

# City of Freeport

NOTICE OF PUBLIC MEETING  
THE FREEPORT CITY COUNCIL  
MONDAY, AUGUST 2ND, 2010, 6:00 P.M.  
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 19th, & July 28th, 2010 Council Minutes.  
Pg. 728-735
5. Attending citizens and their business.
6. Consideration of approving Ordinance No. 2010-2254 amending the comprehensive zoning ordinance of said City to change the zoning classification of Lots 65, 65A 65A1, 65A1A, 65B, 65C, 518B, Brazos Coast Investment Company Subdivision, Division 14, F. J. Fields Survey, Abstract 62 and A Calvit League, Abstract 49, Brazoria County, Texas, known locally as 1935, 1949 & 2003 Victoria Street from its present zoning classification of R-3 Multi-Family Residential to a new zoning classification of C-2 General Commercial. Pg. 736-739
7. Consideration of approving Resolution No. 2010-2239 adopting a fee schedule for Emergency Medical Services rendered by the Freeport Fire and EMS Department.  
Pg. 740-742
8. **Public Hearing:** City Council to sit as the Board of Adjustment and Appeals under the Standard Unsafe Building Abatement Code, to consider whether or not the building(s) or structure(s) located at 119 South Gulf Boulevard are unsafe.  
Pg. 743-776
9. Consideration of authorizing the Mayor to sign a Written Decision finding that the building(s) or structures(s) located at 119 South Gulf Boulevard fail to meet the standards set forth in the Standard Code for the Elimination or Repair of Unsafe Buildings adopted by Section 150.025 of the Code of Ordinances of the City, as modified by Section 150.026 of said Code, and are, therefore unsafe. Pg. 773
10. Consideration of approving a Residential Tax Abatement application for Agustin & Marisole Serrano, new construction at 116 Brazos Landing Court. Pg. 777-784

11. Consideration of selling the City's interest on Block 52, Lot 10 thru 12, Velasco townsite, known as 420 S. Ave. G., Tx. Id 8110-0509-000. Pg. 785-787
12. Consideration of approving Resolution No. 2010-2240 suspending Centerpoint's proposed effective date; determining that the meeting complied with the Texas Open Meetings act; making such other findings and provisions related to the subject; and declaring an effective date. Pg. 788-792
13. Consideration of setting a date for a Joint Public Hearing to consider the granting a Specific Use Permit to Capital Telecom to place a 120' communication antenna in the Freeport Business park area, located at 1744 West 4th Street and for Abundant Life Church to be located at 606 North Gulf Boulevard. Pg. 793-794

#### Work Session

- A. Discussion regarding new Professional Standards for Board and/or Commission Members. Pg. 795-796
14. Consideration of implementing new Professional Standards for Board and/or Commission Members. Pg. 795-796

#### Executive Session:

Section: 551.071, Government

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

- Industrial District Contracts

#### Adjourn

NOTE: 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. Request should be received 48 hours to the meetings. Please contact the City Secretary office at 979-233-3526.

I, Delia Muñoz, 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. 2<sup>nd</sup> Street, Freeport, Texas, July 30th, 2010 at or before 5:00 p.m.

Delia Munoz  
City Secretary  
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council and the Planning Commission met on Monday, July 19th, 2010 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: Larry L. McDonald  
Michelle Kent  
James W. Phillips – absent  
Nicole Mireles  
Norma M. Garcia

Staff: Jeff Pynes, City Manager  
Wallace Shaw, City Attorney  
Delia Munoz, City Secretary  
Nat Hickey, Property Manager  
Bob Welch, Finance Director  
Tyrone Morrow, Chief of Police  
Gary Pohl, Marshal  
Kola Olayiwola, Building Inspector

Planning Commission: Edward T. Garcia  
Reuben Cuellar  
Diane Williams  
Tobey Davenport  
Mike Jones

Visitors: Eric Hayes                      Lila Diehl  
Ron Moore                        Yolanda Moore  
Jim Pirrung                       Dorothy Pirrung  
Glenda Fansher                Jason Tracy  
Tom Masters                     Robert Pruitt  
Sandra Shaw                     Wayne Shaw  
Edith Fisher                     Joyce Adkins  
Manning Rollerson            Rosa McDonald  
Blanca Bustos                   Manuel Bustos  
Sandra Leavey                 Jerry Meeks  
Sam Reyna                        Lila Lloyd  
Mark Cameron                 Sandra Barbree  
Sandra Barnett                 Tom Pearl  
Pixie Floyd                       Dili Patel

Call to Order.

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

Invocation.

Wallace Shaw, City Attorney offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of approving the July 7th, 2010 Council Minutes.

On a motion by Councilwoman Garcia, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved July 7th, 2010 Council Minutes.

Attending citizens and their business.

Robert Pruett, born and raised in Brazoria County, a retired Police Chief from Galena Park introduced himself to Mayor and Council as a candidate for District 14 U.S. Congress. He asked Council to remember him in the November elections.

Missionaries Ron and Yolanda Moore of 1617 E. Hwy. 332, complained about the loud noise coming from Pier 30 Bait & Tackle Ice House.

Presentation of the annual financial audit for fiscal year 2008-2009 by Tom Masters of Kennemer-Master, LLC.

Tom Masters Accounts Administrator with Kennemer, Masters & Lunsford, LLC presented summary and recommendations and answered Council's questions of the City's Annual Financial Report for the year ending September 30, 2009.

Consideration of adopting a new Water Conservation Plan for the City of Freeport.

Jerry Meeks of Veolia Water recommends adopting a new Water Conservation Plan for the City of Freeport. The Water Conservation Plan follows Texas Commission on Environmental Quality (TCEQ) guidelines and requirements, a requirement of the state.

Consideration of approving Ordinance No. 2010- 2252 adopting a Water Conservation Plan for the City of Freeport to promote responsible use of water, and to provide for penalties and/or the disconnection of water service for noncompliance with the provisions of the Water Conservation Plan and amending section 52.03 of the Code of Ordinances of the City to so provide.

On a motion by Councilwoman Garcia, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved Ordinance No. 2010-2252, adopting a Water Conservation Plan for the City of Freeport to promote responsible use of water, and to provide for penalties and/or the disconnection of water service for noncompliance with the provisions of the Water Conservation Plan and amending section 52.03 of the Code of Ordinances of the City to so provide.

Consideration of approving Ordinance No. 2010-2253 pertaining to illegal water connections and/or the Theft of water related to the water supply for the City of Freeport, providing penalties thereof and amending section 52.04 of the Code of Ordinances of the City of Freeport of the City to so provide.

On a motion by Councilwoman Garcia, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Ordinance No. 2010-2253, pertaining to illegal water connections and/or the Theft of water related to the water supply for the City of Freeport, providing penalties thereof and amending section 52.04 of the Code of Ordinances of the City of Freeport of the City to so provide.

Consideration of approving the advertising and setting a bid date for mowing services for the City of Freeport.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved August 16<sup>th</sup>, 2010, as a bid date for mowing services for the City of Freeport.

Consideration of approving and authorizing the Freeport Main Street to use Hotel/Motel funds to advertise and hire bands for the Summertime Blues Festival.

On a motion by Councilwoman Garcia, seconded by Councilwoman Mireles, with all present voting 3 to 1, Council approved to table this item for further study. Councilwoman Kent opposed.

### **Joint Public Hearing:**

The City Council and the Planning Commission of said City will conduct a Joint Public hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance and Map of said city, codified as Chapter 155 of the Code of Ordinances of said City, changing the zoning classification of the following described property from its present classification of R-3 Multi –Family Residential to a new classification of C-2 General Commercial:

Lots 65, 65A, 65A1, 65A1A 65B, 65C & 518B, Brazos Coast Investment Company Subdivision, Division 14, F. J. Fields Survey, Abstract 62 and A. Calvit League, Abstract 49, Brazoria County, Texas known locally as 1935, 1949. & 2003 Victoria Street.

Their being a quorum with the Planning Commission and City Council, Mayor McDonald opened the Joint Public Hearing at 6:51 p.m.

Diane Williams, Chairperson of the Planning Commission spoke in behalf of the Commission. The present classification of the described property is R-3. All the businesses in the described property are non conforming. The Commission recommends changing the zoning classification from R-3 to C-2, thus bringing all businesses to compliance. There are no homes or apartments on the described property. Certified registered mail was mailed. The City did not receive any opposition to the change. She also requested not to charge the person requesting the rezoning. Rezoning the property to C-2 is for the betterment of the City. Council was in agreement with the new proposal classification of C-2 General Commercial.

There being no further comments or questions, Mayor McDonald closed the Joint Public Hearing at 7:02 p.m.

Consideration of approving Resolution No. 2010-2238 repealing Resolution No. 2010-2237 and nominating, constituting and appointing another qualified person to the Beautification, Parks and Recreation Committee of the City; providing for the duties of office; and providing for the taking of the Oath of Office required by law.

On a motion by Councilwoman Garcia, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Resolution No. 2010-2238 nominating Michelle Backman to the Beautification, Parks and Recreation Committee of the City of Freeport, providing for the duties of office; and providing for the taking of the Oath of Office required by law.

Consideration of selling the City's interest on Block 52, Lot 10 thru 12, Velasco Townsite , known as 420 S. Ave. G., Tx. Id. 8110-0509-000.

This item was reagendaed.

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

On a motion by Councilwoman Garcia, seconded by Councilwoman Mireles, with all present voting 2 to 2, Council's motion failed to sell the City's interest on Block 25, Lot 9, Freeport Townsite, known as 230 E. 8th, Tx. Id 4200-0322-000. Mayor McDonald and Councilwoman Kent opposed.

Consideration of selling the City's interest on Block 7, Lot 15, Freeport Townsite, known as 514 E. 8th Street, Tx. Id 4200-0129-000.

On a motion by Councilwoman Garcia, to sell the City's interest on Block 7, Lot 15, Freeport Townsite, known as 514 E. 8th Street, Tx. Id. 4200-0129-000. Motion died due to lack of second.

On a motion by Councilwoman Kent, seconded by Mayor McDonald, with all present voting "aye", Council unanimously declined selling the City's interest on Block 7, Lot 15, Freeport Townsite, known as 514 E. 8th Street, Tx. Id 4200-0129-000.

Consideration of selling the City's interest on Block 1, Lot 28, Section 2, Bridge Harbor Subdivision, Tx Id 2190-0164-000.

On a motion by Councilwoman Mireles, seconded by Councilwoman Garcia, with all present voting 3 to 1, Council approved selling the City's interest on Block 1, Lot 28, Section 2, Bridge Harbor Subdivision, Tx. Id. 2190-0164-000. Mayor McDonald opposed.

On a motion by Councilwoman Garcia, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously rescinded the motion to sell the City's interest on Block 1, Lot 28, Section 2, Bridge Harbor Subdivision, Tx. Id 2190-0164-000.

Consideration of selling the City's interest on Block 2, Lot 15, Section 2, Bridge Harbor Subdivision, Tx Id 2190-0181-000.

On a motion by Councilwoman Garcia, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously declined selling the City's interest on Block 2, Lot 15, Section 2, Bridge Harbor Subdivision, Tx. Id 2190-0181-000.

Planning Commission adjourned at 7:15 p.m.

Mayor McDonald opened the work session at 7:15 p.m.

Work Session:

Discussion concerning budget workshop dates for fiscal year 2010-2011.

Mr. Pynes City Manager suggested setting July 28th and August 4th, 2010, 6:00 p.m. at the Freeport Municipal Council Chambers for budget workshop dates.

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

Edith Fisher, Director of Tourism of the Brazosport Convention & Visitors Council presented Council with a powerpoint presentation on the immediate past and proposed promotional activities of the Brazosport Convention & Visitors Council, asked for continued funding for marketing efforts.

Mayor McDonald closed the formal session and opened the Executive Session at 7:33 p.m.

Executive Session:

Section 551.071, Government Code

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

- Industrial Districts Contracts
- Liability issues pertaining to the use of tasers.  
*No action taken*

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Garcia, with all present voting “aye”, Council adjourned at 8:08 p.m.

---

Delia Munoz  
City Secretary

---

Larry L. McDonald  
Mayor



State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Wednesday, July 28th, 2010 at 6:00 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for a budget workshop session.

City Council:                    Larry L. McDonald  
   Michelle Kent  
   James W. Phillips - absent  
   Nicole Mireles  
   Norma M. Garcia

Staff:                                Jeff Pynes, City Manager  
   Delia Munoz, City Secretary  
   Gilbert Arispe, Administrative Asst.  
   Larry Fansher, Parks Director  
   Chris Blanchard, Asst. Street Superintendent  
   Larry Fansher, Parks Director  
   Tyrone Morrow, Chief of Police  
   John Cook, Interim Fire Chief  
   Chris Motley, Fire Marshal  
   Billy Shoemaker, EMS Coordinator  
   Brian Dybala, Golf Director  
   Kola Olayiwola, Building Inspector  
   Bob Welch, Finance Director

Visitors:                            Glenda Fansher                John Stanford  
   Lila Diehl                        Eric Hayes  
   Jerry Meeks                      Gary Pohl  
   Joyce Adkins                     Rosa McDonald  
   Chris Motley                     Billy Shoemaker

Call to order.

Mayor McDonald opened the work shop at 6:00 p.m.

Invocation.

Chris Motley Fire Marshall offered the invocation.

Work Session

Discuss and consider 2010-2011 budget proposal.

City Council, Staff, and City Manager met to work through its 2010-2011 fiscal year budget.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, the meeting was adjourned at 8:50 p.m.

---

Delia Munoz  
City Secretary

---

Larry L. McDonald  
Mayor

ORDINANCE NO. 2010-2254

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY TO CHANGE THE ZONING CLASSIFICATION OF LOTS 65, 65A, 65A1, 65A1A, 65B, 65C & 518B, BRAZOS COAST INVESTMENT COMPANY SUBDIVISION, DIVISION 14, F.J. FIELDS, SURVEY, AB.62 and A. CALVIT LEAGUE, AB.49, BRAZORIA COUNTY, TEXAS, KNOWN LOCALLY AS 1935, 1949 & 2003 VICTORIA STREET FROM ITS PRESENT ZONING CLASSIFICATION OF R-3 MULTI-FAMILY RESIDENTIAL TO A NEW ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL; RATIFYING AND CONFIRMING ALL ACTIONS PREVIOUSLY TAKEN BY THE PLANNING COMMISSION OF SAID CITY OR THE CITY COUNCIL, OR BOTH; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

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, Subchapter A of Chapter 211 of the Local Government Code of Texas and Item (g) of Section 3.07 of the Home Rule Charter of the City authorizes 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 is necessary to conform the comprehensive zoning plan of the City to the current zoning conditions which exist therein.

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

SECTION ONE--Findings of Fact and Conclusions of Law.

The City Council of the City makes the following findings of fact and conclusions of law, viz:

First, that the public hearings required by the Zoning Enabling Act of the State of Texas, codified as Chapter 211 of the Texas Local Government Code, and the present Comprehensive Zoning Ordinance of the City, codified as Chapter 155 of the Code of Ordinances of the City, have been conducted in the manner and at the time required.

Second, that not less than fifteen (15) days prior to the date of such hearings, public notice thereof was published once in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City, stating the date, time and place of such hearings.

Third, that not less than ten (10) days before the date of such hearings, written notice of the proposed change in classification was proposed and to all owners of property located within two hundred (200') feet of such property.

Fourth, that after considering evidence submitted at such hearings, the City Council of the City is of the opinion and finds that the conditions which warranted the classification of the hereinafter described property as R-3 Multi-Family Residential at the time of the adoption of such classification for such property have substantially changed; that conditions now exist which indicate that the classification of such property as R-3 Multi-Family Residential is no longer appropriate and, considering the community as a whole and the present Comprehensive Zoning Plan of the City, such property should be reclassified for purposes of zoning and the zoning of such property changed from R-3 Multi-Family Residential to C-2 General Commercial.

Fifth, that the health, safety, morals and general welfare of the inhabitants of the City will best be served by the adoption of this ordinance and the change in zoning classification hereinafter mentioned.

Sixth, that this Ordinance in its final form has been reviewed by the Planning Commission of the City as required by Section 32.00.4 of the Code of Ordinances of the City.

SECTION TWO--Comprehensive Zoning Ordinance Amended  
and Zoning Changed.

Ordinance No. 1100, read, passed and adopted on the 3rd day of April, 1964, and now codified as Chapter 155 of the Code of Ordinances of the, is hereby amended and supplemented to provide that the following described parcel of land within the corporate limits of the City, to-wit:

Lots 65, 65A, 65A1, 65A1A, 65B, 65C & 518B, Brazos Coast Investment Company Subdivision, Division 14, F.J. Fields Survey, Ab.62 and A. Calvit League, Ab.49, Brazoria County, Texas, known locally as 1935, 1949 & 2003 Victoria Street,

be and the same is hereby reclassified for purposes of zoning as C-2 General Commercial as defined in Section 155.038 of the Code of Ordinances and that the zoning of said land should be and the same is hereby changed from R-3 Multi-Family Residential to C-2 General Commercial.

SECTION THREE--Ratification and Confirmation.

The City Council of the City hereby ratifies and confirms any and all action taken by the Planning Commission of the City or the City Council of the City, or both, in connection with the change in zoning classification evidenced by this ordinance, including but not limited to the calling of a public hearing required by said Zoning Enabling Act and said Chapter 155, the giving of public notice of such hearings, the giving of written notice to the owners of property which is the subject of such and to the adjoining property owners, the making of preliminary and final reports with respect to such change and the conducting of the public hearings required by said Act and said Chapter 155.

SECTION FOUR--Severance Clause.

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

SECTION FIVE--Effective Date.

This ordinance shall take effect and be in force from and after its passage and approval.

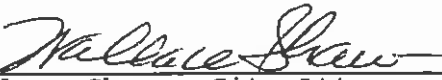
READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Larry McDonald, Sr., Mayor,  
City of Freeport, Texas

ATTEST:

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

APPROVED AS TO FORM ONLY:

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

C:\Freeport.Zon\Victoria St. Rezoning-Ord

RESOLUTION NO. 2010-2239

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDS OF FACT; ADOPTING A FEE SCHEDULE FOR EMERGENCY MEDICAL SERVICES RENDERED BY THE FREEPORT FIRE AND EMS DEPARTMENT; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.

WHEREAS, the City of Freeport, Texas, hereinafter sometimes "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 and 342.011 of the Local Government Code of Texas, Sections 2.01, 2.02, 4.08 and Items (b) and (u) of Section 3.07 of the Home Rule Charter of the City of Freeport and Section 92.42 of the Code of Ordinances thereof authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined and do here now declare that the adoption of this resolution is necessary to the health, safety and general welfare of the inhabitants of the City and necessary to provide effective and efficient emergency medical service to such inhabitants and to the inhabitants of property located within the environs of the City who have become dependent upon the emergency medical service heretofore provided by the City.

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

First, the City Council of the City of Freeport, Texas, hereby adopts the fee schedule for emergency medical services provided by the Freeport Fire and EMS Department marked Exhibit "A", attached hereto and made a part hereof, which the City Council hereby finds and determines to be a reasonable fee therefor.

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

Third, nothing contained in this resolution 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 resolution had not been adopted.

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

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


READ, PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Larry McDonald, Sr., Mayor,  
City of Freeport, Texas

ATTEST:

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

APPROVED AS TO FORM ONLY:

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

C:\Freeport.FIR\FireEMS#5-RSL



**FREEPORT EMS CHECK-OFF FEE SHEET**

**BILL PT.BALANCE YES \ NO**

**DO NOT BILL PT. BALANCE YES \ NO**

Pt. Name	Date of Service	Incident #
<b>LIFE SUPPORT</b>	<b>EXTRA EQUIPMENT</b>	<b>MEDICATIONS</b>
<u>400.00</u> 200 NO TRANSPORT / RESPONSE FEE	<u>99.00</u> 27 PULSE OXIMETER	<u>24.50</u> 207 ALBUTEROL(PROVENTIL) INHAL
<u>21.00</u> 2# MILEAGE	<u>48.00</u> 28 GLUCOMETER	<u>35.14</u> 234 ACTIVATED CHARCOAL PO
<u>1000.00</u> 3 BLS BASE RATE	<u>2.00</u> 29 DEXTROSTIX/CHEMSTRIP	<u>1.32</u> 253 ASPIRIN TABLET 81mg PO
<u>1075.00</u> 4 ALS/MICU BASE RATE		<u>25.58</u> 273 ATIVAN(LORAZEPAM) 2MG/ML
<b>MISCELLANEOUS</b>	<b>RESPIRATORY</b>	<u>22.11</u> 223 ATROPINE SULFATE 0.3 mg IVP
<u>88.00</u> 1 DISPATCH FEE	<u>124.00</u> 191 OXYGEN/ADM/SUPPLIES	<u>7.97</u> 265 ATROVENT 0.02% INHAL / NEB
<u>90.00</u> 6 EMERGENCY	<u>20.00</u> 61 DISP. AIRWAY	<u>8.52</u> 222 BENADRYL 50mg INJ
<u>88.00</u> 7 NIGHT RATE 8PM-8AM	<u>66.00</u> 59 DISP. BAG VALVE MASK	<u>64.28</u> 235 CALCIUM CHLORIDE 1 gm IVP
<u>88.00</u> 8 WEEKEND	<u>2.00</u> 83 BULB SYRINGE	<u>99.99</u> 210 DEXTROSE 50% 25G/50ml IVP
<u>88.00</u> 9 HOLIDAY	<u>62.00</u> 65 SUCTION CATH./SUPPLIES	<u>4.84</u> 219 EPI 1: 1,000 1mg / AMP
<u>146.00</u> 84 EXTRA ATTENDANT	<u>74.00</u> 66 PORTABLE SUCTION	<u>76.83</u> 220 EPI 1. 10,000 1mg / IV
<u>129.00</u> 38 UNIT DECONTAMINATION	<u>265.00</u> 67 ENDO. INTUB. PLACEMENT/EQUIP.	<u>155.87</u> 267 GLUCAGON 0.5-1 mg IM
<u>400.00</u> 44 EXTRICATION	<u>44.00</u> 195 NEBULIZER	<u>20.18</u> 244 GLUCOSE ORAL GEL PO
<u>194.00</u> 46 SPINAL IMMOB.		<u>68.91</u> 230 LACTATED RINGERS 500/1000ml IV
<u>3.00</u> 12 TAPE	<b>I.V. THERAPY</b>	<u>19.96</u> 242 MORPHINE SULFATE 10 mg IV
<u>88.00</u> 42 FRAC PACK SPLINT KIT	<u>274.00</u> 91 IV DRUG THERAPY	<u>23.04</u> 211 NARCAN 1mg / 2 ml INJ
<u>66.00</u> 51 FULL LEG SPLINT	<u>227.00</u> 160 SALINE LOCK	<u>8.69</u> 212 NITRO SPRAY 0.4 mg
<u>66.00</u> 52 ½ LEG SPLINT	<u>62.00</u> 162 INTRAOSSEOUS CATH&PROC.	<u>2.64</u> 252 NITRO TABLET 1/150 gr PO
<u>44.00</u> 54 ARM SPLINT	<u>26.00</u> 98 BLOOD DRAW PROC.	<u>111.37</u> 246 NORCURON 10 mg IV
<u>12.00</u> 34 DISP COLD PACK	<u>22.00</u> 192 COLLECTION TUBES	<u>71.55</u> 228 NORMAL SALINE 1000 ml IV
<u>4.00</u> 14 4X4 NON. STER. GAUZE	<u>8.00</u> 102 5-10CC SYR./NEEDLE	<u>71.55</u> 231 NORMAL SALINE IRRIG.
<u>4.00</u> 15 4X4 STER. GAUZE DRESS.	<u>9.00</u> 103 20-35CC SYR./NEEDLE	<u>4.31</u> 270 SALINE FLUSH INJ. 3 cc PER cc
<u>22.00</u> 17 10X30 TRAUMA DRESS	<b>CARDIOVASCULAR</b>	<u>8.09</u> 218 SOD. BICARB. 8 4% 50 / 1 mEq IVP
<u>19.00</u> 18 STER. KERLIX BDG.	<u>275.00</u> 76 EKG MONITOR / INTERP.	<u>37.45</u> 259 SOLU-MEDROL 125 mg / 2 cc IVP
<u>9.00</u> 19 TRIANGULAR BDG.	<u>44.00</u> 77 EKG PADS	<u>65.89</u> 232 STERILE WATER IRRIG
<u>3.00</u> 26 DISP. THERMOMETER	<u>44.00</u> 79 DEFIB. PADS	<u>86.82</u> 257 TERBUTALINE 1mg INJ
<u>8.00</u> 31 DISP. EMESIS PAN	<u>719.00</u> 80 DEFIB. SHOCK / EQUIPMENT	<u>79.46</u> 241 THIAMINE 100 mg IV
<u>2.75</u> 30 DISP. GLOVES	<u>169.00</u> 75 CPR	<u>22.99</u> 260 VERSED (MIDAZOLAM HCl) 1 mg IV
<u>26.0</u> 175 DISP. LINEN KIT	<u>266.00</u> 180 AUTO/SEMI AUTO EXT DEFIB. (AED)	
	<u>120.0</u> 181 AUTO EXT. DEFIB. PADS	

**Exhibit "A"**

**NOTICE OF PUBLIC HEARING**

**TO ALL PERSONS IN INTEREST, CITIZENS, CORPORATIONS,  
FIRMS AND THEIR AGENTS AND ATTORNEYS:**

**A Public Hearing will be held in the Police Department Municipal Courtroom of the City of Freeport, Texas, ("the City") located therein at 430 North Brazosport Boulevard, Freeport, Texas, beginning at 6:00 o'clock, p.m., on August 2, 2010, by the City Council of the City of Freeport, Texas, sitting as the Board of Adjustments and Appeals under the Standard Unsafe Building Abatement Code adopted by Sections 150.025 and 150.026 of the Code of Ordinances of the City (hereinafter "the Standard Code"), for the purpose of determining whether or not the structure(s) located on hereinafter described real property located within the corporate limits of the City fail to meet the standards set forth in the Standard Code and is/are therefore "unsafe" as that term is defined in the Standard Code:**

**Lots 19-24, Block 16, Velasco Townsite,  
City of Freeport, Brazoria County, Texas,  
known locally as 119 S. Gulf Blvd.**

**BY ORDER OF THE CITY COUNCIL this 7th day of July, 2010.**

---

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

**PUBLISH ONCE NOT LESS THAN FIFTEEN (15) DAYS BEFORE HEARING**



---

**City of Freeport**

**Substandard Structure  
119 S. Gulf Blvd  
The Gulf Motel**

**July 1st, 2010**

## 2004 Summary

- Owner was properly notified by certified mails.
- City council allowed owner 30 days in 2004 to commence repairs.
- No significant progress has been made towards the repairs or demolition of the structure.

# 119 S. Gulf

---

Motel

1. **Unstable Structure**

2. **Roof Failure**

3. **Structural Failure**

4. **Staff recommends 30 days for owner to demolish structure or City will move forward with demolition. That was in 2004**

5. **No Water Since: Active account**

6. **Electricity: has meter, no service since 1/16/02 in motel**

7. **Owner lives in office portion of building**



**119 S. Gulf**

---

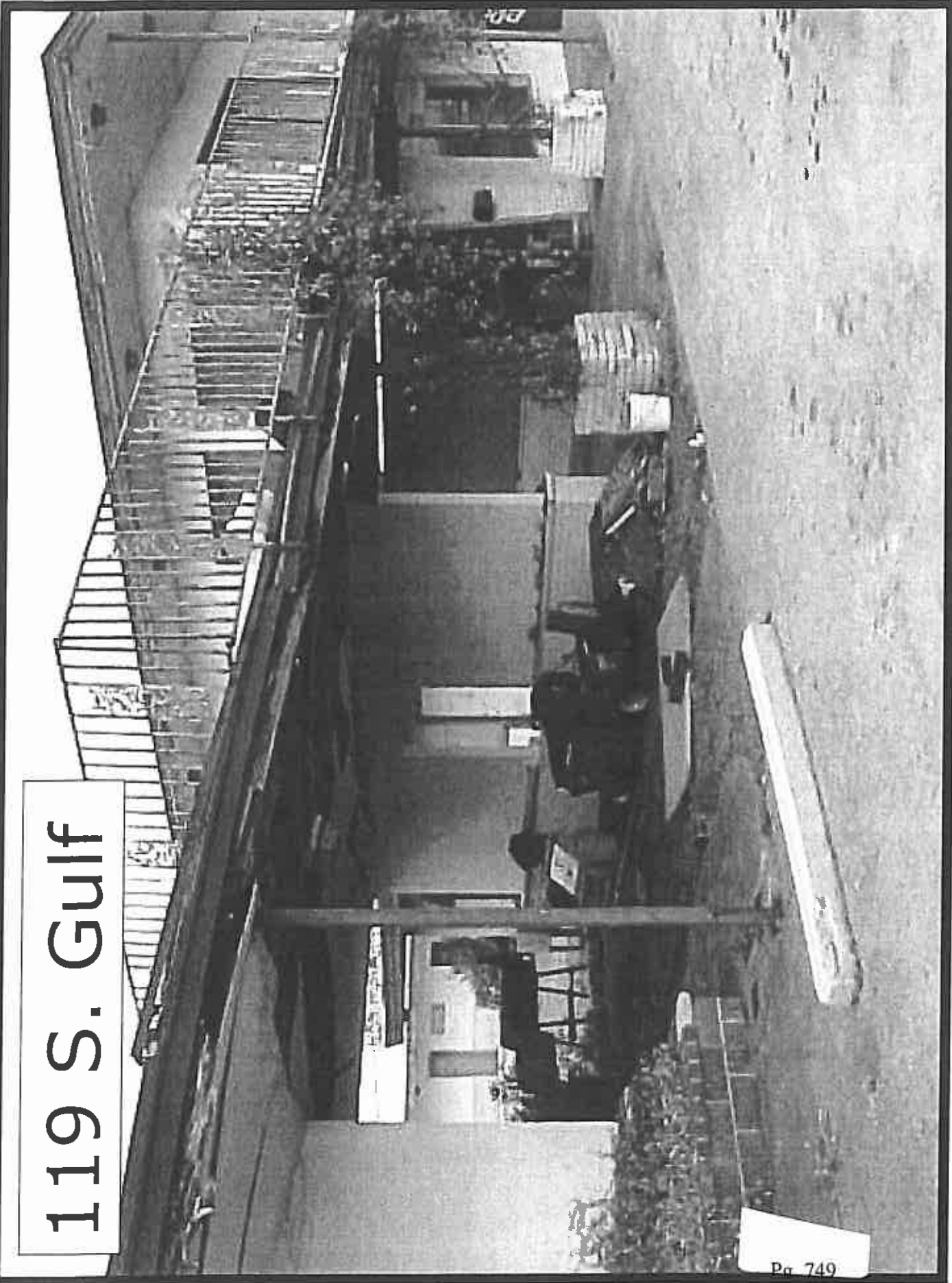
**Motel**

**Condition/Pictures of the Structure in 2004**

119 S. Gulf



119 S. Gulf

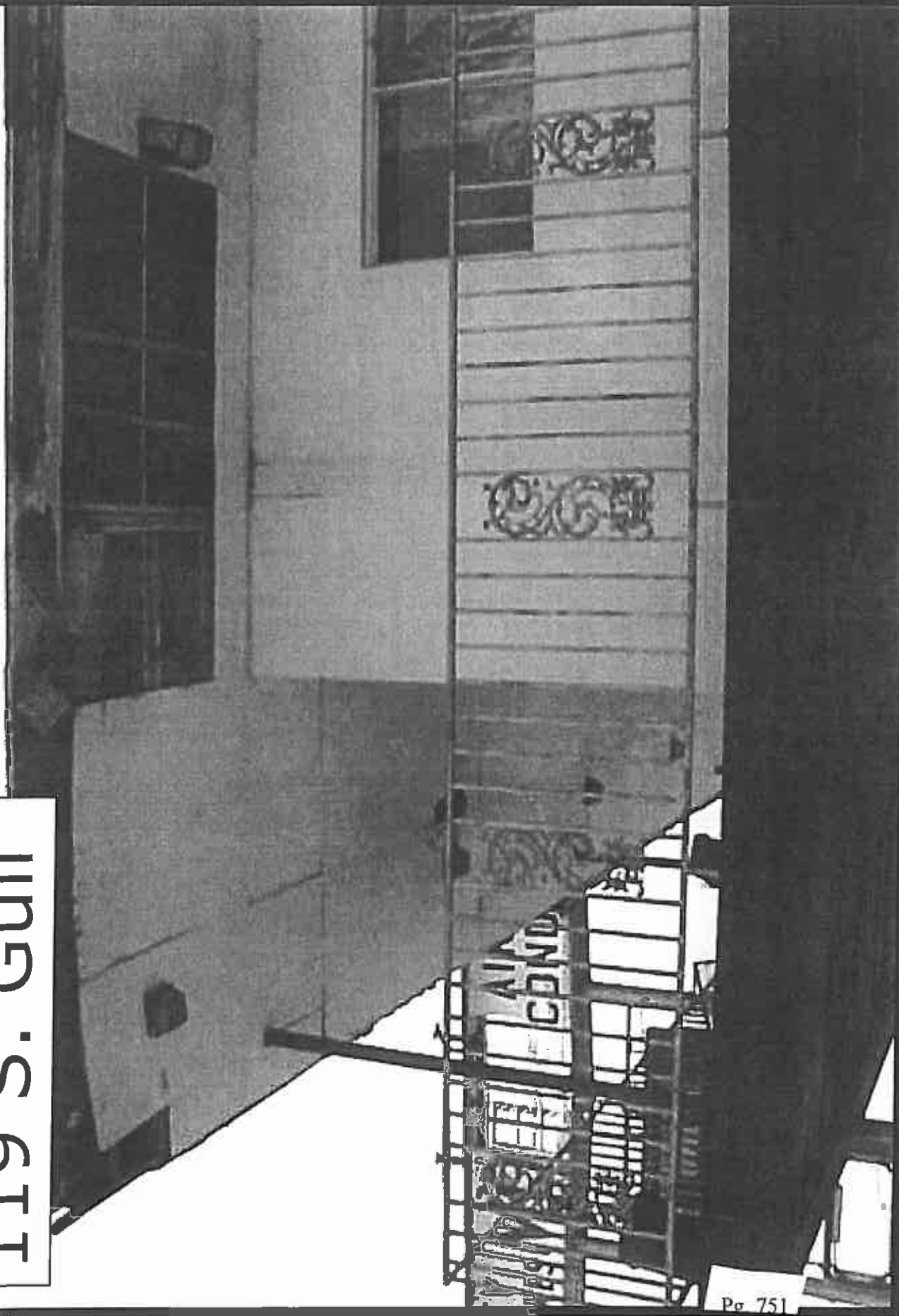




119 S. Gulf



119 S. Gulf



119 S. Gulf

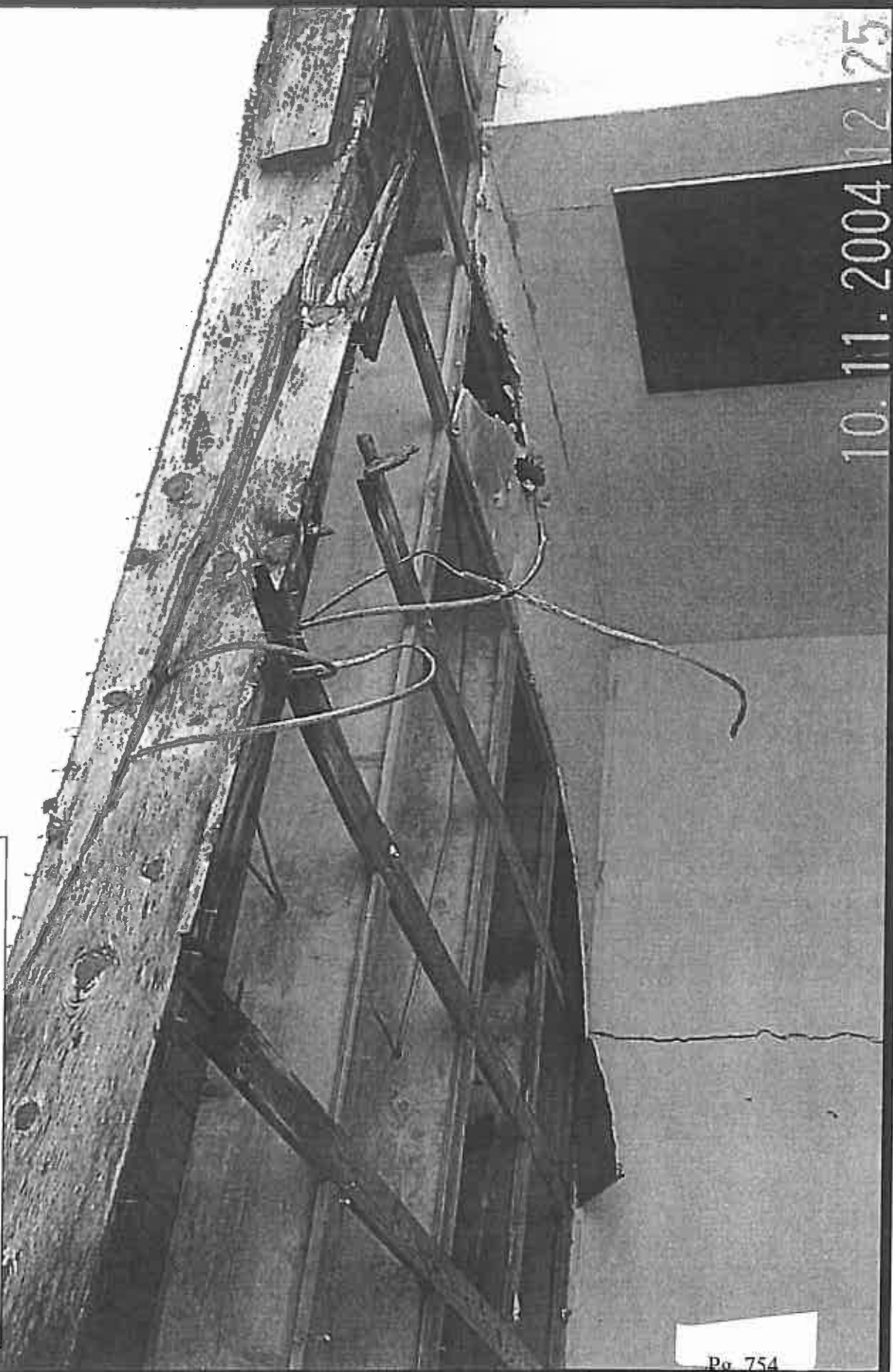
10.11.2004 12:24

- Pg. 752

119 S. Gulf

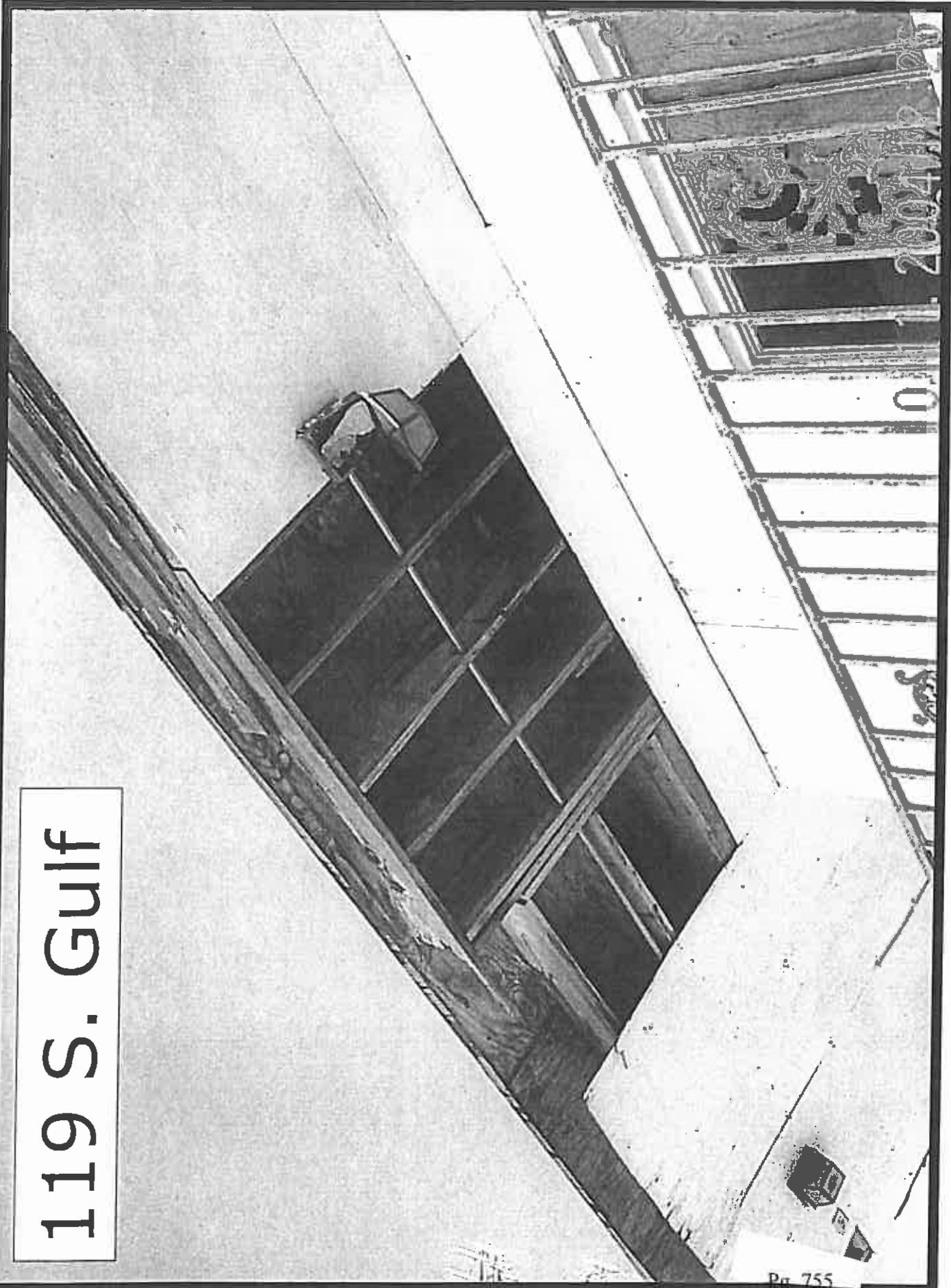
10.11.2004 12:25

119 S. Gulf

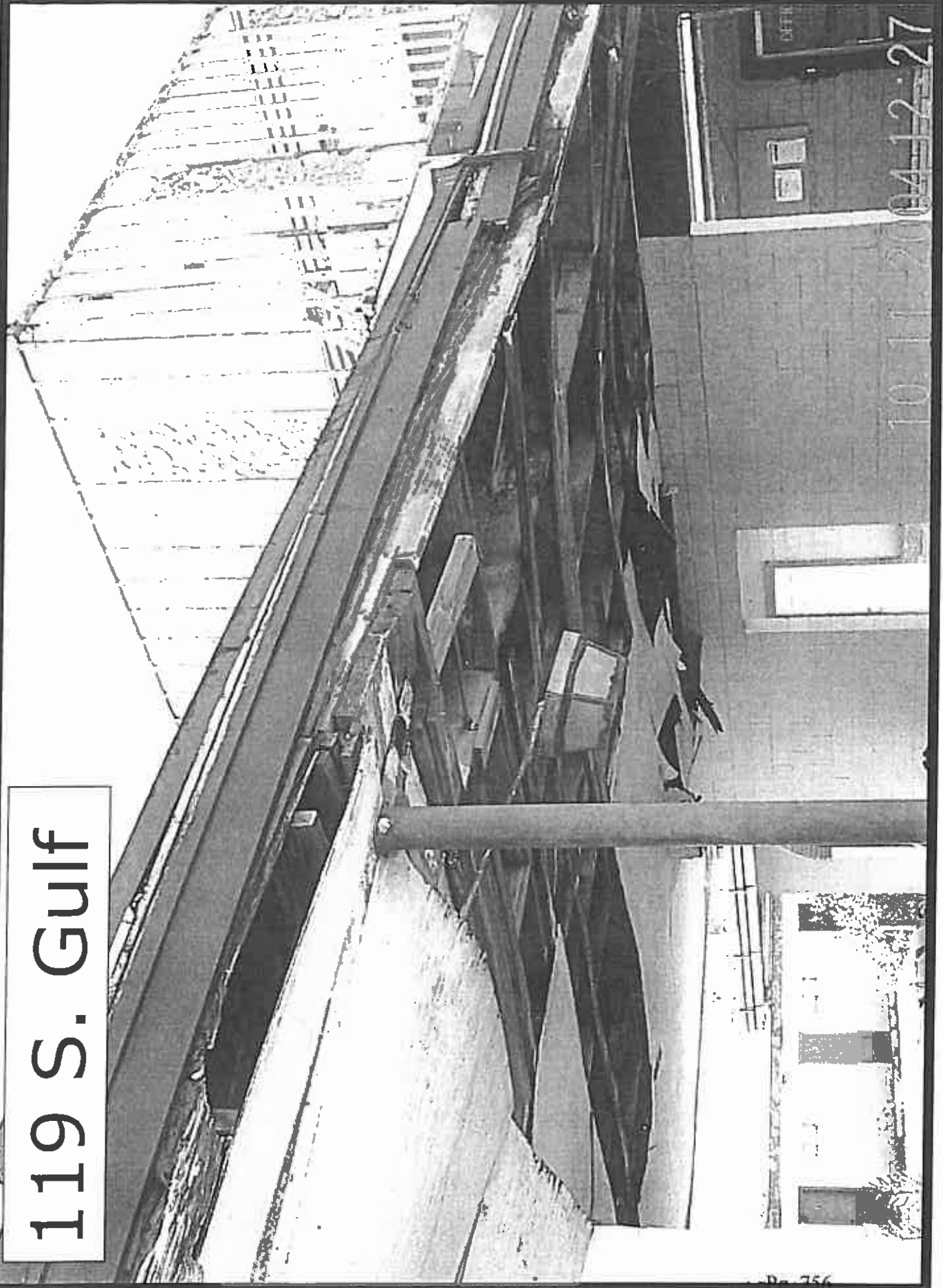


10.11.2004 12.25

119 S. Gulf



119 S. Gulf



101120041227

## 2009 Summary

- Owner has been properly notified by certified mails.
- Asbestos survey revealed that facility contains asbestos.
- Staff has exhausted all amicable means in bringing about the repair or demolition of the structure.
- No significant progress has been made by owner, as such, City council action is needed.





119 S. Gulf

---

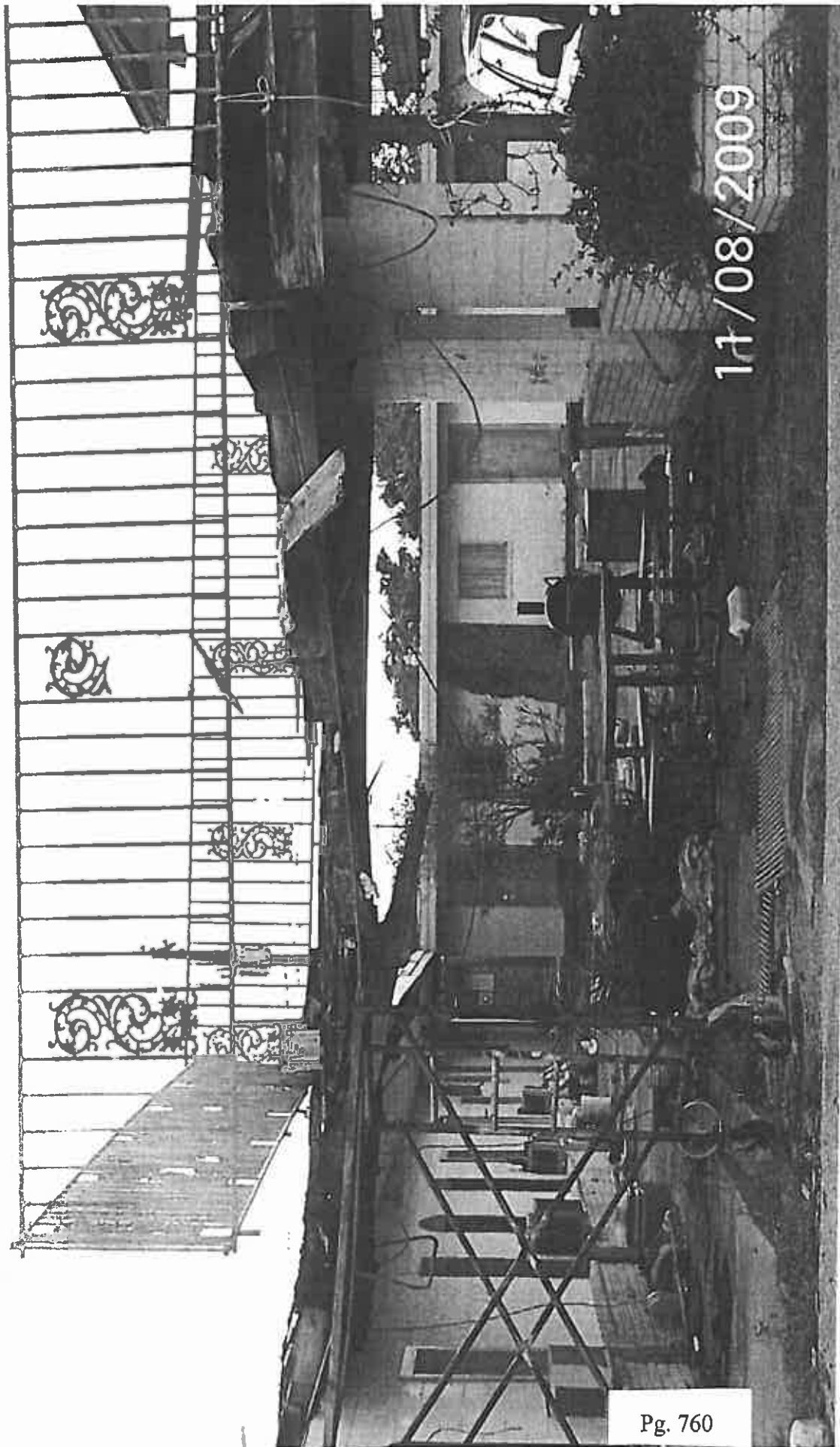
Motel

Condition of the Structure in 2009

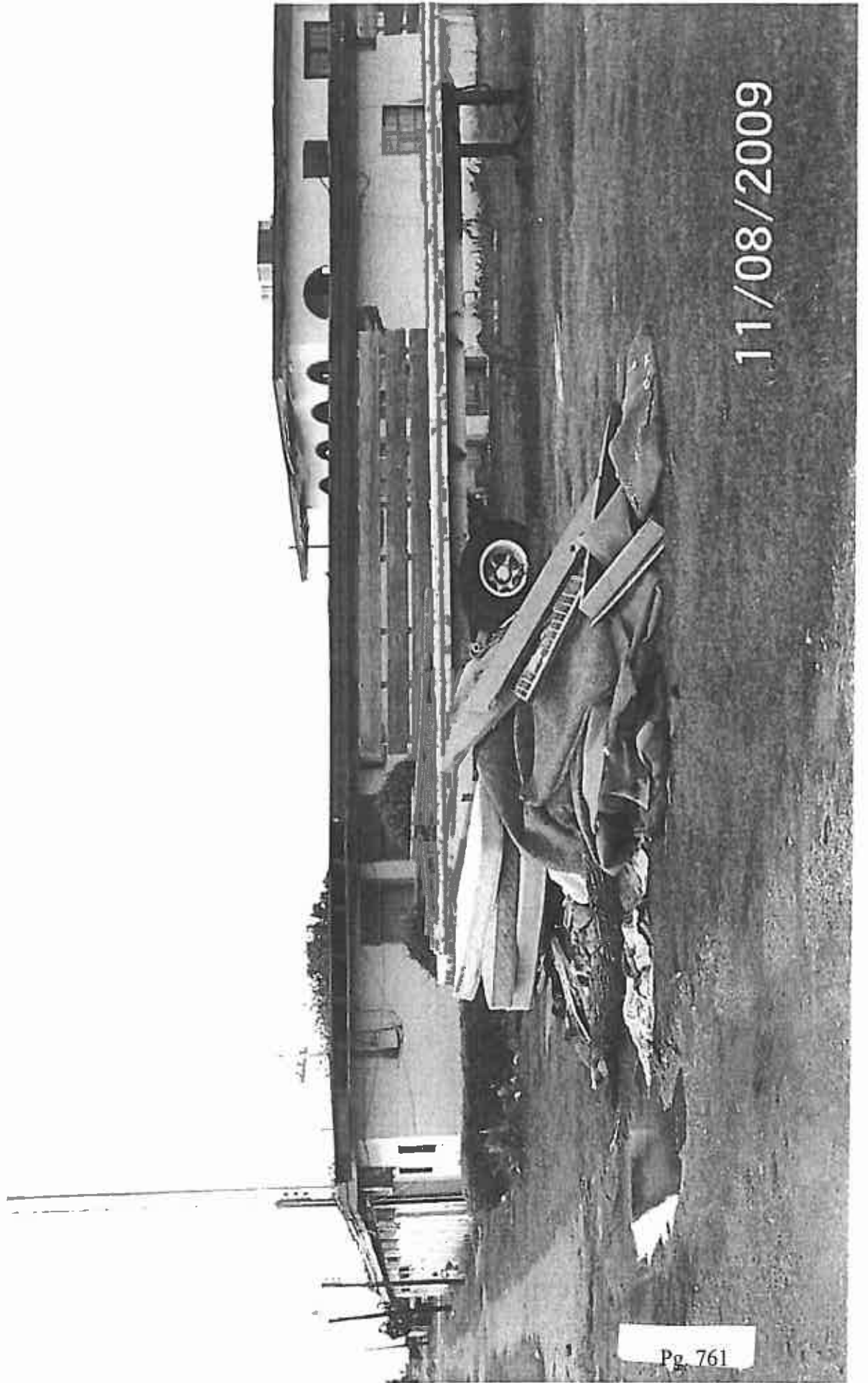
119 S. Gulf



119 S. Gulf



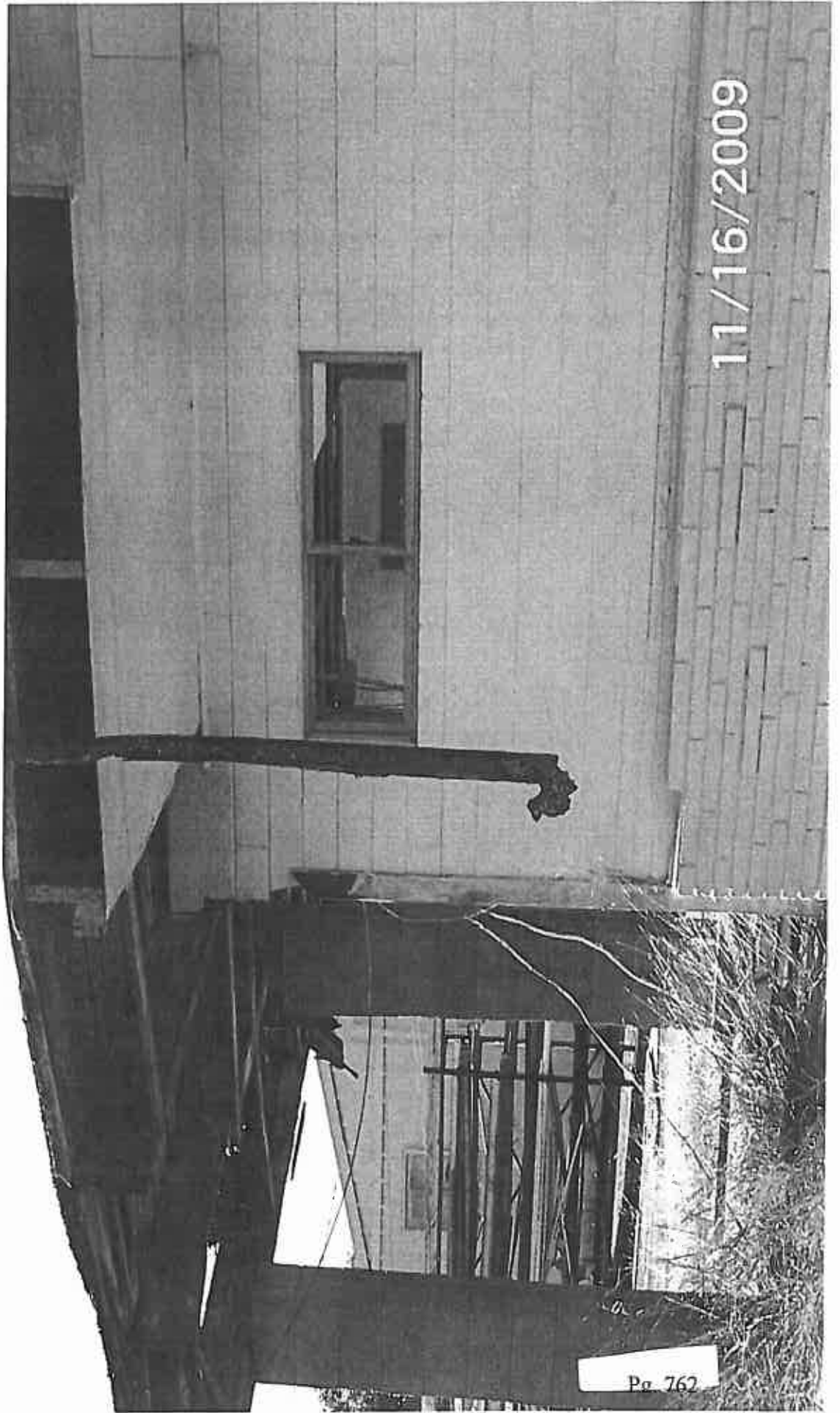
119 S. Gulf



Pg. 761

11/08/2009

119 S. Gulf



11/16/2009

Pg. 762

119 S. Gulf



119 S. Gulf





**119 S. Gulf**

---

**Motel**

**Condition of the Structure in 2010**



# 119 S. Gulf

---

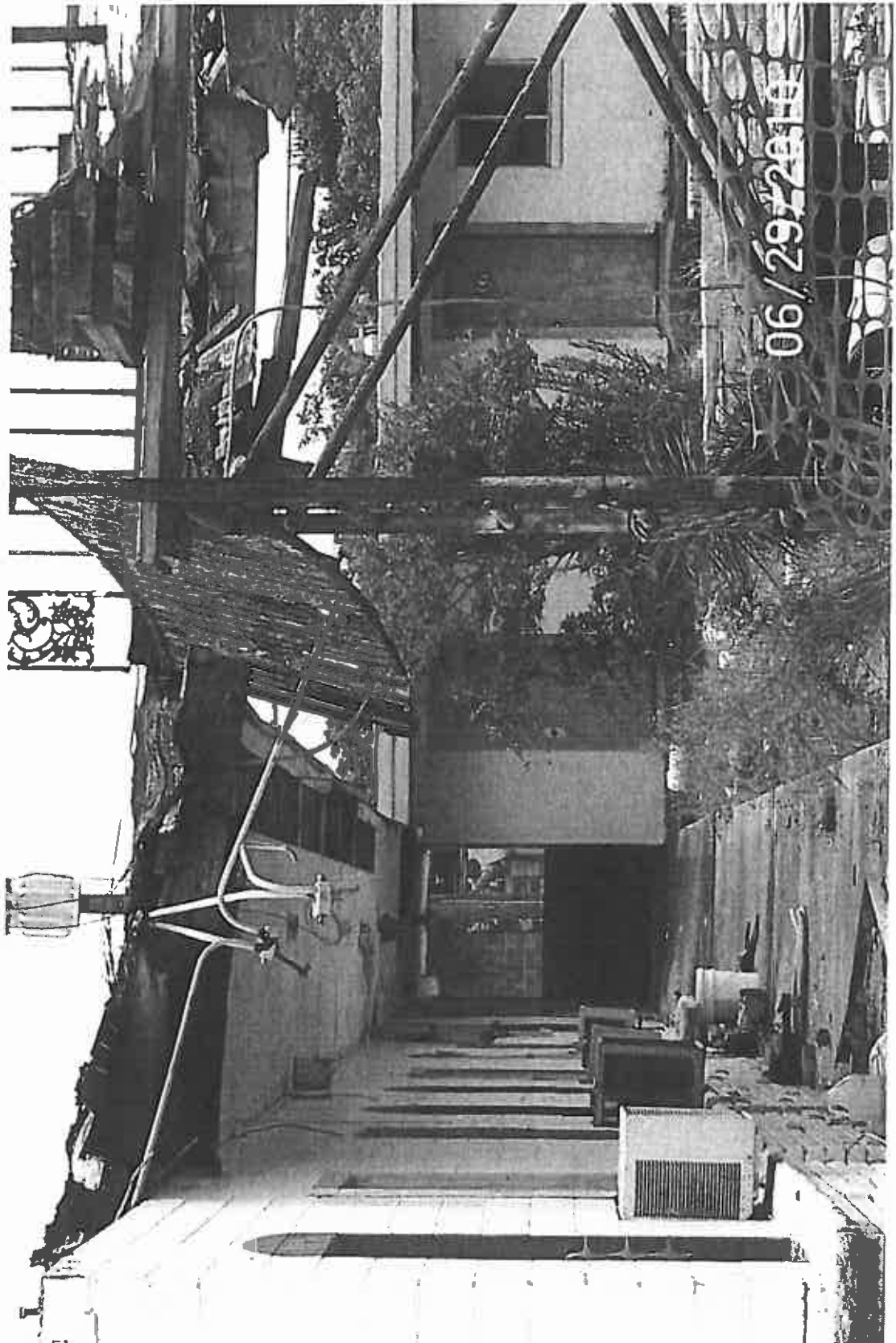
## Motel

**As of June 2010, deficiencies/violations are still present:**

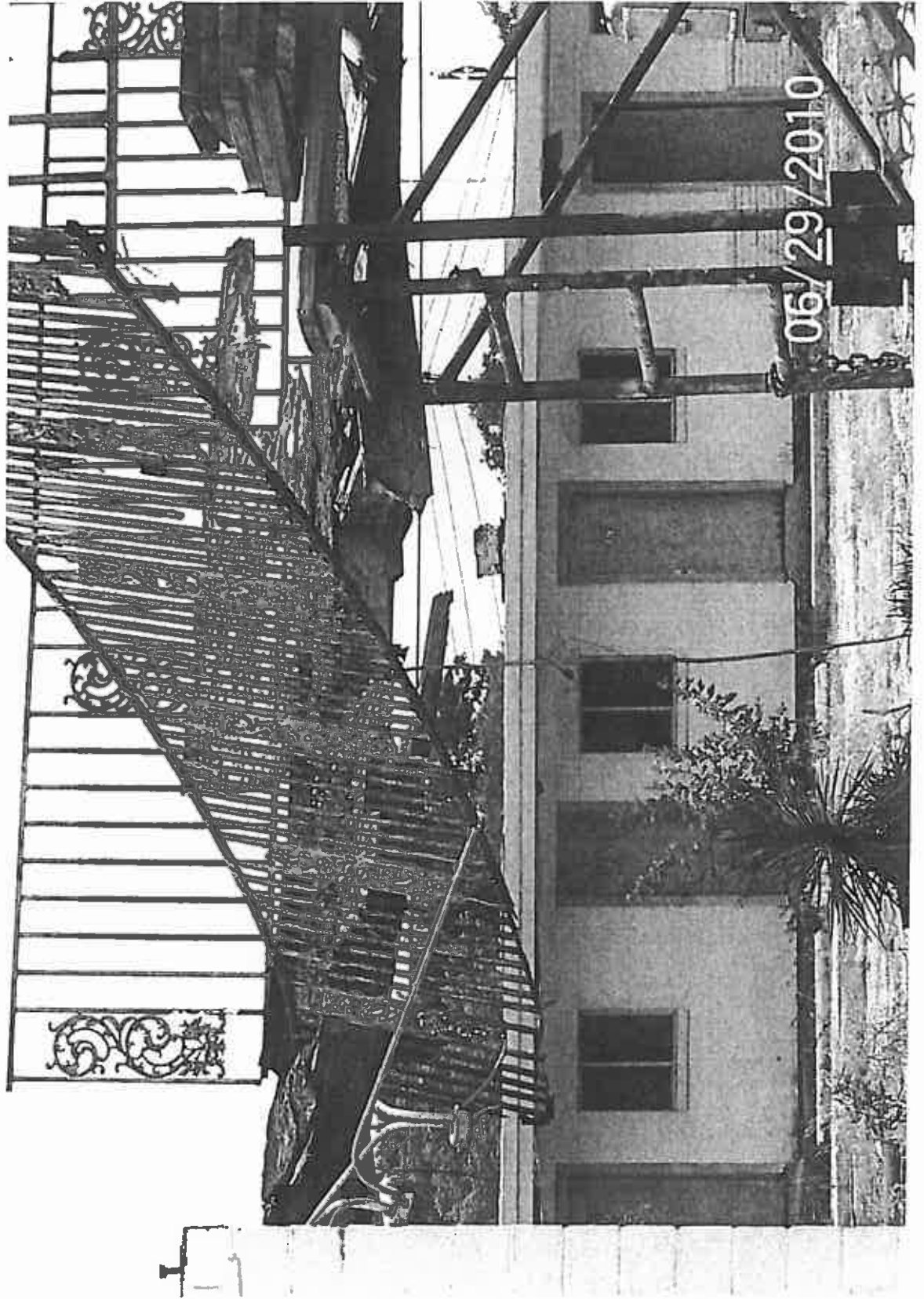
- 1. Roof Fatigue and Collapsing (fire/health/safety hazard)**
- 2. Structural Instability and Failure (inadequate maintenance)**
- 3. No Water Since Jan. 21<sup>st</sup>, 2010**  
**No Electrical Service since 1/16/02 to motel rooms**

**Owner lives in office portion of building (unsafe condition)  
Staff recommends 30 days for owner to demolish structure  
or City will move forward with demolition.**

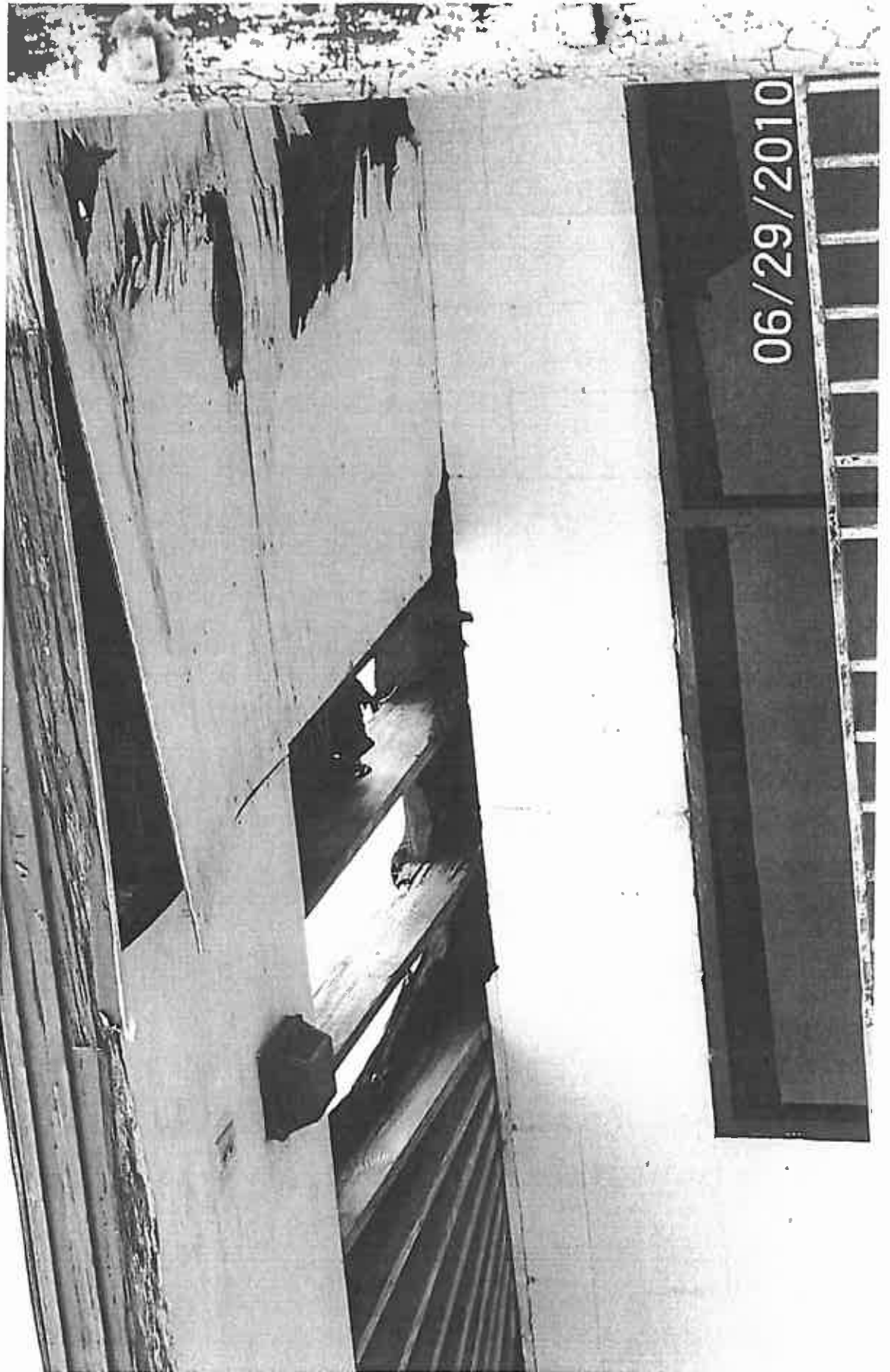
119 S. Gulf



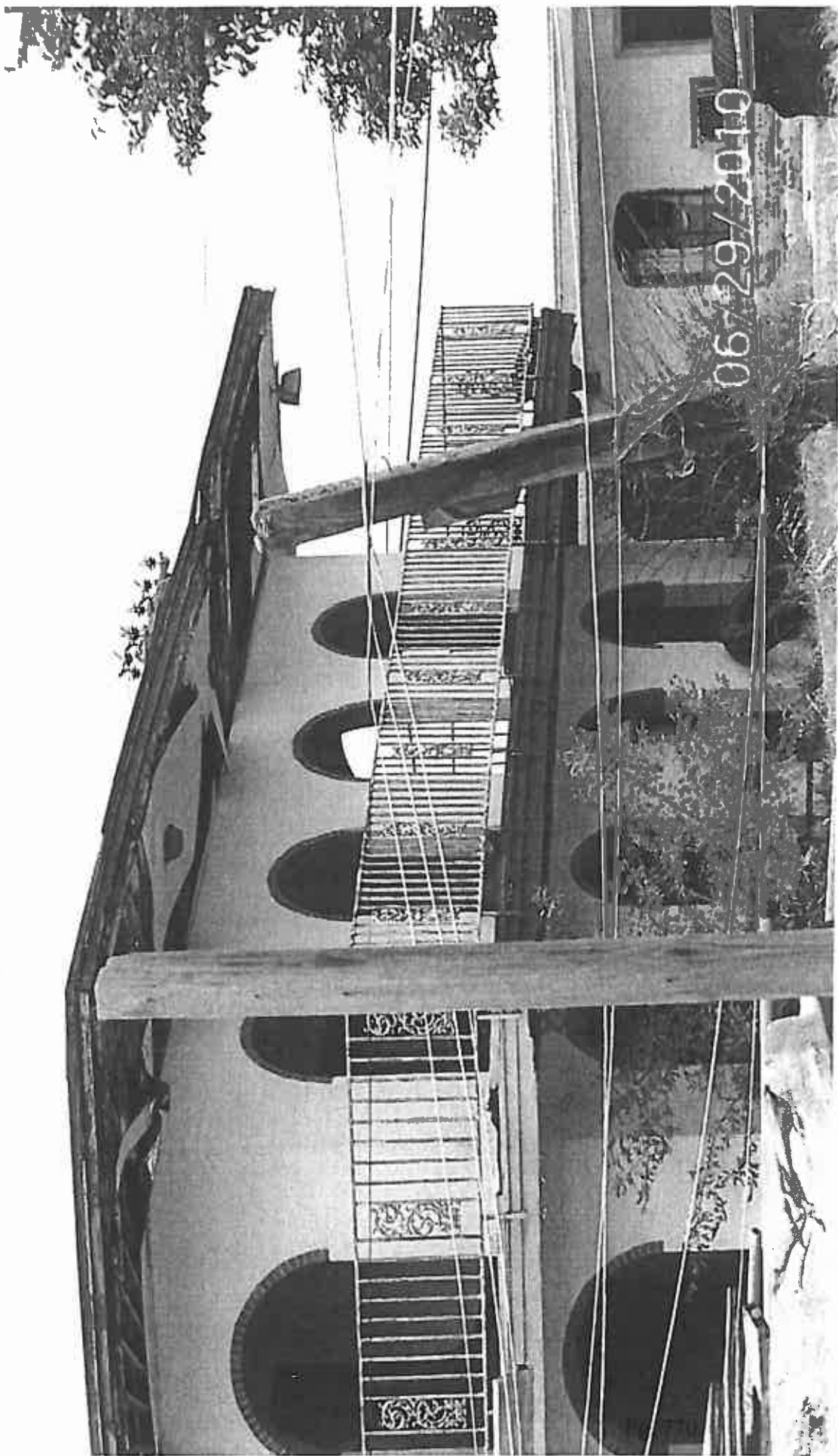
119 S. Gulf



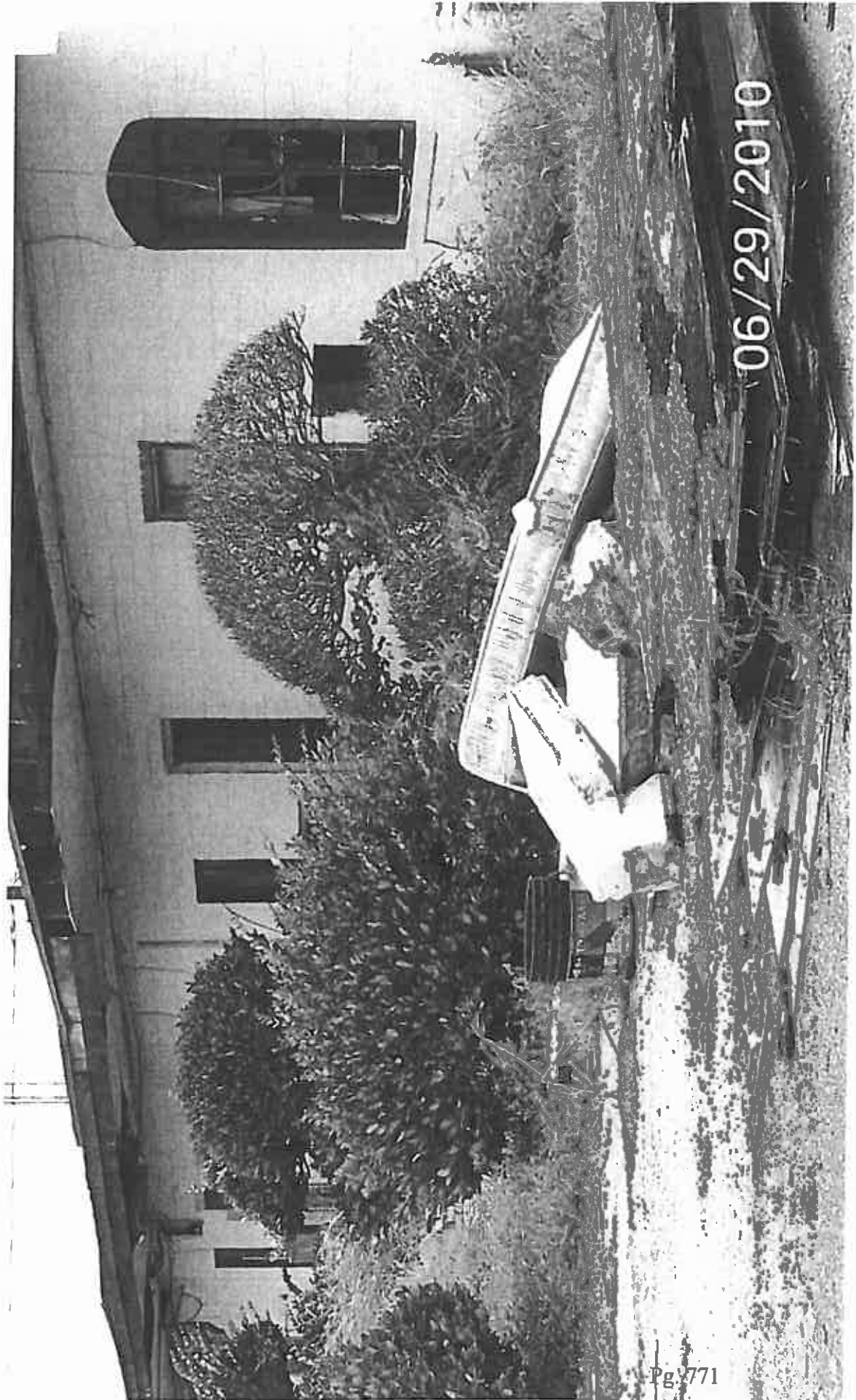
119 S. Gulf



119 S. Gulf



119 S. Gulf



06/29/2010

119 S. Gulf



**DECISION OF THE BOARD OF ADJUSTMENTS AND APPEALS**

On August 2, 2010, at 6:00 o'clock, p.m., in the Police Department Municipal Courtroom of the of the City of Freeport, Texas ("the City"), located therein at 430 North Brazosport Boulevard, Freeport, Brazoria County, Texas, a quorum thereof being present, the City Council thereof, sitting as the Board of Adjustments and Appeals pursuant to the Standard Code for the Elimination or Repair of Unsafe Buildings adopted by Section 150.025 of the Code of Ordinances of the City, as modified by Section 150.026 of said Code, at the request of the Building Official of the City, conducted a public hearing to determine whether or not the building, structure or portion thereof located within the City on Lots 19-24, Block 16, Velasco Townsite, City of Freeport, Brazoria County, Texas, a/k/a 119 S. Gulf Blvd., Freeport, TX ("the premises"), meets the standards set forth in the said Standard Code and is/are therefore "unsafe" as defined therein. Notice of such hearing was given to the owner(s) of the premises by certified mail, return receipt requested, and by publication in the Brazosport Facts.

After hearing evidence from the Building Official and all others present who desired to speak, the City Council determined, by motion duly made and seconded and which received the affirmative vote of at least a majority of the members thereof present and voting, that the building, structure or portion thereof located on the premises fails to meet such standards and is/are unsafe.

\_\_\_\_\_  
Larry McDonald, Sr., Mayor,  
City of Freeport, Texas



# THE CITY OF

# FREEPORT

200 West Second St. Freeport, TX 77541

979.233.3526 • Fax 979.233.8867

City of Freeport  
2010-2011

CERTIFIED MAIL RETURN  
RECEIPT # 7009-1410-0001-0159  
1728

OWNER: Mr. Bobby Davis  
STREET ADDRESS: 119 S. Gulf Boulevard, Freeport, TX 77541  
LEGAL DESCRIPTION: Velasco Townsite, Block 6, Lot 13 to 21, Freeport, TX

IN THE OPINION OF THE UNDERSIGNED BUILDING OFFICIAL of the City of Freeport, Texas, there is reasonable grounds to believe that the structure(s) located on the above described real property fail to meet the standards set forth in the Standard Unsafe Building Abatement Code adopted by Sections 150.025 and 150.026 of the Code of Ordinances of said City (hereinafter "the Standard Code") and is/are therefore "unsafe" as that term is defined therein for the following indicated reason (s):

constitute(s) a fire/health/safety hazard

unsanitary/unfit for human habitation

adequate egress not provided

inadequate maintenance/abandonment

other \_\_\_\_\_

ATTACHED HERETO and forming a part of this notice is a WRITTEN REPORT detailing the conditions upon which this opinion is based.

YOU ARE HEREBY NOTIFIED that the City Council of the City of Freeport, Texas, sitting as a Board of Adjustments and Appeals under the Standard Code, will conduct a PUBLIC HEARING at 6:00 o'clock, p.m., on August, the 2nd of 2010, at the Police Department Municipal Courtroom of said City, located therein at 430 North Brazosport Boulevard, in the City of Freeport, in Brazoria County, Texas, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT SUCH STRUCTURE(S) MEET(S) THE STANDARDS SET FORTH IN SAID STANDARD CODE AND IS/ARE THEREFORE "UNSAFE" AS DEFINED THEREIN. YOU WILL BE REQUIRED TO SUBMIT AT SUCH HEARING PROOF OF THE SCOPE OF ANY WORK THAT MAY BE REQUIRED TO COMPLY WITH THE ORDINANCE AND THE TIME IT WILL TAKE TO REASONABLY PERFORM THE WORK.

YOU HAVE THE RIGHT to be represented at such hearing by legal counsel retained by you, to cross-examine the Building Official and any other witnesses against you, to present relevant testimony, and to have subpoenas issued for the production of any witnesses or documents upon request to the City Secretary of said City.

DATED this 12th day of July, 20 10.

*KOLA OLAJAIWOLA*  
Building Official of the  
City of Freeport, Texas





### REPORT OF INSPECTION

**DATE OF REPORT:** December 1<sup>st</sup>, 2009 **LEGAL:** Velasco Townsite

**ADDRESS:** 119 S. Gulf Boulevard, Freeport, TX **BLOCK 6 LOT 13 - 21**

**THE FOLLOWING REPORT WILL INFORM YOU OF THE CONDITIONS FOUND AT THE ABOVE LISTED PROPERTY.** A list of definitions is provided to assist you with the terminology used in the report.

**BUILDING OFFICIAL:** The Building Official appointed pursuant to the Standard Cod adopted by Section 150.025 of the Code of Ordinance.

**BUILDING:** A structure such as a house, garage/carport, storage shed, office or store, parking shelter and mechanical shelters.

**STRUCTURE:** That which is built or constructed.

**UNSAFE BUILDING:** Any building or structure that has any conditions, such that the life, health, or safety of its occupants and/or the general public is endangered.

**AN INSPECTION OF THE PROPERTY WAS MADE BY THE BUILDING OFFICIAL AND THE FOLLOWING DEFICIENCIES WERE FOUND AT THE TIME OF THE INSPECTION:**

- 1. Open structure: open/broken windows or doors.
- 2. Unstable structure: rotten, broken, and/or termite infested structural members such as beams, roof rafters, ceiling and joist, sills, top plates and studs.
- 3. Roof failure: roof leaking, sagging, missing all or part of roof.
- 4. Structural failure: collapse or threat of collapse concerning walls, beams, headers, floor and ceiling joist.
- 5. Foundation failure: breaking, cracking, moving, or settling of slab, pier, beam, or footing that has caused damage to the structure.



- 6. Absence of fixtures: sinks, lavatories, water closets.
- 7. Absence of plumbing: venting, water and waste lines missing or in need of repair
- 8. Absence of power distribution equipment: electrical service panel, breakers, Wiring, outlets, fixtures missing or in need of repair.
- 9. Building must be vacated within 30 days of receiving this notice.

Kola Olayiwola  
 Kola Olayiwola – Building Official, City of Freeport

12/1/2009  
 Date

\_\_\_\_\_  
 Signature of Code Enforcement Officer

\_\_\_\_\_  
 Date

**Repair or Demolish**  X

**Demolish Only** \_\_\_\_\_

**Non-Conforming**

**Front Setback**  N/A

**Side Setback**  N/A

**Rear Setback**  N/A

**Single Family House**  N/A

**Multi-Family House (Duplex)**

**Garage Apartment**  N/A

**Garage**  N/A

**Storage Building**

**RESIDENTIAL TAX ABATEMENT  
GUIDELINES AND CRITERIA**

**PROCEDURES**

**AND**

**APPLICATION**

**CITY OF FREEPORT, TEXAS**

**OUTLINE OF ACTIVITIES  
RESIDENTIAL TAX ABATEMENT**

**I. Application for Building Permit-No Developer**

- A.     Building official delivers statement of right to abatement to applicant for building permit**
- B.     Owner has Ninety (90) days to file application (with City Secretary)**
  
- C.     No response/no abatement**
  
- D.     Application filed with City Secretary who:**
  - 1.     Collects Seventy-Five Dollars (75.00) application fee**
  - 2.     Determines if in reinvestment zone**
  - 3.     If not, refers to City Council for creation with recommendation**
  - 4.     Reviews for Completeness (with Legal)**
  - 5.     Determines if satisfies guidelines and criteria (with Legal)**
  - 6.     Reviews fiscal impact - Improvements on tax rolls vs. utility construction by City (with City Manager)**
  - 7.     Reviews Community impact - consistency with comprehensive plan/any adverse impact (with City Manager)**
  - 8.     Reviews Economic feasibility (with City Manager)**
  - 9.     Reviews legal description (with legal)**
  - 10.    Obtains any needed additional information**
  - 11.    Meets with applicant to discuss project**
  
- E.     Contents of Documents**
  - 1.     Estimated value of modernization or new construction**
  - 2.     Percent of value to be abated each year**
  - 3.     Commencement/termination date of abatement**
  - 4.     Use of facility, construction schedule and plans, legal description**

**II. If Developer, refer to Planning and City Council**

## RESIDENTIAL TAX ABATEMENT

The City of Freeport may offer residential tax abatement as a stimulus for economic development in Freeport. The policy of the City is to consider residential tax abatement for new structures, the modernization of existing structures, and the development of new subdivisions within the City. The guidelines and criteria herein adopted shall expire Two (2) years from and after adoption. Nothing herein shall imply or suggest that the City be under any obligation to provide tax abatement to any applicant. All applicants shall be considered on a case-by-case basis.

### A. Definitions

1. *Base Year Value* means the assessed value of eligible property on January 1 Preceding the date of execution of the agreement.
2. *Developer* means a person, firm or corporation constructing one or more new structures in a subdivision for resale to third parties.
3. *Economic Life* means the replacement and upgrading of residential structures for Purposes of reconditioning or refurbishing.
4. *Modernization* means the replacement and upgrading of residential structures for purposes of reconditioning or refurbishing.
5. *New structure* means residential improvements made to a previously unimproved property that is placed into use by means other than modernization.
6. *Reinvestment Zone* means an area designated in accordance with the Act by the City of Freeport and may include all residentially zoned property in the City. Only property in a reinvestment zone may receive tax abatement.
7. *Residential improvements* means the construction of residential buildings(s), and all the appurtenances thereto, whether single-family, duplex or multi-family in purpose, and includes modernization and new structures.
8. *Subdivision* means the division of any tract into lots.
9. *Subdivision improvements* mean all improvements to real property required of the developer by City policy.
10. *Total facility* means all buildings and structures along with the appurtenances there to.

**B. ELIGIBILITY**

Residential improvements anywhere within the corporate limits of a value in excess of Five Thousand (\$5,000) may receive abatement. As provided, abatement may only be granted for the value of eligible property subsequent to and listed in an abatement agreement between the City and the property owner. Abatement will be granted for residential improvements only. Enhancement of real estate value resulting from residential subdivision improvements constructed within the corporate limits is eligible for tax abatement.

- 1. Upon determination that a tax abatement should be offered to the applicant, an abatement for residential improvement shall be for three (3) years only with One Hundred Percent (100%) of the value of such improvement being abated the first year, Seventy-Five Percent (75%) of such value the second year and Fifty Percent of such value the third year.**
- 2. For developer tax abatement, abatement may be extended to the value of subdivision improvements and the enhanced value of the real estate resulting there of.**
- 3. Upon determination that tax abatement should be offered to the applicant, the value and the terms of the abatement is variable up to Three (3) years and up to One Hundred Percent (100%) abatement.**

**C. CRITERIA**

**1.** Any request for tax abatement shall be reviewed by City staff, which may consider a request for abatement for property not presently located in a Reinvestment Zone. In such case the City staff will make a recommendation to the City Council concerning designation of the area as a Reinvestment Zone.

**2.** Any request for tax abatement shall be reviewed for Completeness. The City staff shall determine whether the application satisfies the guidelines and criteria and whether economic development incentives should be offered in each case. Tax abatement shall be based upon a objective evaluation of the following criteria which each applicant will be requested to address in narrative format:

- 1. *Fiscal Impact*** Addition of real property improvement to the tax rolls. No utility construction by the City would be required other than routine.
- 2. *Community Impact*** The project is comparable with the City's comprehensive plan. No adverse environmental impact will be created by the project.

#### **D. PROCEDURES**

**Any person, partnership, organization, corporation or other entity desiring that the City consider providing tax abatement to encourage location of residential improvements with the City limits of Freeport shall be required to comply with the following guidelines.**

**1. Preliminary Application Steps:**

**A. If the owner of real estate for which a building permit for residential improvements having a value in excess of \$5,000.00 is sought is not a developer, then the Building Official shall furnish to the applicant for such permit a written statement advising the owner of such real estate of such owner's right to apply for a residential tax abatement; and no building permit shall be issued unless and until such statement, signed and dated by the owner, is returned to the Building Official. Such owner shall, for a period of ninety (90) days from such date, have the right to apply to the City for residential tax abatement.**

**B. The failure of such owner to apply for residential tax abatement shall for such improvements within such period shall constitute a waiver of such right as to such owner and all subsequent owners of such real property.**

**C. The right to a residential tax abatement for individuals who purchase a new structure from a developer and the procedure for applying for the same shall be applying for the same shall be determined by the City Council at the time a plat of the subdivision in which such improvements are to located is presented for final approval.**

**D. An applicant for residential tax abatement may be required to provide substantiation of economic feasibility of the overall project to assist in determining the long term benefit to the City.**

**E. A complete legal description shall be provided to the City by the applicant.**

**1. The applicant shall complete all forms and furnish all information required by these guidelines before any applications for a residential tax abatement will be considered by the City Council.**

**2. All information in the application package detailed above will reviewed for completeness and accuracy. Additional information may be requested as needed.**

**3. The application shall include the total capital investment for real property improvements and type of project.**

**4. Proposed use of the facility, is in the City's corporate limits and is not a reinvestment zone, the City Council may propose an ordinance designating the Tax Reinvestment Zone and approving the terms for a percentage and duration of tax abatement.**



**5. The City will be responsible for drafting the proposed agreement pursuant to the approved Tax Abatement, as well as all associated documentation. All expenses, including legal fees, associated with the drafting of the document are to be paid by the applicant. The legal document is to include the following:**

- a. Estimated value of modernization or new construction to be abated.**
- b. Percent of value to be abated each year.**
- c. Commencement date and the termination date of the abatement.**
- d. Proposed use of the facility, nature of construction, time schedule, map, property description and improvements list as provided in the application.**
- e. Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture and administration.**

**TAX REINVESTMENT ZONE**  
**RESIDENTIAL APPLICATION**

**SECTION I**

Property Owner(s): Agustin & Mariisol Serrano

Mailing Address:

Telephone Number:

727 West 4th St. Freeport, TX 77541

Property Owner's Representative: 727 W. 4th - Renting

Mailing Address:

Telephone Number:

727 West 4th St. Freeport, TX 77541

Property Address (physical):

116 Paganstanding Court

Property Legal Description:

lot 17

(If metes and bounds, use attachment)

Located within: City of Freeport  Freeport ET

Description of Project:

See house plans - new house - sq ft. 2,720

Date of projected occupation of project/initiation of operations: 8-1-2010

estimate time to start

SECTION II

**Fiscal Impact:**

What is the value of real property improvements added to the tax rolls? \$ 120,000

What utility construction is required: Local Contractors

**Community Impact:**

Is the project compatible with the City's comprehensive plan? yes

What adverse environment impact will be created by the project: \_\_\_\_\_

New home

Date: 7/16/10

Applicant(s) Signature(s)

[Signature]  
230-8202

Agustin & Marisol Serrano  
1207 W. 5th St.  
Freeport, TX 77541

88-502-1131  
E2Shield™ Check  
Fraud Protection

1882

date 7/19/10

City of Freeport  
pay to the order of  
City of Freeport \$ 75.00  
Twenty-five dollars ~~00~~ XX dollars

INTERNATIONAL BANK OF COMMERCE  
BAY CITY BRANCH  
(979) 245-5781

for Tax abatement

[Signature] MP

⑆ 11310502518009582806⑆ 1882



Larry McDonald  
Mayor

Clan Cameron  
Councilmember  
Ward A

Jim Phillips  
Councilmember  
Ward B

Ron Wise  
Councilmember  
Ward C

Norma Moreno Garcia  
Councilmember/  
Mayor Pro Tem  
Ward D

PROPERTY MANAGEMENT

July 21, 2010

Jeff Pynes  
Chief Executive Officer  
City Manager

Jeff Pynes  
City Manager

re: Lots 10 thru 12, Block 52, Velasco Townsite  
420 South Avenue G  
Tax ID 8110-0509-000

Please place the following item on the August 2, 2010, City Council agenda:

Discuss / consider the sale of the City's interest in lots 10 thru 12, block 52,  
Velasco Townsite, known as 420 South Avenue G, Freeport Tx .

Copy of bid and plat attached.

This is a re-agenda item from July 19, 2010, to correct person making offer..

N C Hickey  
Property

attach

/s



BID ANALYSIS

Cause Number: 96T5556 Account Number: 8110-0509-000  
 Offer Amount: \$3,000.00 Value \$: \$6,260.00  
 Person Offering: **Baldemar Carmona** Adjudged Value\$: \$4,330.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	1986-2002	\$1,191.83
BCED	1986-2002	\$611.25
Brazosport ISD	1986-2002	\$3,514.91
BRHND	1986-2002	\$309.81
Brazosport College	1986-2002	\$224.25
Velasco Drainage	1986-2002	\$421.34
City of Freeport	1986-2002	\$2,731.02

Total \$9,004.41

Costs

Court Costs	\$682.00	Sheriff Fees	
Publication Fees	\$159.60	Research Fees	\$150.00
Ad Litem		Recording fee's	\$18.00
Liens			392.32

Total \$1,361.92

Post Judgement Information

Taxing Entity	Tax Year's	
BC	2003-2008	\$61.85
BCED	2003-2008	\$0.00
Brazosport ISD	2003-2008	\$219.43
BRHND	2003-2008	\$10.15
Brazosport College	2003-2008	\$15.95
Velasco Drainage	2003-2008	\$11.00
City of Freeport	2003-2008	\$108.32

Post Judgment Total \$426.70

Proposed Distribution

Offer Amount \$3,000.00 Costs + P & J \$1,788.62  
 Net to Distribute \$ \$1,211.38

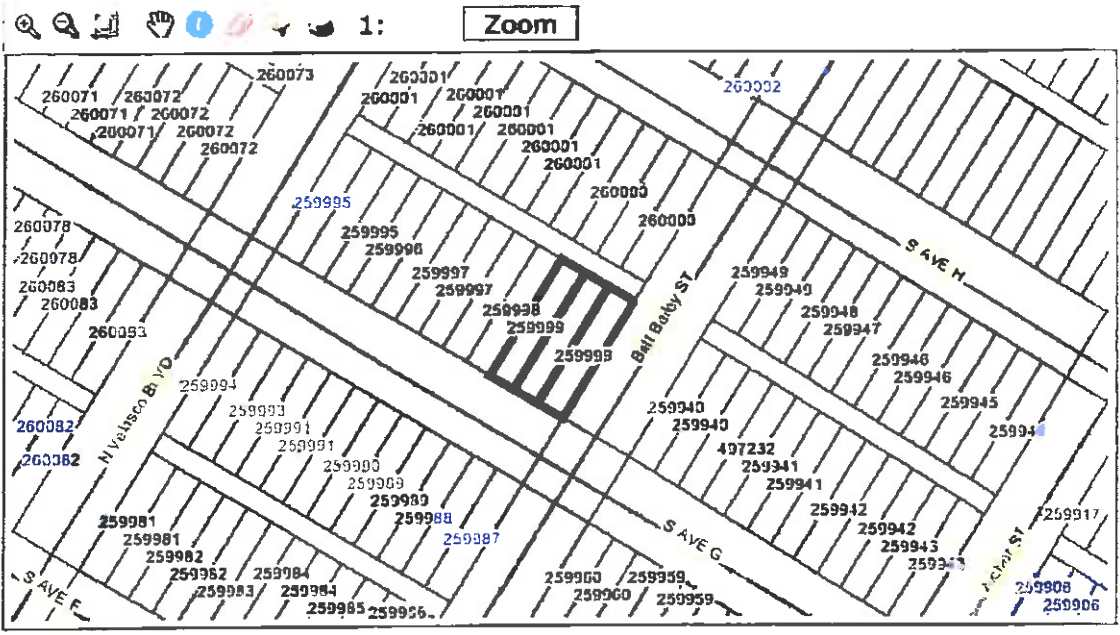
BC	13.24%	\$160.34
BCED	6.79%	\$82.23
Brazosport ISD	39.04%	\$472.87
BRHND	3.44%	\$41.68
Brazosport College	2.49%	\$30.17
Velasco Drainage	4.68%	\$56.68
City of Freeport	30.33%	\$367.41

Brazoria CAD

Property Search Results > Property ID 259999 CITY OF FREEPORT IN TRUST for Year 2010

Property Details

Account  
 Property ID: 259999  
 Geo. ID: 8110-0508-000  
 Type: Real  
 Legal Description: VELASCO (FREEPORT), BLOCK 52, LOT 10-11-12 (CAUSE NO 9875558)  
 Location  
 Address: 424 S AVE G FREEPORT,  
 Neighborhood: VELASCO  
 Mapscod:  
 Jurisdictions: CAD, CFP, DR2, GBC, JBB, NAV, RDB, SBR  
 Owner Name: CITY OF FREEPORT IN TRUST  
 Address: 200 W 2ND ST FREEPORT, TX 77541-5773



Property  
 Appraised Value: \$4,330

- Map Layers
- Radius Search

Website version: 1.2.2.0

Database last updated on: 4/15/2010 12:00 AM

© 2010 True Automation, Inc. All Rights Reserved. Privacy Notice

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

**AGENDA INFORMATION SHEET**  
**ITEM NO. 12**

**NOTICE OF 90-DAY SUSPENSION  
OF CENTERPOINT'S INTENT TO  
INCREASE RATES SUBMITTED ON  
OR ABOUT JUNE 30, 2010**

**BACKGROUND**

On June 30, 2010 CenterPoint Energy Houston Electric, LLC (CenterPoint) filed an application with the City and with the Public Utility Commission of Texas (PUCT) to increase its retail transmission and distribution rates by approximately \$76 million, and wholesale transmission rates by about \$18 million.

CenterPoint's proposed increase in base-rate revenue represents the following increases for the following major classes of customers:

<b>REVENUE CHANGES PER CUSTOMER CLASS</b>				
<b>Residential</b>	<b>Small Comm.</b>	<b>Large Comm.</b>	<b>Industrial</b>	<b>St. Lighting</b>
<b>+26.47%</b>	<b>+13.10%</b>	<b>-3.64%</b>	<b>-6.39%</b>	<b>+14%</b>

As part of CenterPoint's request, CenterPoint also requests approval of several rate riders, the more prominent of which is the "Rider DCRF" (distribution cost recovery factor).

The Rider DCRF is a mechanism that allows the Company to increase rates annually with minimal to no review of the underlying costs. The Company contends that this annual review process will (1) ensure more timely regulatory oversight over the Company's expenditures, (2) enhance the Company's ability to respond to regulatory initiatives, and (3) reduce the protracted and expensive rate proceedings that would otherwise result. However, the Rider DCRF will also severely minimize, if not eliminate, the regulator's ability to review the merits of the increases. In CenterPoint's application, the Company asserts that no review for reasonableness of expenditures should occur until a later time, and that approval of any changes under its proposed Rider DCRF are to be implemented within 90 days from the date of a request under that rate rider.

**TEXAS COAST UTILITIES COALITION OF CITIES**

The City has been an active participant in a coalition of cities referred to as the Texas Coast Utilities Coalition (TCUC) in regulatory matters before the PUCT regarding CenterPoint, and has been represented by the law firm of Herrera & Boyle, PLLC. Member cities of TCUC have been the Cities of Angleton, Baytown, Clute, Freeport, League City, Pearland, Shoreacres, West Columbia, and Wharton. Directions to counsel and regulatory consultants are accomplished through a Steering Committee for TCUC and are arrived at through consensus. Experts or

attorneys selected by TCUC are paid for by reimbursement from the affected utility pursuant to state law.

### **COMPLEXITY OF ISSUES REQUIRES SUSPENSION TO ALLOW MORE TIME FOR EVALUATION**

Under the Public Utility Regulatory Act (PURA), the earliest date that CenterPoint may *propose* to implement its proposed changes in rates is 35 days after the date it files its application with the City. However, in its application, CenterPoint did not identify a proposed effective date for its rates. Instead, CenterPoint waited until July 19, 2010 to identify a proposed effective date, and in a filing made at the Public Utility Commission, CenterPoint proposed August 6, 2010 as its effective date.

Also under the PURA, a city may suspend a utility's proposed effective date for a period of up to 90 days from the effective date the utility proposes. Thus, the suspension period will be 90 days from August 6, 2010. A suspension of 90 days from August 6, 2010, results in the suspension period ending on November 4, 2010.

### **RECOMMENDATION**

CenterPoint's application raises several complex ratemaking issues, including not only a request for a major increase in rates, but also a proposal to implement a new regulatory paradigm that is of questionable legality. In particular, CenterPoint's proposed Ride DCRF raises several legal, policy, and substantive issues that the PUCT may address on an expedited basis.

Therefore, in consultation with the law firm of Herrera & Boyle, it is recommended that the City suspend CenterPoint's proposed effective date of August 6, 2010 for 90 days, which results in the suspension period ending on November 4, 2010.



RESOLUTION NO. 2010-2240

**A RESOLUTION BY THE CITY OF \_\_\_\_\_,  
TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF  
CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC  
(CENTERPOINT) FOR AUTHORITY TO CHANGE RATES AND  
ADOPT CERTAIN RATE RIDERS; SUSPENDING  
CENTERPOINT'S PROPOSED EFFECTIVE DATE;  
DETERMINING THAT THE MEETING COMPLIED WITH THE  
TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER  
FINDINGS AND PROVISIONS RELATED TO THE SUBJECT;  
AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, on or about June 30, 2010, CenterPoint Energy Houston Electric, LLC (CenterPoint) filed with the City Secretary an application for authority to change rates and to adopt certain rate riders ("the application"); and

**WHEREAS**, on or about June 30, 2010, CenterPoint also filed a similar if not identical application with the Public Utility Commission of Texas ("PUCT" or "Commission"), which has been docketed as Docket No. 38339; and

**WHEREAS**, CenterPoint is requesting an increase in its retail transmission and distribution rates of approximately \$76 million, and wholesale transmission rates of about \$18 million; and

**WHEREAS**, as part of CenterPoint's application, CenterPoint also requests approval of several rate riders, including the "Rider DCRF" (distribution cost recovery factor); and

**WHEREAS**, CenterPoint's request for approval of its Rider DCRF and other riders raises several legal, policy, and substantive issues; and

**WHEREAS**, CenterPoint did not identify in its application a specific proposed effective date for its proposed changes in rates; and

**WHEREAS**, the earliest effective date CenterPoint may propose under the Public Utility Regulatory Act (PURA) is August 4, 2010, based on a filing date of June 30, 2010; and

**WHEREAS**, on July 19, 2010, CenterPoint notified the Public Utility Commission of Texas that CenterPoint intended to propose an effective date of August 6, 2010; and

**WHEREAS**, the City has been participating as a member of the Texas Coast Utilities Coalition of Cities (TCUC), a coalition of similarly situated municipalities; and

**WHEREAS**, the City has benefitted from its participation in the coalition through the sharing of costs and expertise; and

**WHEREAS**, given the complexity of determining the reasonableness of CenterPoint's current and proposed rates and proposed rate riders, a determination of the reasonableness of CenterPoint's application and its various proposed changes in rates cannot be made before expiration of August 6, 2010; and

**WHEREAS**, given the complexity of determining the reasonableness of CenterPoint's current and proposed rates and proposed rate riders, the City requires more time to carry out its duties as the local regulatory authority with exclusive original jurisdiction within the City;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, TEXAS THAT:**

**Section 1.** That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

**Section 2.** The City does hereby suspend the effective date of CenterPoint's proposed rate changes for a period of 90 days, which results in a suspension to November 4, 2010.

**Section 3.** The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 4.** This resolution shall be effective immediately upon passage.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**TO ALL PERSONS IN INTEREST, CITIZENS, CORPORATIONS, AND FIRMS, THEIR AGENTS AND ATTORNEYS, AND TO ALL PERSONS, FIRMS, AND CORPORATIONS OWNING ANY INTEREST IN [THE BELOW DESCRIBED LAND] OR ANY LAND LOCATED WITHIN TWO HUNDRED (200') FEET THEREOF AND TO ALL INHABITANTS AND LAND OWNERS OF AND IN THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS.**

**NOTICE**

**A joint public hearing will be held on Tuesday, the 7th day of September, 2010, at 6:00 o'clock p.m., central daylight savings time, at the Police Department Municipal Courtroom of the City of Freeport, Texas, located at 430 North Brazosport Boulevard, within the corporate limits of said city, in Brazoria County, Texas, at which time and place the City Council and the Planning Commission of said city will conduct a joint public hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance [and Map] of said city, codified as Chapter 155 of the Code of Ordinances of said City, granting to Capitol Telecom a specific use permit to erect and operate a 120 foot communication antennae on a 50 ft. by 50 ft. parcel of land out of Lot 1, Freeport Properties Subdivision, known locally as 1744 W. 4<sup>th</sup> St., within the corporate limits of said city.**

**BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,**  
**made on the 2nd day of August, 2010.**

---

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

**NOTE: This notice should be published in the Brazosport Facts ONE (1) time only at least fifteen (15) full days prior to the date of the public hearing. Also, a copy of this notice must be mailed at least ten (10) full days prior to the date of the public hearing to the owner(s) of the land for which a specific use permit is being sought and to the owners of all land within 200 feet thereof.**

**C:\Freeport.Zon\Capitol Telecom-Ntc**

**TO ALL PERSONS IN INTEREST, CITIZENS, CORPORATIONS, AND FIRMS, THEIR AGENTS AND ATTORNEYS, AND TO ALL PERSONS, FIRMS, AND CORPORATIONS OWNING ANY INTEREST IN THE BELOW DESCRIBED LAND OR ANY LAND LOCATED WITHIN TWO HUNDRED (200') FEET THEREOF AND TO ALL INHABITANTS AND LAND OWNERS OF AND IN THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS.**

**NOTICE**

**A joint public hearing will be held on Tuesday, the 7th day of September, 2010, at 6:00 o'clock p.m., central daylight savings time, at the Police Department Municipal Courtroom of the City of Freeport, Texas, located at 430 North Brazosport Boulevard, within the corporate limits of said city, in Brazoria County, Texas, at which time and place the City Council and the Planning Commission of said city will conduct a joint public hearing to consider granting to Abundant Life Church a specific use permit to operate a church on Lot 10 & SW/2 Lot 11, Block 600, Velasco Townsite, known locally as 606 N. Gulf Blvd., within the corporate limits of said city.**

**BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,  
made on the 2nd day of August, 2010.**

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

**NOTE: This notice should be published in the Brazosport Facts ONE (1) time only at least fifteen (15) full days prior to the date of the public hearing. Also, a copy of this notice must be mailed at least ten (10) full days prior to the date of the public hearing to the owner(s) of the land for which a specific use permit is being sought and to the owners of all land within 200 feet thereof.**



Larry McDonald  
Mayor

Michelle Kent  
Councilmember  
Ward A

Jim Phillips  
Councilmember  
Ward B

Nicole Mireles  
Councilmember  
Ward C

Norma Moreno Garcia  
Councilmember  
Mayor Pro Tem  
Ward D

Jeff Pynes  
Chief Executive Officer  
City Manager

## Professional Standards for Board and/or Commission Members

### I. Purpose:

The mission and values establishment for all boards and/or commissions are clear and concise. Furthermore, it is hereby understood by each appointed member of each authorized board and/or commission of the City of Freeport that it is equally important that board and/or commission members represent their position and the city at all times in a professional manner and treat each other and others with respect. This policy directive will be in effect for all boards and/or commissions authorized by the Freeport City Council to establish professional standards that all board and/or commission members will adhere to during the performance of their duties and/or as they represent their position.

### II. Obedience to Laws, Rules and Orders:

*Abide by Laws and Policies.* Members of any board and/or commission shall abide by the laws of the United States, the State of Texas, ordinances enacted by the City of Freeport and all administrative polices promulgated by the Freeport City Council.

*Obey Lawful Orders.* Members of boards and/or commissions shall obey all lawful orders and follow the rules of order to facilitate a professional, informative and efficient public meeting.

*Conflicting, Unjust or Unlawful Orders.* A member of a board and/or commission who experiences an order they believe to be unjust, contrary to the adopted rules of order or in conflict with a previous order will contact their council appointed representative / liaison for guidance and resolution.

### III. Attention to Duty:

*Responsibility to Serve.* When dealing with the public, members shall be courteous and respectful while facilitating a problem solving stature. They shall recognize the rights of others and perform their duties with honesty, zeal and professionalism. Members shall handle issues in an impartial manner and shall consider it their duty as a board to provide information or a recommendation to council, while also providing information to others concerned.

*Reporting for Meetings.* Members shall report for meetings, training or as otherwise directed by a properly posted agenda at the proper time and place. They shall not report for duty either mentally or physically unfit to carry out an assignment due to the use of any chemical substance, which includes illegal and prescribed drugs or any usage of a drug that will affect the judgment or physical condition while performing their duties.

### IV. Conduct and Behavior:

*Judgment and Discretion.* No member shall commit any act in an official or private capacity, which tends to bring reproach, discredit or embarrassment to the City of Freeport. Members are expected to act prudently and to exercise sound judgment at all times.

*Abuse of Office.* Members shall not use their official position to solicit any type of special privilege for any person. Special privileges include the acceptance of gifts from any person or entity when such acceptance would reasonably lead to a perception of favoritism toward the person or entity. Members shall not use their official position to influence, intimidate and/or solicit any person or business for the personal gain, benefit or acceptance of gratuities of themselves or any other person. Members shall not unnecessarily interfere in the lawful private business of any person or entity, nor commit any act of oppression, injustice, or willful wrong against any person or entity.

*Truthfulness.* Members shall not make false, untrue or misleading verbal or written statements. Any statement or omission of pertinent information which intentionally, knowingly, or recklessly misrepresents facts or misleads others will be considered a false statement.

*Political Activity.* Members of boards and/or commissions are prohibited from participation in political events and/or campaigns while in the performance of their duties and/or while representing their position.

*Respect for Others.* Members shall treat each other and others with respect. They shall not direct threatening or insulting language toward one another. They shall not spread scandalous stories about one another. Members shall be courteous and respectful to all.

*Disruptive Activities.* Members shall not perform any actions which tend to disrupt the performance of their board and/or commission. Members shall not make disparaging remarks regarding the city, their board and/or commission or any other person or board or commission during the performance of their duties or while formally or informally representing their position within the city.

*Use of Alcohol.* Members shall not consume or be under the influence of any alcoholic beverages during the performance of their official duties.

*Use of Tobacco.* Members shall not smoke in the performance of their duties or while engaged in direct contact with or service to the public. Members shall not smoke in any city building or city vehicle.

*Use of Confidential and/or Privileged Information.* Board and/or commission information will only be used for legitimate purposes.

#### **V. Council Appointed Liaison Responsibilities:**

*The appointed liaison will in effect perform the oversight management type duties to ensure the board and/or commission performs its mission and adheres to proper, orderly, efficient and professional meetings.*

*The liaison will address and resolve issues of conflict and/or understanding.*

*Violations of the policies and/or other duties and expectations will be addressed and resolved based on sustained violations and the egregiousness of the violation.*

