

City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
TUESDAY, SEPTEMBER 2, 2008, 6:00 P.M.
MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 N. BRAZOSPORT BLVD.
AGENDA
FORMAL SESSION

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of the approval of the August 18, 2008 Council Minutes.
Pg. 1241-1246
5. Attending Citizens and Their Business.
6. **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 granting to Emma S. Covarrubias as specific use permit to operate a liquor store at 517 West 2nd Street within the corporate limits of said City, being Block 78, Lot 4 of the Freeport Townsite.
Pg. 1247-1247B
7. Consideration of the approval of Ordinance No. 2008-2206 amending the budget for fiscal year 2007-2008. Pg. 1248-1252
8. Consideration of the approval of Ordinance No. 2008-2207 removing the requirement for clearance prior to reconnecting whenever electrical service to any building or structure has been disconnected. Pg. 1253-1254B
9. Consideration of the approval of a bid to purchase and authorize preparation of a deed on Block 661, Lot 1 through 12 and Lots 13 through 24, Velasco Townsite, Freeport Texas. Pg. 1255-1259C

Elected Official Report

Work Session

Administration Report

- A. Discussion regarding purchasing a backup generator for the Central Lift Station.
Pg. 1260-1267
- B. Discussion regarding a representative to the Brazosport Water Authority.

Adjourn

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

This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code)

In compliance with the American with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meetings. Please contact the City Secretary office at 979.233.3526.

I, Delia Muñoz, City Secretary, City of Freeport, Texas, hereby certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hour a day public access, 200 W. 2nd Street, Freeport, Texas, on August 28th, 2008 at or before 5:00 p.m.

Delia Muñoz
City Secretary

State of Texas

Brazoria County

City of Freeport

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, August 18th, 2008 at 6:00 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council:

Larry L McDonald
Clan A. Cameron
Jim Saccomanno
Ron Wise
Norma M. Garcia

Staff:

Gary Beverly, City Manager
Wallace Shaw, City Attorney
Delia Munoz, City Secretary
Larry Fansher, Public Works Director
John Stanford, Fire Chief
Jeff Pynes, Police Chief
Nat Hickey, Property Manager
Mary Stotler, Main Street Director
Pinkey Hartline, Golf Course Director
Bob Welch, Finance Director

Visitors:

Louie Jones	Willie Rains
Pixie Floyd	Lila Lloyd
Bobby Bass	Grady Pennington
Tobey Davenport	Mary Darnell
Jim Pirrung	Dorothy Pirrung
Fai Demain	Bill Demain
Mary Darnell	Janice Goines
Rene Damian	Ron Damian
Kenny Kouches	Mike Jones
Brenda Laird	Edna Allan
Lucky Gilbert	Bobby Casale
Melanie Oldham	Joyce Adkins
Judy Shaefer	Larry Shaefer
Wright Gore, III	Jerry Meeks
Lila Diehl	Eric Hayes
Rosa McDonald	Susie Wise
Mark Wessels	Kimmy Wessels
Michelle Kent	Sandra Barbree
Sandra Leavey	Sandra W. Wicke

Loren Hayes
Chris Moore

Phyllis Saathoff
Eileen Koenig

Call to Order.

The meeting was called to order by McDonald at 6:00 p.m.

Invocation by Chris Moore of the Velasco Baptist Church.

Chris Moore offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of the approval of the August 11, 2008 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved the August 11, 2008 council minutes.

Attending Citizens and Their Business.

Chris Moore of 1867 Acacia Circle thanked Councilwoman Garcia and the Park Department for the Exporters Kick Rally at River Place. He announced a new program called "Celebrate Recovery Program" at Texas Port Ministry on Cherry Street. It starts Tuesday night and costs \$20.00 for books, for more information please call him at 236-2034.

Bobby Casale asked Melanie Oldham to update Council on the contamination of the Golf Course. He disapproved of the recent ad in the newspaper, promoting the Golf Course.

Melanie Oldham advocate for Public Health and Environmental reservation collected vital information about the contamination on the Golf Course. She had documentation from the state that showed areas at the Golf Course with high levels of benzene. She passed out information to Council to let them draw their own conclusion.

Lucky Gilbert spoke on behalf of Main Street. He thanked the Council for their public service to the City. He discussed the rumors going around about Mary Stotler and Main Street. He said that Main Street has grants to approve and eventually will have the money to match the grants. The Summer Time Blue festival is progressively growing.

Consideration of the approval of rescheduling September 1, 2008, Council Meeting to September 2, 2008 due to Labor Day holiday.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved rescheduling September 1, 2008 Council Meeting to September 2, 2008 due to the Labor Day holiday.

Consideration of the approval of an Interlocal Agreement with Brazoria County and the City of Freeport regarding the West off Ramp at FM1495 and the Pine

On a motion by Councilwoman Garcia, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved to table this item to collect more data on the cost of the project and getting commitments from the participants.

At this time, Mr. Mr. Shaw noticed that the Economic Development Corporation had a quorum present: Bobby Casale, Clan Cameron, Lila Diehl, and Bill Rains of the Economic Development Corporation were present at the Council Meeting, and asked one member to be excused from the meeting. Bill Rains excused himself from the Council Chambers.

Consideration of the approval of a request from Port Freeport to place a natural gas pipeline within the City's 20-foot sewer easement behind Block(s) 8, 9, 23 and 24, and within the Terminal Street right-of-way from its southern end northward to about the intersection with the East Fifth Street right-of-way.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Phyllis Saathoff, Port Managing Director request to place a natural gas pipeline within the City's 20-foot sewer easement behind Block(s) 8, 9, 23 and 24, and within the Terminal Street right-of-way from its southern end northward to about the intersection with the East Fifth Street right-of-way.

Consideration of the approval of selling the City's interest in 1/5 undivided interest on Block 13, Lots 9 through 12, Velasco Townsite, known as South Ave.B, Tax Id # 8110-0164-000.

On a motion by Councilman Cameron, seconded by Mayor McDonald, with all present voting 4 to 1, Council approved selling the City's interest in 1/5 undivided interest on Block 13, Lots 9 through 12, Velasco Townsite, known as South Ave.B, Tax Id # 8110-0164-000. Councilwoman Garcia opposed.

Consideration of the approval of selling the City's interest on Block 781, Lots 14 through 22, Velasco Townsite, known as North Ave. T, Tax Id 8110-3915-000.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved selling the City's interest on Block 781, Lots 14 through 22, Velasco Townsite, known as North Ave. T, Tax Id 8110-3915-000.

Consideration of the approval of selling the City's interest on Block 627, Lots 23, 24, Velasco Townsite, known as North Ave. D., Tax Id # 8110-2260-000.

On a motion by Councilman Cameron, seconded by Mayor McDonald, with all present voting 4 to 1, Council approved selling the City's interest on Block 627, Lots 23, 24,

Velasco Townsite, known as North Ave. D., Tax Id # 8110-2260-000. Councilwoman Garcia opposed.

Consideration of the approval of selling the City's interest on Block 36, Lots 13, 14, Velasco Townsite, known as South Ave. D., Tax Id # 8110-0397-000.

On a motion by Councilwoman Garcia, seconded by Councilman Wise, with all present voting 4 to 1, Council declined the offer to sell the City's interest on Block 36, Lots 13, 14, Velasco Townsite, known as South Ave. D., Tax Id # 8110-0397-000. Councilman Cameron opposed.

Consideration of the approval of selling the City's interest in 1/6 und. interest on Block 694, Lot 15, Velasco Townsite, known as North Ave. N., Tax Id # 8110-2896-110.

On a motion by Councilwoman Garcia, seconded by Councilman Saccomanno, with all present voting 2 to 3, Council declined the offer to sell the City's interest in 1/6 und. interest on Block 694, Lot 15, Velasco Townsite, known as North Ave. N., Tax Id # 8110-2896-110. Councilman Wise, Councilman Cameron, and Mayor McDonald opposed.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 3 to 2, Council approved selling the City's interest in 1/6 und. interest on Block 694, Lot 15, Velasco Townsite, known as North Ave. N., Tax Id # 8110-2896-110. Councilman Saccomanno and Councilwoman Garcia opposed.

Consideration of the approval of selling the City's interest Block D, Lots 18-N/2, 19, Velasco Heights, known as 1914 Zapata, Tax ID # 8115-0052-000.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting 4 to 1, Council approved selling the City's interest Block D, Lots 18-N/2, 19, Velasco Heights, known as 1914 Zapata, Tax ID # 8115-0052-000. Councilman Saccomanno opposed.

Consideration of the approval of selling the City's interest on Block 36, Lots 9, 10, 12, Velasco Townsite, known as South Ave. B., Tax ID # 8110-0394-000.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved selling the City's interest on Block 36, Lots 9, 10, 12, Velasco Townsite, known as South Ave. B., Tax ID # 8110-0394-000.

Consideration of the approval of allowing the Fraternal Order of Eagles # 3111 to have their annual Turkey Shoot starting in October and ending in December 2008 at 6818 Hwy. 332.

On a motion by Councilwoman Garcia, seconded by Mayor McDonald, with all present voting "aye", Council unanimously approved the request of the Fraternal Order of Eagles # 3111 to have their annual Turkey Shoot starting in October and ending in December

2008 at 6818 Hwy. 332 East. President Metzroth stated that last year \$3,500 had been raised for 38 families for Christmas baskets.

Consideration of the approval of setting dates for Public Hearings on budget and vote by governing body to propose a tax increase for fiscal year 2008-2009.

- September 8, 2008 Public Hearing on Budget
Adopt budget by ordinance
Public Hearing (1st) on Tax Rate
- September 15, 2008 Public Hearing (2nd) on Tax Rate
- September 22, 2008 Adopt Tax Rate Ordinance

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting “aye”, Council unanimously approved the dates for the Public Hearings.

By a record vote such motion is duly adopted, the record vote being:

The following motion was made by Councilman Wise: “I Councilman Wise purpose a tax increase of 3.5% above the effective rate based on a total rate of .710000. Seconded by Councilman Saccomanno, with all present voting, Council approved the proposed tax increase of 3.5% above the effective rate based on a total rate of .710000 for fiscal year 2008-2009, the record vote being:

Aye: Mayor Larry L. McDonald
Councilman Saccomanno
Councilman Wise
Councilwoman Garcia

Nay: Councilman Clan Cameron

Consideration of the approval of using Kennemer, Masters & Lunford as our audit firm for fiscal year 2007-2008.

On a motion by Councilman Saccomanno, seconded by Councilman Wise, with all present voting 4 to 1, Council approved using Kennemer, Masters & Lunford as our audit firm for fiscal year 2007-2008. Councilman Cameron opposed.

Elected Official Report

Councilman Saccomanno reported that Senior Citizens had Nola Copus, Executive Director of Freeport’s Brazosport Medical Center speak at their meeting. They are planning a trip to Schulenburg to visit historical churches.

Work Session

Administration Report

No Report.

Discussion regarding Freeport Historical Board & Main Street Advisory Board operations.

Mr. Shaefer discussed poor minutes and failure to disclose how dollars are being spent. He attended a Main Street meeting and has seen good improvements.

Mrs. Floyd addressed Mr. Shaefer as to what he wanted and felt that he was questioning the character of the board members. She said that Mary Stotler was the best director they have had. She was a person of high morals, honest and focused on her job.

Councilman Saccomanno said that in the past there was a real struggle for good volunteers and Mary Stotler had turned it around. He commended her for that.

Sandra Barbee and Sandra Leavey said that Mary Stotler was a very knowledgeable person and was a very good director and doing a good job.

Bobby Casale suggested having a tape recorder for accuracy account.

Mayor McDonald closed the Work Session and opened the Executive Session at 8:15 p.m.

Executive Session

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:

Main Street Director

No action taken.

Mayor McDonald reconvened the meeting in open session at 9:13 p.m.

Adjourn

On a motion by Councilman Saccomanno, seconded by Councilman Cameron, with all present voting "aye", the meeting was adjourned at 9:13 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor

City of Freeport
Building Department
Phone: 979-233-3526

For Office Use Only

Case Number:
Date Filed: 7-23-08
P & Z Date: 7-28-08
Council Date:

**Application for
Specific Use Permit**

1. Address or general location of site: 517 West 2nd Street Freeport, TX. 77541

Subdivision	Block	Lots	Acres
	<u>78</u>	<u>4</u>	<u>0.1607</u>

3. Current Zoning Classification: Commercial

4. Proposed use of the site (please be specific): Propose use of the lot located at 517 West 2nd Street Freeport, TX. For the new location of Friends Liquors & Wines.

5. Reason for requesting a specific use permit We request a specific use Permit to construct a new building at 517 West 2nd Street to become the new location of Friends Liquor & Wines currently located at 511 West 2nd Street Freeport, TX.

I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application. The application fee of \$150.00, to cover the cost of this specific use permit application, has been paid to the City of Freeport on _____, 20___. I also certify that I have been informed and understand the regulations regarding specific use permits as specified in the Zoning Ordinance of the City of Freeport. I understand it is necessary for me or my authorized agent to be present at both the Planning and Zoning Commission and the City Council public hearings.

Owner's signature: Emma S. Covarrubias

Owners name: Emma S. Covarrubias

Address: 7724 FM 1459

City, State, Zip: Sweeny, TX. 77480 Phone: (979) 548-3038

In lieu of representing this request myself as owner of the subject property, I hereby authorize the person designated below, to act in the capacity as my agent for the application, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person with the city (and vice versa) in processing and responding to requirements, information or issues relative to this request.

Emma S. Covarrubias
Signature of Owner

Emma S. Covarrubias
Name printed or typed

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.

N O T I C E

A joint public hearing will be held on Tuesday, the 2nd day of September, 2008, 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 granting to Emma S. Covarrubias a specific use permit to operate a liquor store at 517 West Second Street, within the corporate limits of said city, being Lot 4, Block 78 of the Freeport Townsite, according to the map or plat recorded in Volume 2, page 95 of the Plat Records of said county.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, made on the 11th day of August, 2008.

Delia Muñoz, 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.

ORDINANCE NO. 2006-2206

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACTS; AMENDING THE BUDGET FOR THE FISCAL YEAR 2007-2008; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, pursuant to the provisions of Subsection (a) of Section 102.007 of Chapter 102 of the Local Government Code and the provisions of Article 9 of the Home Rule Charter of the City of Freeport (hereinafter sometimes "the City"), the budget for the 2007-2008 fiscal year of the City was finally approved by the City Council, being the governing body thereof, by its Ordinance No.2007-2173-B, read, passed and adopted on the 10th day of September, 2007, (hereinafter sometimes "the Budget"); and,

WHEREAS, Subsection (b) of Section 102.009 of the Local Government Code provides that, after final approval of the budget, the governing body of a municipality may spend municipal funds only in strict compliance with the budget, except in an emergency, but Section 102.010 of said Code provides that the provisions of Chapter 102 thereof do not prevent the governing body of such municipality from making changes in the budget for municipal purposes; and

WHEREAS, Subsection (c) of Section 102.009 of said Code provides that the governing body of a municipality may authorize an expenditure as an amendment to the original budget only in the case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention; and,

WHEREAS, Section 9.16 of the City's Home Rule Charter provides that the budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the City Council; and,

WHEREAS, the adoption of this ordinance and the amendment of the Budget is necessary for and in the best interest of the health, safety and general welfare of the inhabitants of the City.

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

SECTION ONE (1): FINDINGS OF FACT

In connection with the amendment and revision of the Budget, the City Council of the City makes the following findings:

- (1) The amendments and revisions set forth in the Budget were the result of numerous public workshop meetings called and conducted in the manner required by the Texas Open Meetings Act, codified as Chapter 551, Government Code.
- (2) A public hearing was held on the Budget on September 10, 2007, and conducted in the manner required by Section 102.006 of the Local Government Code and the City's Home Rule Charter.
- (3) Notice of such public hearing was published in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City in the manner and time required by Chapter 102 of said Code and the City's Home Rule Charter.
- (4) A grave public necessity exists and to meet an unusual and unforeseen conditions that could not have been included in the original budget through the use of reasonably diligent thought and attention and the Budget must be amended and revised with respect of the new or additional expenditures set forth in Exhibit "A" attached hereto and made a part hereof, such unusual and unforeseen conditions also being set forth in said Exhibit "A".

(5) The proposed changes are set forth in Exhibit "A" attached hereto and made a part hereof.

(6) All of the changes set forth in Exhibit "A" are for municipal purposes.

(7) The several amounts stated in Exhibit "A" as the amended or revised expenditures are hereby appropriated to and for the objects and purposes therein named.

(8) The contingent appropriations, as amended and revised in said Exhibit "A", do not exceed three (3%) percent of the total amended and revised budget appropriations reflected therein.

(9) The amended and revised expenditures of the general fund and the debt service fund contained in the Budget, as amended by said Exhibit "A", do not exceed the resources of each fund, as amended and revised.

SECTION ONE (2):

The existing budget of the City of Freeport, Texas, for the fiscal year 2007 -2008 is hereby amended and revised as reflected in said Exhibit "A".

SECTION THREE (3):

As required by Subsections (c) and (d) of Section 102.009 of the Local Government Code, upon the passage and adoption of this ordinance, the amended and revised budget adopted hereby shall be filed with the City Secretary of the City to be maintained in the official records of the City, and a certified copy of this ordinance, with Exhibit "A" attached thereto, shall be filed by the City Secretary with the County Clerk of Brazoria County, Texas, and the State Comptroller of Public Accounts for the State of Texas.

SECTION FOUR (4):

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

SECTION FIVE (5):

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

SECTION SIX (6):

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

READ, PASSED AND ADOPTED this _____ day of July, 2008.

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

ATTEST:

Dalia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:



Wallace Shaw, City Attorney,
City of Freeport, Texas



200 West 2nd Street
 Freeport, TX 77541
 PH: (979) 233-3526
 FX: (979) 373-0113

Council

MEMORANDUM

To: Mayor and Council
 From: Bob Welch
 Re: Request for Amendment of Budgeted Funds
 Date: August 26, 2008

We are requesting the following amendments to the 2007-2008 Budget:

BUDGET AMENDMENTS	ACCT#	ACCOUNT DESCRIPTION	BUDGET AMENDMENTS	
			DEBITS	CREDITS
1 Capital Purchase	63 410-899	Capital Outlay	3,000,000	
	62 410-899	Capital Outlay		3,000,000
<i>Move Budgeted Funds From Fund 62 To Fund 63</i>				

SUMMARY EFFECT ON GOVERNMENTAL FUNDS:

BUDGET ADJUSTMENTS	ACCT#		CURRENT BUDGET	BUDGET AMEND	AMENDED BUDGET
Capital Outlay	62 410-899	Capital Outlay	3,000,000	-3,000,000	0
Capital Outlay	63 410-899	Capital Outlay	0	3,000,000	3,000,000
			3,000,000	-3,000,000	0
Net effect on Fund Balance:					\$0

ORDINANCE NO. 2008-2207

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING DIVISION (A) OF SECTION 151.28 OF THE CODE OF ORDINANCES OF SAID CITY TO REMOVE THE REQUIREMENT FOR CLEARANCE PRIOR TO RECONNECTING WHENEVER ELECTRICAL SERVICE TO ANY BUILDING OR STRUCTURE HAS BEEN DISCONNECTED; CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THIS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, by amendment of Section 151.01 of its Code of Ordinances, the City Council of the City of Freeport, Texas ("the City"), in response to Subsection (a) of Section 214.214 of the Local Government Code, heretofore adopted the National Electrical Code, 2003 Edition; and,

WHEREAS, Subsection (b) of said Section 214.214 authorizes the adoption of local amendments to said National Electrical Code, which are presently found in Sections 151.02, et seq., of said Code of Ordinances;

WHEREAS, Item (6) of Subsection (e) of the Home Rule Charter of the City empowers and gives to the Planning Commission of the City the duty of compiling and recommending to the City Council for adoption, among other things, a code containing minimum standards for wiring; and,

WHEREAS, the Planning Commission has by approving this ordinance at its meeting held on August 26, 2008, of which due notice was given as required by the Texas Open Meeting Act and at which at least a quorum of the members of said commission attended, recommended the adoption of this ordinance; and,

WHEREAS, the City Council of the City is of the opinion and finds that the adoption of this ordinance is necessary to the health, safety and welfare of the inhabitants of the City.

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

First, the findings of facts contained in the preamble of this ordinance are found to be true and correct.

Second, Division (A) of Section 152.28 of the Code of Ordinances of the City is hereby amended to read as follows:

“(A) It shall be unlawful for any electrical supply agency operating in the city to furnish current to any new building, tent, structure, or outdoor wiring of any kind, nature or description, without first obtaining a clearance from the Electric Inspector, stating that such wiring is approved and a permit has been issued for the use of current. On all commercial buildings which are vacated the electric supply agency shall remove their meter and not reinstall the meter until the Electric Inspector shall inspect the building and issue a permit.”

Third, Second, no offense committed and no fine, forfeiture or penalty incurred prior to the effective date of this ordinance is to be affected by the adoption of this ordinance but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this ordinance had not been adopted; and nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Fourth, this ordinance is cumulative of and in addition to all other ordinances of the City of Freeport, Texas, on the same subject and all such other ordinances are hereby expressly saved from repeal; and where this ordinance conflicts or overlaps with any other ordinances of the City, this ordinance shall prevail.

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

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

READ, PASSED and ADOPTED this ____ day of _____, 2008.

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.Tec\TechCd16.Ord

PROPERTY MANAGEMENT
MEMO

August 27, 2008

Gary Beverly
City Manager

re: Lots 1-11, Block 661, Velasco Townsite
902-922 North Ave G
Lot 12, Block 661, Velasco Townsite
924 North Ave G
Lots 13-24, Velasco Townsite
901-912 North Avenue H

Please place the following items on the September 2, 2008, City Council agenda:

Discuss / consider the sale of lots 1 thru 12 North Ave G and
lots 13 thru 24, North Avenue H, Velasco Townsite

These properties were advertised for bid on July 14 and 21, 2008. One bid was received from
Brenda S Salinas, 6947 Everhart Rd, #501, Corpus Christi, Tx, in the amount of \$10,000.



N C Hickey
Property

/s



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

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

PROPERTY MANAGEMENT MEMO

Council Agenda Date: September 2, 2008
Agenda item: 9

Legal Description: Lots 1-24, Block 661, Velasco Townsite
Street Address: 902-924 North Ave G (un-improved)
910-912 North Ave H (un-improved)

Between: Perry & Quintana Streets

Type of Property: City owned
Sheriff Sale Date: N/A
Sheriff Deed Number: N/A

Years Taxes Delinquent: N/A
Taxes extinguished by Sheriff Sale: \$N/A

Appraisal District Value: \$24,000.00
Offer by: Brenda S Salinas \$10,000.00
Court Cost & Post Judgment: \$N/A

Amount Left to Distribute: \$N/A
Distribution Amount to Freeport: \$N/A

Property Recommendation: Pleasure of Council

Action: Accept Offer
 Reject Offer
 Re-agenda

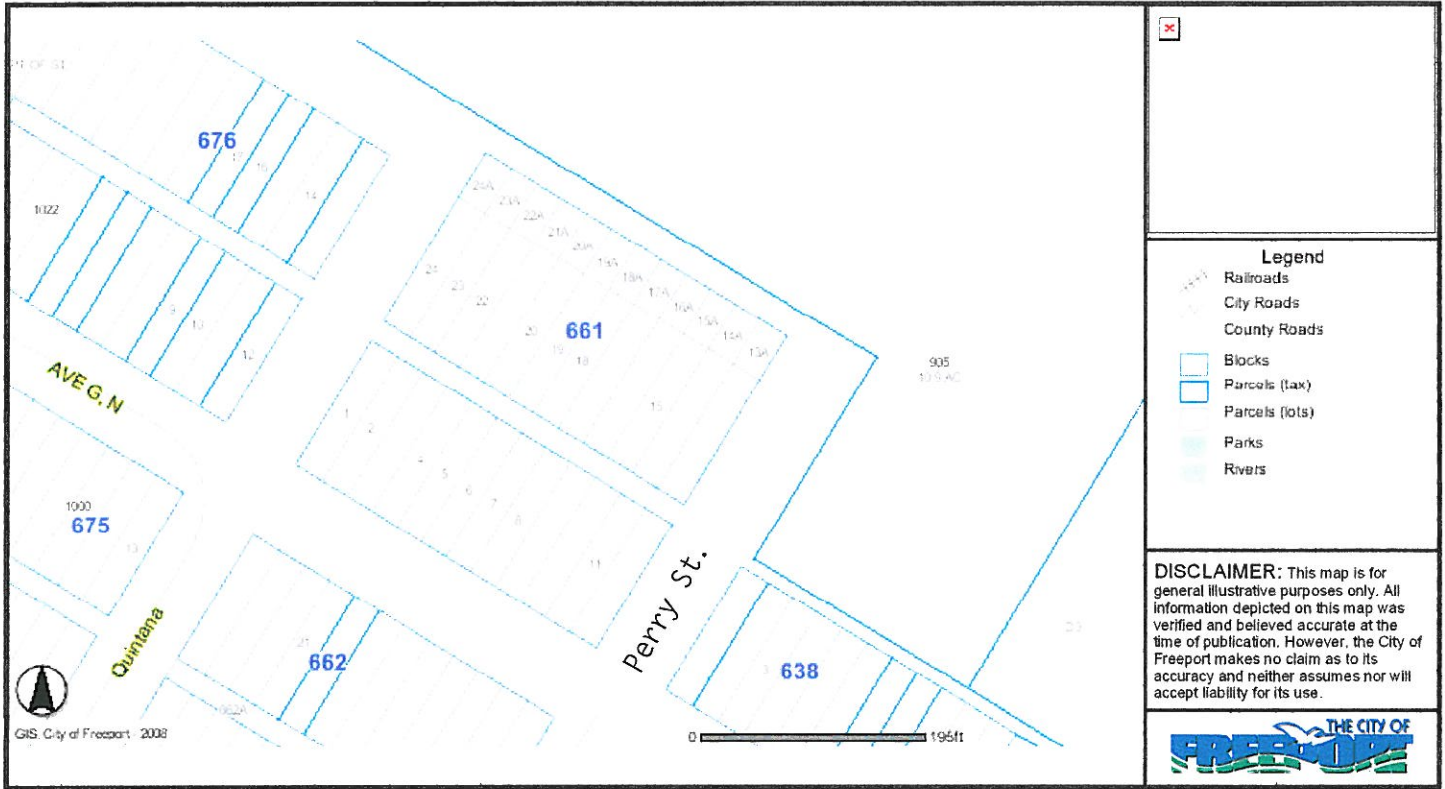
COMMENTS:

Advertised for sale July 14 and July 21, 2008 - Brazosport Facts. 1 bid received.

Motion by _____ Second _____ Vote _____

Trust sale-Council action

Block 661 Lots 1-24



INVITATION TO BID

NOTICE IS HEREBY GIVEN that the City of Freeport, Texas, is interested in selling the following described land, according to the below mentioned specifications:

**Lots 1 through 12 and Lots 13 through 24, Block 661,
Velasco Townsite of the City of Freeport, Brazoria
County, Texas.**

SEALED BIDS OR PROPOSALS addressed to the City Manager labeled "Real Property Bid" by any person, firm or corporation desiring to buy the same will be received at the office of the City's Property Manager located at 200 W. 2nd St., Freeport, Brazoria County, Texas 77541, during normal business hours until 2:00 o'clock, p.m., on August 4, 2008, on which day, beginning at 2:00 o'clock, p.m., all such bids or proposals will be opened and publicly read aloud. Any bid received after 2:00 p.m. on such date will be returned unopened.

The City Council has set a **MINIMUM BID** of \$24,000.00 for Lots 1 through 12 and of \$24,000.00 for Lots 13 through 24. Each group of lots must be bid separately and bids on individual lots will not be accepted.

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

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

BY ORDER OF THE CITY COUNCIL of the City of Freeport, Texas, made the 7th day of July, 2008.

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

NOTE: Publish twice on two separate days, the first publication to be more than 14 days before date on which the bids are to be opened and read aloud.

BID SPECIFICATIONS FOR SALE OF REAL PROPERTY

1. Any conveyance will be by "special warranty" deed, i.e. the City will bind itself, its successors and assigns, to Warrant and Forever Defend all and singular the title of said premises unto the successful Bidder, its, her, his or their heirs or successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof by, through and under the City but not otherwise. Such conveyance shall be prepared by the City Attorney and the Bidder shall reimburse the City for the fee paid to the City Attorney. The Bidder is hereby informed that, in providing such services, the City Attorney represents only the City and not the Bidder and that, if the Bidder desires to be represented, the Bidder must obtain the services of his, her, it or their own attorney.

2. Such deed shall further provide that, notwithstanding any provision therein to the contrary, the City makes no warranty of any nature or kind, whether statutory, express or implied, with respect to the physical condition of the real property which is the subject of this sale and the improvements, if any, thereon, and by the acceptance of such special warranty deed, the successful Bidder accepts such property and any improvements thereby conveyed "AS IS", "WHERE IS", "WITH ALL FAULTS and without any representations or warranties by the City (except its special warranty of title as expressly set forth above).

3. Such deed shall further provide that is it made and accepted subject to any and all valid and subsisting easements, rights-of-way, conditions, exceptions, reservations, restrictions, covenants and other encumbrances properly of record affecting the title to the property thereby conveyed, including any existing or future easements for drainage structures or utility lines, cables, poles and mains designated in such deed as reserved.

4. If the real property being offered for sale is unimproved and may be used for residential purposes, the CITY hereby states that, to the best of the CITY'S belief and knowledge as of the date such property is be offered for sale, the following is the only information known to the CITY regarding the location of any transportation pipeline, including a pipeline for the transportation of natural gas, natural gas liquids, synthetic gas, liquefied petroleum gas, petroleum or a petroleum product, or a hazardous substance: NONE.

5. Such deed shall state that the successful Bidder ACKNOWLEDGES THAT THE CITY HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES (OTHER THAN WARRANTY OF TITLE AS PROVIDED ABOVE), PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESSED OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY BEING CONVEYED, INCLUDING WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED THEREFROM, © THE SUITABILITY THEREOF FOR ANY AND ALL ACTIVITIES AND USES WHICH BUYER MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY SUCH PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS, OR NAY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS OF SUCH PROPERTY FOR A PARTICULAR PURPOSE, (F) THE MANNER OR QUALITY OF CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO SUCH PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF SUCH PROPERTY, (H) ANY OTHER MATTER WITH RESPECT TO SUCH PROPERTY, AND SPECIFICALLY, THAT THE CITY HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, OR THE DISPOSAL OR EXISTENCE IN OR ON SUCH PROPERTY OF ANY HAZARDOUS SUBSTANCE, AS DEFINED BY THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980, AS AMENDED, AND REGULATIONS PROMULGATED THEREUNDER.

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

7. Bidder is hereby advised of the right of Bidder and at the expense of Bidder to obtain a POLICY OF TITLE INSURANCE or have an ABSTRACT OF TITLE to the property being offered for sale EXAMINED by an attorney selected by Bidder.

8. Closing costs shall be paid by the successful Bidder.

9. Taxes, if any, will be prorated to date of such deed.

10. The City Council has set a MINIMUM BID of \$24,000.00 for Lots 1 through 12 and of \$24,000.00 for Lots 13 through 24. Each group of lots must be bid separately and bids on individual lots will not be accepted.

Copy received _____, 2008.

(Signature)

(Name Printed)

(Mailing Address)

(Telephone)



Council

MEMORANDUM

To: Mayor and City Council

From: Gary Beverly

Re: Central Lift Station Backup Generator

Date: September 2, 2008

Attached you will find a letter from Veolia Water concerning the latest TCEQ inspection of our water and sewer system. In this inspection they cited “no backup generators” as areas to be addressed.

In the 2008-2009 Budget I presented to Council, I earmarked funds to address general water & sewer needs, which we could use. If we want to keep the costs from increasing however, we might want to do a budget adjustment and purchase in the current year. The estimate provided is from Williams Diesel. I would like to discuss this further at the Council meeting.

If you have any questions, let me know!



March 15, 2008

Barbara Sullivan
Team Leader
Water Quality Management
Region 12
TCEQ
5425 Polk Ave. Suite H
Houston, Texas 77023-1486

Re: Compliance Evaluation Investigation at: Central Wastewater Treatment Facility,
931 East Floodgate Road, Freeport, Texas TCEQ ID # 10882-001, EPA ID #
TX0033332

Dear Ms. Sullivan:

In response to the outstanding alleged violations listed from the investigation of The City of Freeport's Central Wastewater Treatment Facility conducted on January 23, 2008 we submit the following.

Track No. 299472: Failure to provide safeguards to prevent discharge of untreated or inadequately treated wastes during electrical power failure by means of alternate power sources.

Due to the lack of a dual power supply arrangements the city will be considering acceptable alternate power sources. Due to the cost of standby generators to handle the power requirements of the facility this will need to be taken up at the annual city budget time to look at the funding.

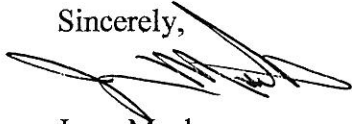
The safeguards we will be implementing to prevent the discharge of untreated or inadequately treated wastes during electrical power failure are we will set up with a local rental agency to provide emergency power generator as needed 24 hours a day. The generators will be tied into the major equipment required to adequately treat the wastewater entering the facility for discharge. Quick connect stations will be provided to avoid delays in treatment.

Tracking No. 299473: Failure to prevent the unauthorized discharge of wastewater from the collection system.

As discussed on the previous alleged violation due to the cost the city will need consider acceptable alternate power sources during their annual budget time to look at the funding.

If you or your staff have any questions please call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jerry Meeks', written over a horizontal line.

Jerry Meeks
Project manager, Veolia Water

pg 1261 B



July 3, 2008

Gary Beverly
City Manager
City of Freeport
200 West Second Street
Freeport, Texas 77541

Re: Central Lift Station Backup Generator

Dear Mr. Beverly:

Enclosed is a copy of Williams Diesel cost for a backup generator for the Central Lift Station. With the pass history of this station losing power from Reliant Energy and the station overflowing raw sewage, TCEQ on their last inspection of the city system put no backup generator at this site and not one at the main wastewater plant as issues (copy of our response to TCEQ's inspection enclosed).

We request that this be one main budget item to be considered for the upcoming city budget year.

If you have any questions please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Meeks", written over a horizontal line.

Jerry Meeks
Project Manager, Veolia Water

Encl:

Williams Diesel Parts & Service

615 W. Second St. * P.O. Box 607, TX 77542 Detroit Diesel * Cummins * Onan * Banks Power
Tel: (979) 233-5365 Fax: (979) 233-8540

VEOLIA WATER WORKS

March 3, 2008

Project Name: City of Freeport

ATTN: GERRY MEEKS

QUOTE TO SUPPLY GENSET AND BUILDING ON CONCRETE SLAB WIRE IN GEN SET TO
TRANSFER SWITCH AND WIRE TO ELECTRIC MOTORS INTO BUILDING.

DIESEL GEN SET .60HZ-275KW
DUTY RATEING -STANDBY POWER
LISTING-UL2200
CERTIFIED-EPA, NONROAD CI, TIER 3 PER 40 CFR89
VOLTAGE-277/480, 3PHASE, WYE 4 WIRE
ALTERNATOR-60HZ, 12 LEAD EXTENDED RANGE 80 C
SET CONTROL-PCC2100
DISPLY-CONTROL GRAPHICAL
METERS-AC OUTPUT ANALOG
HEATER-ALTERNATOR, 120 VOLT AC
CIRCUT BRK-MTG SINGLE LEFT OF CONTROL
CIRCUT BRK400A 3PUL600IEC 69080%
FUEL WATER SEPERATOR
SHUTDOWN -LOW COOLANT LEVEL
COOLANT HEATER -208/240/480 VOLT
ENGINE AIR CLEANER
EXHAUST CONN
GEN WARRNTY -1 YEAR BASE
ACCESSORIES''

CRITAL MUFFLER SHIPPED LOOSE
SENS UL1236 BATTERY CHARGER 10 AMP
REMOTE ANNUNCIATOR
12 VOLT BATTERY
MAINTENANCE, OPERATIONS MANUALS
VIBRATION ISLOATOR PADS
SYSTEM CHECK & INSPECTION
VIBRATION MOUNTS LK SERIES DAMPENR -2400 CAP
SUB BASE DAY TANK 200 GALLON 8 HR UL142-2 WALL WITH DAY TANK CONTROLLER, FLOATS,
FUEL SUPPLY AND RETURN PUMPS
FREE STANDING 600 GALLON ,24 HR UL142 2-WALL

TRANFER SWITCH -ELECTRONIC CONTROL 400A

TRANSFER SWITCH ELECTRONIC CONTROL 400 AMP
POLES 3
LISTING-UL 1008/CSA CERTFICATION
FREQUENCY-60 HERTZ
SYSTEM-3 PHASE 3 WIRE OR 4 WIRE
VOLTAGE 480 VAC
CABINET TYPE3 R
AUX RELAY-SWITCH IN EMERGENCY POSTION =24VDC
AUX RELAY- SWITCH IN NORMAL POSTION-24VDC
TRANSFER SWITCH WARRNTY-1 YR BASIC

TOTAL PRICE FOR GEN SET ONLY- \$111,707.00

BUILDING SPECIFICATION

A. GENERAL: The materials furnished shall be new and unused, fabricated in a workmanlike manner. The materials furnished shall include the structural framing, doors, foundation, roofing, sidewalks, bracing, plumbing, electrical and wiring of GenSet. Carpentry work, woodwork, masonry work, air conditioning, sealants and all other parts necessary to make the building complete as further stated below:

B. BUILDING NOMENCLATURE:

- | | | |
|-----|---------------------|--|
| 1. | Type: | Welded Rigid Frame |
| 2. | Size: | 14' x 25' x 12' |
| 3. | Bay Spacing: | 1 @ 25' |
| 4. | Roof Slope: | 1/12 |
| 5. | Design Load: | In accordance with local city or county windstorm design load requirements. 120 mph wind load |
| 6. | Gutters/Downspouts: | Both Eaves |
| 7. | Roof: | Shall be 26 gauge, color coated panels, 30-year manufacturer paint warranty with long-life fasteners. |
| 8. | Sidewalls: | Shall be 26 gauge, color coated panels, 30-year manufacturer paint warranty with long-life fasteners. |
| 9. | Endwalls: | Shall be 26 gauge, color coated panels, 30-year manufacturer paint warranty with long-life fasteners. |
| 10. | Structural Framing: | Primary shall receive one shop coat of red oxide primer after fabrication; secondary steel shall be cold/formed from pre-painted steel coils (red oxide primer) |
| 11. | Structural Bolts: | High strength bolts ASTM A307 shall be electro-zinc plated; all A325 shall be black. |
| 12. | Exterior Doors: | a) One(1)each- 8'x10'24 ga. Sectional door; 120 mph wind load
b) One(1)each-3 deg. 7 deg., 1-3/4" hollow metal, fabricated from 20 gage galvanized mill bonderized steel. |
| 13. | Other: | 2-6/0 x 3/0 Adjustable Wall Louvers |

C. FOUNDATION:

- | | |
|--------------------|--|
| 1. Slab: | 6" thick with #4 rebar 12" o.c. both directions. |
| 2. Perimeter Beam: | 12"x24" with 4 #5 rebar with #3 stirrups 30" o.c.;
4 - 24"x24"x12" deep footings for generator support. |

WORK TO MEET WINDSTORM SPECIFICATION

PRICE FOR BUILDING SPEC AND ELECTRICAL WORK ONLY \$55,600.00

TOTAL BID: \$167,307.00

6. Check of all Safety devices.
7. Systems check to verify proper operation of all components.
8. Site Load Testing as detailed in "Quote Includes" section above.
9. Walk through Training and Orientation for Site Personnel. Any additional service time is available at our standard field service rates.

Due to the size of the equipment and/or shipping or installation constraints, loose components on this project include:

1. Generator Set.
2. Automatic Transfer Switch.
3. Remote Annunciator.
4. Battery Charger.
5. Muffler or Exhaust System.
6. Free Standing Fuel Tank.

Thank you for considering Cummins Power Generation products. We appreciate the opportunity to work with you on this project. If any additional information or assistance is desired, please do not hesitate to call.

**Sincerely,
Williams Diesel Parts & Service**



**LOYD WHITE
General Manager
(979) 233-5365**

TERMS AND CONDITIONS

DELIVERY:

Submittal completion: **14 to 28** calendar days after order depending on complexity of project. Current delivery is estimated as **23 to 35** calendar days (ATS) and **75 to 85** calendar days (GenSet) after receipt of written purchase order, receipt of approved submittals and written release of order for production. No liquidated damages will be accepted, assigned, or transferred to Cummins Southern Plains, Ltd. Due to heavy demand in the current engine business, please be advised the delivery lead times are subject to change. Delivery point is listed in "Quote Includes" section above.

QUOTATION TERMS and CONDITIONS:

Due to the unstable pricing market for steel and copper, pricing is firm for order(s) received within **30** days of quotation date. Any local, State & Texas Emissions Reduction Plan (TERP) sales and use taxes which may be applicable are not included in this quotation. Payment terms are **Net 30** days after shipment with credit approval.

The following minimum charges will be assessed for cancellation of any order:

- 25% of total order price if cancellation is received in our office after we receive submittal release to order, we receive a purchase order for a generator already on order with the factory, or we are asked to make any hardware changes to equipment already on order with the factory.
- 50% of total order price if cancellation is received in our office **60** or fewer days before the scheduled shipping date on the order.
- 75% of total order price if cancellation is received in our office after the equipment has shipped from the manufacturing plant.

Operations and Maintenance Manual quantity is listed in "Quote Includes" section above. Additional Manuals are available at \$150.00 each.

All pricing quoted is contingent upon your acceptance of delivery at job site or other designated location within **20** days of our stated manufacturer's ship date. Equipment held for more than **20** days may be subject to storage charges based on the total project value.

Those orders that are ready for shipment but can not be delivered, for reasons such as job site delay, credit reasons, or equipment held at the customer's request, will be assessed a 2% (of net invoice) per month storage charge, starting **20** days after the estimated delivery date listed below. Storage may be elected up to **3** months, after which the order will be subject to cancellation, with appropriate cancellation charges applied.

A detailed specification was not included with the request for quotation. Equipment and services are limited to those listed in this quotation. Any additional requirements are not included with this quotation.

One (1) startup service call at job site is included with the above price. Included startup service is to be performed during normal working hours. After hours and weekend service is available at an additional fee. One week notification is required for startup services. Completed and signed startup questionnaire must be returned **24** hours prior to scheduled startup. Startup service work includes:

1. Initial fill of coolant and lubricant.
2. Installation and connection of batteries.
3. Land control wires if necessary.
4. Set all controls, timer and relays.
5. Verification that phase rotation and voltage of the GenSet matches phase rotation and voltage of the building at the Transfer Switch.

TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Requested

Regulated Entity/Site Name		Freeport, Main Plant		TCEQ Add. ID No. RN No. (optional)	10882-001
Investigation Type	Contact Made In-House (Y/N)	Y		Purpose of Investigation	Compliance Investigation
Regulated Entity Contact	Jerry Meeks		Telephone No.	Date Contacted	1/16/08
Title	Project Manager		Fax No.	Date Faxed	

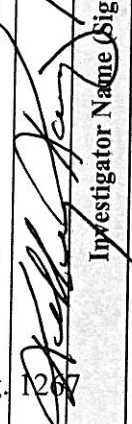

NOTICE: The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and does not represent final TCEQ findings related to violations. Any potential or alleged violations discovered after the date on this form will be communicated by telephone to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation report.

Issue		For Records Request: identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues: include the rule in question with the clearly described potential problem. Other type of issues: fully describe.	
No.	Type ¹	Rule Citation (if known)	Description of Issue
1	RR		Collection system upgrades from 2005 - 2007, RPZ certification
2	AV	TWC 26.121	Failure to prevent the unauthorized of wastewater. Central Street L.S.
3	AV	317	Failure to provide reliable power supply to Central Street L.S.
4	AV	319	Failure to monitor + Annual sludge reports were not signed but not dated. Several DMBS were signed but not dated.

¹Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Did the TCEQ document the regulated entity named above operating without proper authorization?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Did the investigator advise the regulated entity representative that continued operation is not authorized?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Document Acknowledgment. Signature on this document establishes only that the regulated entity (company) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, document will be faxed to regulated entity; therefore, signature not required.

	Kelley Kartye	1/24/08		Jerry Meeks	1/24/08
Investigator Name (Signed & Printed)		Date	Regulated Entity Representative Name (Signed & Printed)		Date