will not be allowed to comment during the formal meeting of the council. Recognized pre-registered citizens and/or guests desiring to make a comment may only speak from the guest/presentation podium when called upon. These comments must not exceed four minutes per person per meeting, unless otherwise authorized by a majority of the council members present.
4. Comments must be professional and businesslike. Comments must address the council as a governing body. Questions specifically to a particular council member or directed to a specific employee of the city will not be permitted.
5. Citizens and/or guest may file a support or opposition card related to a specific item on the agenda with the City Secretary. These forms must be filled out and completed prior to the beginning of the formal council meeting.

Furthermore, it is the responsibility of the City Manager to appoint a Sergeant At Arms position to attend all scheduled council meetings to ensure compliance and enforcement of these established orderly procedures.

Violations of established procedures will be addressed with a courteous warning from the Sergeant At Arms. A second violation will result in removal from the meeting and other legal actions based on the egregiousness of the violation and disruption of the public meeting.

City

RESOLUTION NO. 2011-2256

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; AUTHORIZING WALLACE SHAW AND JULIAN W. TAYLOR, III, THE CITY ATTORNEY AND ASSISTANT CITY ATTORNEY OF SAID CITY, RESPECTIVELY, AND EITHER OF THEM, TO PURCHASE OR, FAILING PURCHASE, TO CAUSE TO BE FILED AND PROSECUTED PROCEEDINGS IN EMINENT DOMAIN UNDER CHAPTER 21 OF THE PROPERTY CODE AGAINST ALL OWNERS AND LIENHOLDERS OF THE FEE SIMPLE TITLE (EXCLUSIVE OF THE TITLE TO THE OIL, GAS AND OTHER MINERALS, IF ANY, IN AND UNDER AND THAT MAY BE PRODUCED THEREFROM BUT INCLUDING ALL INTEREST IN THE ADJOINING STREETS, EASEMENTS AND RIGHTS-OF-WAY, IF ANY) OF BLOCK 515, LOTS 1, 2, 3, 4, 5 & 6, BLOCK 517, LOT 1, BLOCK 549, LOTS 2, 3, 5, 6, 7 & 8, BLOCK 576, LOTS 1 & 2, BLOCK 617, LOT 16, BLOCK 644, LOT 5, BLOCK 654, LOT 10, BLOCK 685, LOT 22, ALL IN THE VELASCO TOWNSITE OF THE CITY OF FREEPORT, IN BRAZORIA COUNTY, TEXAS; AND PROVIDING THAT THIS RESOLUTION, AFTER EXECUTION AND ATTESTATION, SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.

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

WHEREAS, Section 2.03 of the Home Rule Charter of the City authorizes it to exercise the powers of eminent domain when necessary or desirable to carry out any of the powers conferred upon the City by such charter or by the Constitution and laws of the State of Texas; and,

WHEREAS, Item (5) of Subsection (a) of Section 251.001 of the Local Government Code authorizes a municipality's governing body, when such body considers it advisable, to exercise the right of eminent domain to acquire private property for public purposes, and Subsection 251.002 of said Code provides that an exercise of such power is governed by Chapter 21 of the Property Code; and,

WHEREAS, heretofore, the City Council of the City adopted an urban renewal plan and took the steps necessary to create the Urban Renewal Agency of the City to exercise urban renewal project powers under the Urban Renewal Law, adopted by Acts 1957, 55th Leg., p. 704, ch. 298, and then appearing as Article 12691-3, Revised Civil Statutes (1925); and,

WHEREAS, said plan includes as an urban renewal project the acquisition of the fee simple title to, among others, the herein-after described lots and parcels of land which are open land within the corporate limits of the City that, because of location or situation, is necessary for sound community growth and that is to be developed by replatting and planning, for predominantly residential uses;

WHEREAS, the Urban Renewal Law is now codified as Chapter 374 of said Code, and Section 374.015(d) thereof authorizes a municipality to acquire by eminent domain any interest in real property, including a fee simple interest, that the municipality considers necessary for or in connection with an urban renewal project; and,

WHEREAS, the Board of Commissioners of the Urban Renewal Agency of the City has adopted a companion resolution to this resolution authorizing the institution of eminent domain proceedings to acquire the fee simple title to such lots and parcels of land.

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

First, the City Council of the City hereby finds and declares that the recitations contained in the preamble to this resolution are true and correct.

Second, in order to acquire the fee simple title thereto (exclusive of the title to the oil, gas and other minerals, if any, in and under and that may be produced therefrom but including all interest in the adjoining streets, easements and rights-of-way, if any), WALLACE SHAW and JULIAN W. TAYLOR, III, the City Attorney and Assistant City Attorney of the City, respectively, and either of them, be and they are hereby severally authorized and directed to purchase or, failing purchase, to cause to be filed and prosecuted, proceedings in eminent domain under said Chapter 21 of the Property Code against all owners and lienholders of the fee simple title (exclusive of the title to the oil, gas and other minerals, if any, in and under and that may be produced therefrom but including all interest in the adjoining streets, easements and rights-of-way, if any) of the following described real property lying and situated within the incorporated limits of the City, in the County of Brazoria and State of Texas, to-wit:

Block 515, Lots 1, 2, 3, 4, 5 & 6, Block 517, Lot 1, Block 549, Lots 2, 3, 5, 6, 7 & 8, Block 576, Lots 1 & 2, Block 617, Lot 16, Block 644, Lot 5, Block 654, Lot 10, Block 685, Lot 22, all in the Velasco Townsite of the City of Freeport, in Brazoria County, Texas.

Third, the original of this resolution, after execution and attestation, shall be retained by the City Secretary of the City in the permanent records thereof.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

ATTEST:

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Delia Munoz, City Secretary  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

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Wallace Shaw, City Attorney  
City of Freeport, Texas

RESOLUTION NO. 2011-2257

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE PLANNING COMMISSION OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the Planning Commission of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as members of said commission.

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 persons to the Planning Commission of the City for a full term and until a successor for each such person shall have been appointed and qualified, to-wit: EDDIE VIRGIL, GUADALUPE GONZALEZ.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the Planning Commission of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

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

READ, PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2011.

Norma Moreno Garcia, Mayor  
City of Freeport, Texas

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

RESOLUTION NO. 2011-2258

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE LIBRARY BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the Library Board of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as members of said board.

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 persons to the Library Board of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: JAMES WALKER, JUNE STRAMBLER, NANCY HUGHES, MARGIE EDWARDS, \_\_\_\_\_.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the Library Board of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitutional Oath of Office and sign the affidavit required by law.

READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

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

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



RESOLUTION NO. 2011-2259

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE BOARD OF ADJUSTMENT OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the Board of Adjustment of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as members of said board.

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 persons to the Board of Adjustments of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: JIM PIRRUNG, JESSE AGUILAR, TIM CLOSS, \_\_\_\_\_.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the Board of Adjustment of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitutional Oath of Office and signed the affidavit required by law.

READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

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

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

RESOLUTION NO. 2011-2260

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE URBAN RENEWAL BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the Urban Renewal of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as members of said board.

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 persons to the Urban Renewal of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: ANNETTE SANFORD, KEN TYNER, RAUL RAMIREZ.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the Urban Renewal of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitutional Oath of Office and signed the affidavit required by law.

READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

Norma Moreno Garcia, Mayor  
City of Freeport, Texas

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

RESOLUTION NO. 2011-2261

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE BEAUTIFICATION, PARKS AND RECREATION COMMITTEE OF SAID CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW

WHEREAS, the terms of office of certain members of the Beautification, Parks and Recreation Committee of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as members of said committee.

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 persons to the Beautification, Parks and Recreation Committee of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: GUADALUPE GONZALES, MARGARET L. McMAHAN, MICHELLE BACKMAN,

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the Beautification, Parks and Recreation Committee of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

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

READ, PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2011.

Norma Moreno Garcia, Mayor  
City of Freeport, Texas

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

RESOLUTION NO. 2011-2262

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of the Board of Directors of the Economic Development Corporation of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as members of said board.

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 persons to the Board of Directors of the Economic Development Corporation of the City for a full term and until a successor for each such persons shall have been appointed and qualified: Lila Diehl, Mingo Marquez, Lon Siddal, \_\_\_\_\_.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the Board of Directors of the Economic Development Corporation of the City by law and the ordinances and resolutions of the City and by the Articles of Incorporation and By-Laws of said corporation.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, each of such appointees shall take the Constitutional Oath of Office as required by law.

READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

Norma Moreno Garcia, Mayor  
City of Freeport, Texas

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

RESOLUTION NO. 2011-2263

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE HISTORICAL COMMISSION AND MAIN STREET ADVISORY BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the Historical Commission and Main Street Advisory Board of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons to fill such positions.

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 persons to the Historical Commission and Main Street Advisory Board of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: CHARLES HAWKINS, LALO GARCIA, GEORGE ELIZONDO, CLIFF SHIMEK.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the consolidated Historical Commission and Main Street Advisory Board of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

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

READ, PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2011.

Norma Moreno Garcia, Mayor  
City of Freeport, Texas

ATTEST:

Delia Muñoz, City Secretary  
City of Freeport, Texas

RESOLUTION NO. 2011-2264

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON TO THE CHARTER REVIEW COMMISSION OF THE CITY FOR THE YEAR 2011; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the Home Rule Charter of the City of Freeport, Texas ("the City") requires that a Charter Review Commission be appointed in odd numbered years for a term of six (6) months; and

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as members of said commission.

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 persons to the Charter Review Commission of the City for a six (6) month term, which will expire on December 31, 2011, to-wit: HENRIETTA GONZALES, DOROTHY FIRRUNG, MINGO MARQUEZ, JUSTIN THOMPSON, LILA LLOYD.

SECTION TWO (2): DUTIES

The above named appointee shall perform all of the duties imposed on members of the Charter Review Commission of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, the above named appointee shall take the Constitutional Oath of Office and sign the affidavit required by law.

READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

Norma Moreno Garcia, Mayor  
City of Freeport, Texas

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

RESOLUTION NO. 2011-2265

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE SENIOR CITIZENS COMMISSION OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the terms of office of certain members of the SENIOR CITIZENS COMMISSION of the City of Freeport, Texas ("the City") have expired; and,

WHEREAS, the City Council of the City desires to appoint the below named qualified persons as a members of said SENIOR CITIZENS COMMISSION.

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 persons to the SENIOR CITIZENS COMMISSION of the City for a full term and until a successor for such persons shall have been appointed and qualified, to-wit: MARY DARNELL, BEVERLY GARRISON, MARTHA WESTBROOK, AND SHIRLEY THERIOT.

SECTION TWO (2): DUTIES

The above named appointees shall perform all of the duties imposed on members of the SENIOR CITIZENS COMMISSION of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

Before engaging in the performance of the duties of office, such appointees shall take the Constitutional Oath of Office and sign the affidavit required by law.

READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011

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

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

Second, Chapter 90 of the Code of Ordinances of the City of Freeport, Texas, is hereby amended to add thereto a new section, to be known as Section 90.49, which shall read as follows:

**Section 90.49- Unlawful restraint or tethering of dogs**

- (A) As used in this section, the following words and phrases shall have the following Meanings:
- 1) Collar-means any collar constructed of nylon, leather, metal, or similar material specifically designed to be used for a dog.
  - 2) Owner- means a person who owns or has custody or control of a dog.
  - 3) Properly fitted- means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.
  - 4) Restraint- means a chain, rope, tether, leash, cable, trolley, pulley, or other device that attaches a dog to a stationary object or trolley system
  - 5) Enclosure of dogs- means an outdoor enclosure used to keep one but not more than three dogs, other than puppies less than six months old, must be located at least fifty (50) feet from an adjacent residence or business, excluding the residence of the owner or handler of the dogs.
  - 6) Outdoor enclosure- means a fenced structure constructed of chain link or similar type materials with all four (4) sides enclosed. The enclosure shall be sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be covered with materials to provide the dog with shade and protection from the elements.
- (B) It shall be unlawful for the owner or any person in control of any dog, or the owner or person in control of any premises in the city to fasten, tie, chain or tether any dog to a stationary object, pulley system or trolley system, or to permit any dog to be so fastened, tied, chained or tethered on such premises.
- (C) In any prosecution in the municipal court of the city or any other court of competent jurisdiction, it shall be an affirmative defense if the fastening, tying, chaining or tethering of a dog to a stationary object, pulley system or trolley system is temporary, the owner of such dog is present on the premises where the dog is so fastened, tied, chained or tethered and the dog is not left unattended for more than five minutes while so fastened, tied, chained or tethered. When the owner of the dog is absent, the dog cannot be left chained to a stationary object, pulley system or trolley system.
- (D) It shall be unlawful for the owner or any person in control of any premises in the city to confine or permit a dog to be confined within a fenced yard that:
- (1) does not have adequate space for exercise of at least one hundred (100) square feet for one (1) dog and an additional thirty (30) square feet for each additional dog;



**(2) is not of sufficient height to prevent the dog from escaping; and**

**(3) is not constructed of chain link or similar type materials, with all four (4) sides enclosed and a roof constructed of material to provide protection from the elements.**

- (E) Nothing in this section shall be construed to permit the keeping, possessing, harboring or allowing of more than three (3) dogs (other than unweaned puppies) or to prohibit owners or others from walking dogs with a handheld leash or temporarily fastening, tying or tethering their dog, so long as the owner is immediately present and the animal is not left unattended for more than five minutes while fastened, tied, or tethered.**
- (F) The presumption of ownership of a dog contained in Division ( C) of Section 90.48 of this chapter shall apply in a prosecution under Section 90.49 of this chapter,”**

THE 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 PATRICK LANDIS ADAMS of Brazoria County, Texas, d/b/a PLATINUM MARKETING, hereinafter designated LESSEE, whereby Lessor leases unto Lessee the following described office space in the City of Freeport, in Brazoria County, Texas, together with any fixtures located therein, hereinafter collectively "the premises", to-wit:

A portion of the improvements located on Lots 1 through 12 and Lot 15, Block 46, Freeport, Townsite of the City of Freeport, Texas, consisting of the second floor offices in the City Hall of the City of Freeport suite 205 currently numbered Rooms 1 and 2, which includes 520 square feet of floor space in the aggregate, (hereinafter collectively "the office").

TERM: The term of this Lease is twelve (12) months, beginning July 1, 2011, and unless sooner terminated as hereinafter provided, ending June 30, ~~2012~~ 2013<sup>24</sup>

RENTAL: Lessee pay a monthly rental for the office of \$0.69 per square foot or \$358.80 per month, payable in advance, plus the utility payment provided for below.

USE OF OFFICE: Lessee agrees to use the office for a private business office only and for no other purpose.

PROHIBITED USE OF OFFICE: Lessee hereby covenants not to make or allow to be made by any person whomsoever any unlawful, improper or offensive use of the office, or any use which violates any applicable statute, ordinance or code, including but not being limited to all applicable health and fire codes.

ACCEPTANCE OF OFFICE BY LESSEE: Lessee acknowledges that Lessee has fully inspected the office and on the basis of such inspection, Lessee hereby accepts the office 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 of the execution and the commencement date of this Lease.

REPAIRS AND CLEANING BY LESSEE: Lessee shall, throughout the term of this Lease, take good care of the office, keep the office free from waste or nuisance of any kind, and make all necessary repairs thereto not exceeding One Thousand and no/100 (\$1,000.00) Dollars at any one time. 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 other termination of this Lease, Lessee shall deliver up the office in good repair and condition, reasonable wear and tear and damage by fire, tornado or other casualty only excepted. Lessee shall be responsible for all costs incurred in keeping the premises clean.

ASSIGNMENT ETC., PROHIBITED: Lessee shall not assign, let, sublease, mortgage or pledge this Lease, nor rent the office, or any part thereof, without the 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 premises.

INSURANCE: Lessee agrees to obtain and maintain at Lessee's expense during the term of this lease a policy of public liability insurance for bodily injury or death in the maximum amount specified by Section 101.023, Civil Practice and Remedies Code of Texas, as it now provides or hereafter is amended to provide, as the minimum amount of liability insurance required of Lessor under this lease.

INDEMNITY: Lessee hereby AGREES TO INDEMNIFY AND SAVE HARMLESS Lessor and the officers, agents and employees of Lessor and their respective heirs, executors, administrators, successors and assigns (hereinafter collectively "the indemnified parties"), from any and all damages, expenses, reasonable attorney's fees and costs of court which they or any of them may suffer or incur, jointly or severally, as a result of any claims being made against them, or any of them, by the Lessee, or the officers, agents, employees, invitees, licensees, permittees or contractors of Lessee, and their respective heirs, executor, administrators, successors and assigns, or any other persons, associations or corporations whomsoever, (hereinafter collectively "the Claimants"). As used herein, the term "claims" include claims for labor performed on the premises or materials furnished to or at the request of Lessee, or the officers, agents, employees or contractors of Lessee, and any expenses, reasonable attorney's fees and costs of court in connection therewith, as well as any and all other claims for liabilities, damages, expenses, reasonable attorney's fees and costs of court which the Lessee or the officers, agents, employees, invitees, licensees, permittees, contractors, successors or assigns of Lessee, may have arising out any other occurrence on or about the premises, and it INCLUDES, BUT IS NOT LIMITED TO ANY CLAIMS, KNOWN AND UNKNOWN, BASED, IN WHOLE OR IN PART, ON THE NEGLIGENCE, FAULT OR STRICT LIABILITY OF THE LESSOR OR THE OFFICERS, AGENTS, EMPLOYEES, INVITEES, LICENSEES, PERMITTEES OR CONTRACTORS OF LESSOR, OR ANY OF THEM, WHETHER OCCURRING JOINTLY, CONCURRENTLY OR WITH THE COMPARATIVE NEGLIGENCE, FAULT OR STRICT LIABILITY OF THE LESSEE OR THE OFFICERS, AGENTS, EMPLOYEES, INVITEES, LICENSEES, PERMITTEES OR CONTRACTORS OF LESSEE, OR ANY OTHER PERSON OR ENTITY WHOMSOEVER.

ALTERATIONS: The Lessee shall not make any alterations, additions, or improvements to the office, without the prior written consent of the Lessor. However, 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 premises as a part thereof at the expiration or termination of this Lease.

ENTRY: The Lessor by representative shall have the right to enter the office at all reasonable times to inspect and examine the same and Lessee shall not be entitled to any abatement or reduction of rent by reason of such entry and inspection.

SIGNS: Lessee shall not place any signs or objects on the roof or any part of the exterior of any improvements situated on the premises, nor place any signs, umbrellas, or other movable personal property on the sidewalks, parking lots, driveways or exterior of any improvements situated on the premises, without the prior written consent of Lessor.

NOTICE: Any demand 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 office or at such other address as Lessee may by separate writing designate. Notice to Lessor shall be given to its City Manager at 200 West Second Street, Freeport, TX 77541.

MORTGAGES: Lessee shall not mortgage, pledge or otherwise hypothecate this lease.

WAIVER: NO WAIVER AT ANY TIME OF 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 CONSTITUTE 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: Lessor shall pay all charges incurred for any utility services (electric and air conditioning) used by Lessee or the officers, agents, employees, invitees, licensees, permittees, contractors, successors or assigns of Lessee, and Lessee agrees to reimburse Lessor therefor at the rate of one (1%) percent of the total utility costs of Lessor for all improvements located on the premises for each month of this lease. Lessee agrees to pay such reimbursement within ten (10) days after receiving a bill therefor from Lessor.

TAXES: Lessee agrees to pay, before they become delinquent, any ad valorem taxes and assessments lawfully levied or assessed against Lessee's leasehold interest in the premises, and to furnish to Lessor a receipt evidencing such payment within five (5) days after such payment is made.

FIRE CLAUSE: In the event that the premises, or any improvement thereon situated, shall be damaged by fire, the elements, civil disorder, or other casualty, the Lessor shall have the option of either (a) rebuilding or repairing the same or (b) terminating this 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 be 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 such expiration or termination as Lessor may require. Further, IT IS EXPRESSLY AGREED that an affidavit reciting the facts of such expiration or termination when recorded in the Public Records of the county wherein the premises is located shall be prima facie evidence of the truth of the statements contained in such affidavit.

PEACEABLE SURRENDER OF OFFICE: Upon the expiration or termination of this lease according to its terms, Lessee will peaceably yield up to Lessor, all and singular, the office, 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 office at the expiration of this Lease shall operate and be construed as a tenancy at will at a rental of one and one-half (1½) times the amount specified above.

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 other provisions of this Lease herein contained, or in the event that the Lessee shall abandon the office or leave them vacant, Lessor may at the option 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 and take possession of the office, remove all of Lessee's property therefrom and cancel this Lease. In the event the Lessee shall continue to hold the office after demand therefor by Lessor, at the expiration of this Lease or upon its termination after default or breach of this Lease by Lessee, then the Lessor shall be entitled 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 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 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 therefor, 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.

USE OF CONFERENCE ROOM: Lessee shall have the use of the conference room of the Lessor when available and when scheduled through the City Secretary of Lessor.

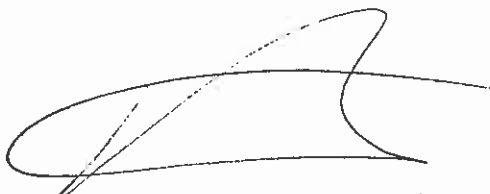
EXECUTED in duplicate original copies this the \_\_\_ day of \_\_\_\_\_, 2011.

THE CITY OF FREEPORT, TEXAS, Lessor

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

ATTEST:

\_\_\_\_\_  
Delia Muñoz, City Secretary

  
\_\_\_\_\_  
Patrick Landis Adams, d/b/a  
Platinum Marketing