

City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, SEPTEMBER 14TH, 2009, 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 24th, 2009 Council Minutes. Pg. 918-921
5. Attending citizens and their business.
6. **Proclamation:** "Family Fun Day in the Park" on September 27, 2009 a Non Denominational event at the Freeport Municipal Park, promoting positive morals within families and businesses in this wonderful community. Pg. 922-923
7. **Recognizing:** Eagle Scout Mason Gray for his achievements and services of Eagle Scout. Pg. 924
8. **Recognizing:** Bobby Ledesma for his golfing accomplishments and for representing his City and Brazosport High School in an exemplary manner. Pg. 925
9. Consideration of the approval of Ordinance No. 2009-2226 amending section 118.011 of the Code of Ordinances to add a definition of "bus" amending section 118.021 of said code to provide an exemption for buses operated by certain non-profit organizations; adding section 119.00 to chapter 119 of said code to provide a definition of "taxicab"; amending section 119.01 of said code to provide an exemption for taxicabs operated by certain non-profit organizations. Pg. 926-930

10. Consideration of the approval of Ordinance No. 2009-2227 adopting a tax rate for fiscal year 2009-2010 for the City of Freeport. Pg. 931-937
11. Consideration of the approval of Ordinance No. 2009-2228 amending division (E) of Section 32.20 of the Code of Ordinances providing for the appointment of a Main Street Project Manager and specifying the duties of such position, which shall include acting as the Historic Preservation Officer, under division (B) of said Section 155.046, to remove the requirement that the project manager be a full-time position and to add that, when the office of project manager is vacant, the duties of such office and those of the Historic Preservation Officer shall be performed by another employee to be designated by the City Manager. Pg. 938-940
12. Consideration of the approval of Ordinance No. 2009-2229 reviewing the requested rate increase request of Centerpoint Energy Entex (Centerpoint); setting and establishing rates and tariffs; ordering the refund of base rate increases implemented on August 1, 2009; establishing an effective date for this ordinance and the implementation of new rates; providing for fines for non-compliance with this ordinance not to exceed \$500 per violation. Pg. 941-966
13. Consideration of the approval of Ordinance No. 2009-2230 amending the budget for fiscal year 2008-2009. Pg. 967-972
14. Consideration of the approval of Resolution No. 2009-2207 readopting a tax abatement and reinvestment zone policy and adopting guidelines and criteria. Pg. 973-994
15. Consideration of the approval of Resolution No. 2009-2209 requesting the Texas Department of Transportation to post signs at the entrance to each school crossing zone on state highways within the City prohibiting drivers from using wireless communication devices while operating a motor vehicle within such zone and authorizing and directing the City Manager to post signs. Pg. 995-999
16. Consideration of the approval of a request from the Freeport Host Lions Club to sell alcohol at the Freeport Municipal Park, on September 26th, 2009 for the Brazoria County Peace Officers Association, 1st Annual Fish Fry Fund Raiser to support Breast Cancer Awareness Week. Pg. 1000
17. Consideration of the approval of authorizing the Mayor to sign an Interlocal Agreement with Brazoria County and the City of Freeport for repairing streets. Pg. 1001-1008
18. Consideration of the approval of selling the City's interest on Block 715, Lot 17, Velasco Townsite, Tax Id. # 8110-3072-000, known as 1209 North Ave. M. Pg. 1009-1013

19. Consideration of the approval of selling the City's interest on Block 4, Lot 20, Section 2, Bridge Harbor Subdivision, known as 20 Marlin Drive, Tx. Id 2190-0246-000. Pg. 1014-1018
20. Consideration of the approval of selling the City's interest on Block 3, Lot 25, Section 2, Bridge Harbor Subdivision, known as Marlin Drive, Tx. Id 2190-0219-000. Pg. 1019-1021
22. Consideration of the approval of selling the City's interest on Block 3, Lot 26, Section 2, Bridge Harbor Subdivision, known as Marlin Drive, Tx. Id 2190-0220-000. Pg. 1022-1024
22. Consideration of the approval of selling Block 631, Lots 20 & 21, Velasco Townsite, ID. # 8110-2289-000, known as 817 N. A. Pg. 1025-1028
23. Consideration of the approval of any action to be taken from the Executive Session.

Executive Session

- A. Section 551.074, Government Code
Deliberations concerning the duties and responsibilities, to wit:
 - City Manager-Jeff Pynes

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. 2nd Street, Freeport, Texas, September 10th, 2009 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 of the City of Freeport, met on Monday, August 24th, 2009 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
 James W. Phillips
 Ron Wise
 Norma M. Garcia

Staff: Jeff Pynes, City Manager
 Wallace Shaw, City Attorney
 Delia Munoz, City Secretary
 Nat Hickey, Property Manager
 Larry Fansher, Park Director
 John Stanford, Fire Chief
 Mary Stotler, Main Street Director
 Gilbert Arispe, Building & Code Supervisor
 B. R. Williams, Street Superintendent
 Bob Welch, Finance Director

Visitors: Judy Shaefer Larry Shaefer
 Annette Sanford Jerry Meeks
 Susie Wise Rosa McDonald
 Joyce Adkins Gloria Millsap
 Melanie Oldham Lila Lloyd

Call to Order.

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

Invocation.

City Attorney Wallace Shaw offered the invocation and the Pledge of Allegiance lead by Mayor McDonald.

Consideration of the approval of the August 17th, 2009 Council Minutes.

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved the August 17th, 2009 Council Minutes.

Public Hearing: Proposed budget for the fiscal year 2009-2010.

Mayor McDonald opened the Public Hearing at 6:02 p.m. to hear comments or questions on the proposed budget for the fiscal year 2009-2010. Jeff Pynes recommended reducing the layered supervisors position from the street department to Larry Fansher's, Park Department. There being no questions or comments, Mayor McDonald closed the Public Hearing at 6:03 p.m.

Consideration of the approval of Ordinance No. 2009-2224 adopting a budget for fiscal year 2009-2010 for the City of Freeport.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved Ordinance No. 2009-2224 adopting a budget for fiscal year 2009-2010 for the City of Freeport.

Consideration of the approval of Ordinance No. 2009-2225 enacting and adopting a supplement (S-13) to the Code of Ordinances of the City of Freeport.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved Ordinance No. 2009-2225 enacting and adopting a supplement (S-13) to the Code of Ordinances of the City of Freeport.

Consideration of the approval of Resolution No. 2009-2208 appointing one other person to be selected by the City Council to replace J. R. Greer, Sr. to the Board of Adjustment.

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved Resolution No. 2009-2208 appointing James F. Lindsey to replace J. R. Greer, Sr. to the Board of Adjustments.

Consideration of the approval of setting an opening date for sealed proposals for a Debris Monitoring contract for the 2009-2010 Hurricane Season.

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved setting a bid date for September 14th, 2009 at 10:00 a.m., to receive sealed proposals for a Debris Monitoring Contract for the 2009-2010 Hurricane Season.

Consideration of the approval of setting an opening date for sealed proposals for a Disaster Debris Clearance and Removal contract for the 2009-2010 Hurricane Season.

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved setting a bid date for September 14th, 2009 at 10:00 a.m., to receive sealed proposals for a Disaster Debris Clearance and Removal Contract for the 2009-2010 Hurricane Season.

Consideration of the approval of Holidays for the City of Freeport 2008-2009.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved the Holidays for the city of Freeport for fiscal year 2009-2010.

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

Mayor McDonald reconvened the formal session at 7:16 p.m., no action taken from closed executive session.

Work Session

Discussion concerning readopting a tax abatement and reinvestment zone policy and readopting guidelines and criteria.

Councilman Wise had concerns on the Reinvestment Zone Policy. He said that the entire City should be declared an investment zone policy. Mr. Shaw said that it was required by statute by the Tax Code that it had to be done on individual property. He also questioned why the residential tax abatement expired every two years, and if the Conflict of Interest clause was necessary for the governing body of the City to be excluded in a tax abatement. Mr. Shaw was asked to do research to see if it could be removed.

Mayor McDonald closed the work session at 6:42 p.m. and opened the Executive Session.

Executive Session

A. Section 551.074, Government Code

Deliberations concerning the duties and responsibilities, to wit:

- City Manager-Jeff Pynes

Addendum

B. Section 551.71, Government Code

Consultation with City Attorney pending or contemplated litigation, settle 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:

- Wallace Shaw-City Attorney

Mayor McDonald closed the executive session and reconvened the formal session at 7:16 p.m.

Adjourn

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", the meeting was adjourned at 7:16 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor

Proclamation

New Birth Christian Church
320 North Avenue A
Freeport, TX 77541
979-665-7712

“Take the City: Family Fun Day in the Park” CommUNITY Day
September 27, 2009 at Freeport Municipal Park from 3:00 p.m.-8:00 p.m.

Bring your friends and family and join us in the park for CommUNITY Day! There will be live entertainment (artists from Atlanta, Houston and many local choirs), food vendors moonwalks, face painting, and so much more. The purpose of this event is to promote positive morals within our families and businesses in this wonderful community.

To make this event a success, we are in need of community sponsors.

Premium Package --- with a donation of \$100.00 your business logo be on 2000 to 4000 flyers that will be distributed throughout Brazoria County.

Platinum Package--- with a donation of \$250.00 or more, your logo will be on the flyers, the big stage banner, and your business will be mentioned during the event.

Vendor Tables---with a donation of \$50.00 you may set up a vendor table to share or sell products or information about your business. Set up will start at 2:30pm until event ends.

Part of the mission work of New Birth Church involves reaching out to children and their families in the Freeport area to spread the word of God and offer safe children's activities. For example, this summer we hosted a three day vacation bible school program at an apartment complex in Freeport. During these outreach efforts, we meet children and families who are living without essentials such as food and clothing. Your heart-felt sponsorships will assist us with providing these basic needs.

Here is what two people have to say about their experience with New Birth Church's outreach efforts:

"There are times when I'm not sure I will eat today, but the NBC has always provided me with a hot meal or assisted with purchasing food." C.P., 32-year-old woman

"I am an ex-drug user. The Recovery Classes and Pastor's counseling, along with much prayer, is why today I can say I'm drug-free for 9 months." K.G, 40-year-old man

Sincerely,
Pastor B.L. and Brenda George

Therefore, I Mayor Larry L. McDonald proclaim September 27, 2009 as "Take the City: Family, Fun Day in the Park" Community Day in the City of Freeport.

Mayor Larry L. McDonald
City of Freeport

Delia Munoz

From: Nancy Gray [rainbow4jc@comcast.net]
Sent: Monday, August 24, 2009 1:57 AM
To: dmunoz@freeport.tx.us
Subject: Request for Congratulations for Eagle Scout Mason Gray

Delia

This e-mail is to ask for your assistance in recognizing the achievements and service of Eagle Scout
Mason Gray
128 Sequoia St.
Lake Jackson, TX 77566-6014

Mason is a member of Troop 345 which meets at First United Methodist Church in Freeport. He earned his Eagle Rank on June 25th of this year. His Eagle project was to build a natural walkway/ramp at the Center for Arts and Sciences in Clute. This walkway leads from the parking lot to the classrooms and makes it easier for the patrons to get their supplies to the classrooms

Would you please be so kind as to send Mason a letter or greeting along with any other items you wish to be presented to Mason during a recognition ceremony to be held September 6th, 2009 at First United Methodist Church in Freeport

All the recognitions and letters will be compiled and placed in a binder or other suitable keepsake and will be displayed during this special time and given to Mason at the conclusion of the ceremony.

Thank you very much for taking time out of your extremely busy schedule to help honor Eagle Scout Mason Gray.

Sincerely,

Nancy Gray
Troop Committee Chairman
Troop 345 – Freeport

8/26/2009

P924

Delia

Bobby Ledesma, a member of the 2008-2009 Brazosport Exporter golf team finished his junior year with a trip to the State tournament in Austin to compete in the Class IV A U.I.L. golf tournament.

To get to the state level Bobby won the District 23 IV A event with a score of 81-76. Next up was the Region III IV A event ^{which} include the best golfers from eight (8) districts. Bobby won the Region III event with a score of 76-76 and qualified for the State Tournament in Austin.

At the State Tournament Bobby finished as the first medalist to the three time state Champion from Nighland Park, Texas. Bobby improved his score at state to a sparkling 68-73 on the tough Jimmy Clay course.

The City of Freeport is pleased to recognize Bobby Ledesma for his golfing accomplishments and for representing his City and his school in an exemplary manner. Bobby is another example of what is right with our youth of today.

~~~~~  
JWP

Mother Martha Ledesma - Coach Ricky Wright

ORDINANCE NO. 2009-2226

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING SECTION 118.011 OF THE CODE OF ORDINANCES OF SAID CITY TO ADD A DEFINITION OF "BUS"; AMENDING SECTION 118.021 OF SAID CODE OF ORDINANCES TO PROVIDE AN EXEMPTION FOR BUSES OPERATED BY CERTAIN NON-PROFIT ORGANIZATIONS; ADDING SECTION 119.00 TO CHAPTER 119 OF SAID CODE OF ORDINANCES TO PROVIDE A DEFINITION OF "TAXICAB"; AMENDING SECTION 119.01 OF SAID CODE OF ORDINANCES TO PROVIDE AN EXEMPTION FOR TAXICABS OPERATED BY CERTAIN NON-PROFIT ORGANIZATIONS; PROVIDING THAT ANY PERSON VIOLATING SAID CODE, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 10.99 OF SAID CODE OF ORDINANCES; PROVIDING THAT EACH DAY ANY SUCH VIOLATION CONTINUES AND EACH PART OF ANY DAY ANY SUCH VIOLATION OCCURS SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

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

WHEREAS, Sections 54.001 and 54.004 of the Local Government Code, Chapter 542 of the Transportation Code, and Sections 2.01, 2.02 and Items (k), (p) and (u) of Section 3.07 of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined and do here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City and persons riding on buses or in taxicabs therein.

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

First, Chapter 118 of the Code of Ordinances of the City is hereby amended to add thereto Section 118.011 to read as follows:

"SECTION 118.011 DEFINITIONS

As used in this chapter, the terms "bus" or "passenger bus" means a motor vehicle designed to transport more than ten (10) passengers, including the driver, when used for compensation."

Second, Chapter 118 of the Code of Ordinances of the City is hereby amended to add thereto Section 118.021 to read as follows:

"SECTION 118.021 APPLICATION OF PROVISIONS

The provisions of this chapter shall not apply to (a) motor vehicles operating under permits issued by the State Railroad Commission, or to the drivers of such vehicles, coming into or passing through the city for the purpose of load or unloading passengers or (b) to busses operated by a church or another non-profit organization if such other organization has been granted a tax exempt status by the Internal Revenue Service of the U.S. Government."

Third, Chapter 119 of the Code of Ordinances of the City is hereby amended to add thereto Section 119.00 to read as follows:

"SECTION 119.00 DEFINITIONS

As used in this chapter, the term "taxicab" means a motor vehicle designed to transport less than ten (10) passengers, including the driver, when used for compensation."

Fourth, Section 119.01 of the Code of Ordinances of the City is hereby amended to read as follows:

"SECTION 119.01 APPLICATION OF PROVISIONS

The provisions of this chapter shall not apply to (a) motor vehicles operating under permits issued by the State Railroad Commission, or to the drivers of such buses, coming into or passing through the city for the purpose of load or unloading passengers or (b) to motor vehicles operate by a church or ay another non-profit organization if such other organization has been granted a tax exempt status by the Internal Revenue Service of the U.S. Government."

Fifth, any person violating the Code of Ordinances of the City of Freeport, Texas, as amended by this ordinance, shall be guilty of a misdemeanor and upon conviction therefor assessed a fine as prescribed in Section 10.99 of said Code; and each day such violation continues and each part of any day any such violation occurs shall constitute a separate offense.

Sixth, 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.

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

Eighth, 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.

Ninth, 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.

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

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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

ATTEST:

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

APPROVED AS TO FORM ONLY:

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

C:\Freeport.Ord\Bus&Taxi-Ords-Amn



ORDINANCE NO. 2009-2227

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT; ACCEPTING THE CERTIFIED APPRAISAL ROLL FROM THE BRAZORIA COUNTY APPRAISAL DISTRICT FOR THE 2009 TAX YEAR; ESTABLISHING A TAX RATE FOR EACH \$100.00 VALUATION OF TAXABLE PROPERTY WITHIN SAID CITY FOR SUCH TAX YEAR; LEVYING ALL TAXES FOR SAID CITY FOR SUCH TAX YEAR; ALLOCATING SUCH TAXES FOR CERTAIN MUNICIPAL PURPOSES THEREIN ENUMERATED; ORDERING THAT SUCH TAXES BE ASSESSED AND COLLECTED; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

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, Article 9 of the Home Rule Charter of the City authorizes the City to levy, assess and collect an annual tax upon real and personal property within the City to the maximum provided by the Constitution and general laws of the State of Texas; and

WHEREAS, Section 26.01, Texas Tax Code, provides that, by July 25th of each tax year, the Chief Appraiser of the Appraisal District in which an entity authorized to levy ad valorem taxes is located shall prepare and certify to the Assessor-Collector of such entity an appraisal roll for that tax year that lists the property taxable by such unit; and,

WHEREAS, Section 6.22(c), Texas Tax Code, authorizes the governing body of a taxing unit to require the county in which said unit is located to assess and collect the taxes such unit imposes in the manner in which the county assesses and collects its taxes; and,

WHEREAS, county taxes in Brazoria County, Texas, are assessed and collected by the Brazoria County Tax Assessor-Collector; and,

WHEREAS, Section 6.23(a)(3), Texas Tax Code, provides that the county assessor and collector of taxes shall, if so required by a taxing unit, assess and collect the taxes of said unit; and,

WHEREAS, heretofore the City Council, being the governing body thereof, adopted a resolution requesting and requiring the Assessor and Collector of Taxes for Brazoria County, Texas, to assess and collect the ad valorem taxes levied by the City; and,

WHEREAS, Section 26.04, Texas Tax Code, requires that by August 7th or as soon thereafter as practicable, the Tax Assessor-Collector shall submit to the City Council and publish notice of, among other things, the effective tax rate and the roll back tax rate for the then current tax year; and,

WHEREAS, Article 9 of the Home Rule Charter of the City requires the adoption of an annual budget not less than fifteen (15) days prior to the beginning of each fiscal year;

WHEREAS, under Section 102.001(b), Local Government Code, because the City has a city manager form of government, the city manager is the budget officer of the municipality;

WHEREAS, under Section 102.002 of said Code and Chapter 9 of said Charter, the City Manager is required to prepare a proposed annual budget for the municipality and, under Section 102.03(a) of said Code and Chapter 9 of said Charter, is required to file the same with the City Secretary before the 30th day before the date the governing body of the municipality makes its tax levy for the fiscal year; and,

WHEREAS, under Section 102.006(a) and (b), Local Government Code and Chapter 9 of said Charter, the governing body of the municipality is required to conduct a public hearing on such proposed annual budget; and

WHEREAS, under Section 102.006(c), Local Government Code and Chapter 9 of said Charter, public notice of the date, time and location of such hearing must be given, under Section 102.0065(c) and Section 102.011 of said Code the provisions of said Charter control as to the method of giving such notice and under Chapter 9 of said Charter said notice must be published at least 15 days before the date of such hearing in the official newspaper of the City; and,

WHEREAS, under Section 102.006(b), Local Government Code, the public hearing on the proposed annual budget must be held before the date the governing body makes its tax levy for the fiscal year covered by such budget; and,

WHEREAS, under Section 102.007(c) of said Code and Chapter 9 of said Charter, at the conclusion of such hearing, the governing body must take action on such proposed annual budget and under Section 102.009 (a) of said Code and Chapter 9 of said Charter, the governing body of the City may levy taxes only in accordance with such budget; and,

WHEREAS, Section 11.01 of the Home Rule Charter of the City provides for a fiscal or budget year that begins on the 1st day of October of each calendar year and ends on the last day of September of the next succeeding calendar year; and,

WHEREAS, Article 9 of the Home Rule Charter of the City requires the adoption of an annual budget not less than fifteen (15) days prior to the beginning of each fiscal year; and,

WHEREAS, under Section 102.001(b), Local Government Code, because the City has a city manager form of government, the city manager is the budget officer of the municipality and, under Section 102.002 of said Code and Section 11.02 of the Home Rule Charter of the City, the City Manager is required to prepare a proposed annual budget for the municipality and, under Section 102.03(a) of said Code and Section 11.02 of said Charter, is required to submit the same to the City Council at least sixty (60) days before the beginning of each budget year; and,

WHEREAS, under Section 102.006(a) and (b), Local Government Code and Section 11.05 of the Home Rule Charter of the City, the governing body of the municipality is required to conduct a public hearing on such proposed annual budget; and

WHEREAS, under Section 102.006(c), Local Government Code and Section 11.04 of the Home Rule Charter, public notice of the date, time and location of such hearing must be given, under Section 102.0065(c) and Section 102.011 of said Code the provisions of said Charter control as to the method of giving such notice and under Section 11.04 of said Charter said notice must be published not less than ten (10) days nor more than thirty (30) days before the date of such public hearing; and,

WHEREAS, under Section 102.006(b), Local Government Code, the public hearing on the proposed annual budget must be held before the date the governing body makes its tax levy for the fiscal year covered by such budget and, under Section 102.009 (a) of said Code and Section 11.09 of said Charter, the governing body of the City may levy taxes only in accordance with such budget; and,

WHEREAS, Section 26.05, Tax Code, provides that if the proposed tax rate will exceed the lower of the rollback tax rate or the effective tax rate calculated as provided in said code, the governing body must conduct two public hearing and satisfy the notice and voting requirements of Section 26.06, Tax Code; and,

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

SECTION ONE (1) - Findings of Fact

The City Council hereby makes the following findings:

(1) The Chief Appraiser of the Brazoria County Appraisal District furnished to the Assessor and Collector of Taxes for Brazoria County, Texas, a certified appraisal roll of the City for the 2009 tax year on the --- day of July, 2009.

(2) The original of the proposed budget for the City's Fiscal Year 2008-2009 was filed by the City Manager of the City with the City Secretary on the 6th day of July, 2008.

(3) The Assessor and Collector of Taxes calculated and on the 29th day of July, 2009, caused to be published in the Brazosport Facts on the 31<sup>st</sup> day of July, 2009, a notice of the effective and roll back tax rates for such tax year.

(4) On the 7th day of August, 2009, there was published in the Brazosport Facts a notice that on the 24th day of August, 2009, beginning at 6:00 o'clock, p.m., a public hearing would be held on the proposed budget for the 2009-2010 fiscal year.

(5) A public hearing on such proposed budget was held on the 24th day of August, 2009, beginning at 6:00 p.m., in the Municipal Courtroom of the Police and Courts Building of the City of Freeport, Texas, located therein at 430 Brazosport Boulevard.

(6) An ordinance adopting the budget filed by the City Manager with the City Secretary was adopted at the conclusion of such hearing, being Ordinance No. 2009-2224, read, passed and adopted on the 24<sup>th</sup> day of August, 2009.

(7) There is outstanding indebtedness for which an interest and sinking fund must be provided from ad valorem taxes and taxes must be levied as provided below in order to provide a general fund for current expenses and the general improvement of the City and its property and to meet the revenue requirements of the budget for the City's 2009-2010 fiscal year.

(8) That the ad valorem tax for the 2009 tax year, herein-below levied, will not exceed the lower of the rollback tax rate or the effective tax rate.

(9) That the Brazosport Facts is a newspaper of general circulation in the City and is its official newspaper.

(10) That the rate that, if applied to the total taxable value, will impose the total amount published under Section 26.04(e)(3)(c), Tax Code, there being no additional sales and use tax revenue that will be used to pay debt service, is \$0.161936.

(11) That the rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the City for the next year, is \$0.546330. This tax rate will not raise more taxes for maintenance and operation than last years's tax rate.

SECTION TWO (2) - Appraisal Roll Accepted and Adopted

The City Council of the City hereby accepts and adopts the Certified Appraisal Roll for the City furnished to the Assessor and Collector of the City by the Brazoria County Appraisal District and which is incorporated herein by reference.

SECTION THREE (3) - Tax Rate for Interest and Sinking Fund

The City Council of the City hereby orders, determines and establishes that the tax rate for each \$100.00 valuation of taxable property within the City for the interest and sinking fund shall be \$0.161936 for the tax year 2009.

SECTION FOUR (4) - Tax Rate for General Fund

The City Council of the City hereby orders, determines and establishes that the tax rate for each \$100.00 valuation of taxable property within the City to provide a general fund for maintenance and operation expenses of the City shall be \$0.546330 for the tax year 2009.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL BE EFFECTIVELY RAISED 1.69 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$15.45.

SECTION FIVE (5) - INTERNET WEBSITE

The City Secretary shall cause the following to be included on the homepage of the City's website:

THE CITY OF FREEPORT HAS ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL BE EFFECTIVELY RAISED 1.69 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$15.45.

SECTION FIVE (5) - Tax Levy; Assessment and Collection

Ad valorem taxes for the tax year 2008 are hereby levied and shall be assessed and collected as herein above set forth, to-wit: a total tax of \$0.708266 on each \$100.00 valuation of taxable property situated in the City as the ad valorem tax for said year.

SECTION SIX (6) - Severance Clause

Any section or provision of this ordinance found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction is hereby declared to be severable from the remainder of this ordinance which shall remain in full force and effect.

SECTION SEVEN (7) - Effective Date

This ordinance shall be effective from and after its passage and adoption.


PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

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

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

APPROVED AS TO FORM ONLY:

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

C\Freeport.tax\2009Tax-Ord

ORDINANCE NO. 2009-2228

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING DIVISION (E) OF SECTION 32.20 OF THE CODE OF ORDINANCES OF SAID CITY PROVIDING FOR THE APPOINTMENT OF A MAIN STREET PROJECT MANAGER AND SPECIFYING THE DUTIES OF SUCH POSITION, WHICH SHALL INCLUDE ACTING AS THE HISTORIC PRESERVATION OFFICER UNDER DIVISION (B) OF SAID SECTION 155.046, TO REMOVE THE REQUIREMENT THAT THE PROJECT MANAGER BE A FULL-TIME POSITION AND TO ADD THAT, WHEN THE OFFICE OF PROJECT MANAGER IS VACANT, THE DUTIES OF SUCH OFFICE AND THOSE OF THE HISTORIC PRESERVATION OFFICER SHALL BE PERFORMED BY ANOTHER EMPLOYEE TO BE DESIGNATED BY THE CITY MANAGER; CONTAINING A REPEALER CLAUSE; CONTAINING SAVINGS AND SEVERANCE CLAUSES; 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, the criteria for designation as a self-initiated Main Street Project only requires that the City fund and employ a full-time Main Street Project Manager for the first three years of such project; and,

WHEREAS, the City Council of the City has determined that the revenue of the City for the 2009-2010 fiscal year of the City does not allow the continued employment of a full-time Main Street Project Manager; 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 said City.



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

First, Division (D) of Section 32.20 of the Code of Ordinances of the City is hereby amended to read as follows:

"(D) The City shall employ a Main Street Project Manager who shall have the duties prescribed for such position by the Texas Main Street Program of the Texas Historical Commission. The City Manager of the City is hereby authorized to appoint and supervise the Project Manager and may remove such appointee at any time with or without cause. When the office of Historic Preservation Officer created by Division (B) of Section 155.046 of this Code is vacant, the duties of such office shall be performed by the person performing the duties of Main Street Project Manager. When the office of Main Street Project Manager is vacant, the City Manager shall designate some other employee of the City to perform the duties of Main Street Project Manager and, if it is also vacant, the duties of the Historic Preservation Officer."

Second, 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.

Third, 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 shall take effect and be in force from and after its passage and adoption.

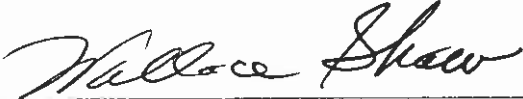
READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
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.Ord\MainSt-Hist-3Ord

## AGENDA INFORMATION SHEET

ITEM NO. 12

### **ORDINANCE TO REJECT IMPLEMENTATION OF RATE INCREASE IN AUGUST; REQUIRE REFUNDS AND SET RATES**

#### **BACKGROUND**

On May 1, 2009 CenterPoint Energy Entex filed a request to increase gas rates by approximately \$2 million for its Texas Coast Division. CenterPoint's request was filed pursuant to a regulatory scheme known as a cost of service adjustment ("COSA"). This is a formula ratemaking scheme approved by the Railroad Commission. COSA allows annual filings to be made which require that CenterPoint be given an 11.8% return on its invested capital along with all annual increases in rates to be recovered through the fixed monthly charge. The City is a member of the Texas Coast Utilities Coalition of Cities ("TCUC"). The coalition appealed the decision of the Railroad Commission to the Travis County District Courts where it is scheduled to be heard before the 345<sup>th</sup> Judicial District Court on December 10, 2009.

The City suspended the August 1, 2009 effective date for the implementation of new rates. The suspension was for 90 days, that is, until October 30, 2009. The suspension resolution is appended to the rate ordinance as Attachment B. The suspension was done according to Section 104.107 of the Texas Utilities Code. In spite of the suspension, CenterPoint put new rates into effect on August 1, 2009. Mr. Ignacio Ramirez on behalf of the TCUC Cities notified CenterPoint that such action was unlawful. .

On July 21, 2009 the Railroad Commission adopted new rates for the environs areas for CenterPoint's Texas Coast Division based upon the COSA filing of May 1, 2009. The Commission found approximately \$351,000 of the requested \$2 million to be unreasonable. Even though the Commission had no jurisdiction over rates within the City, CenterPoint put the environs rates into effect within the City on August 1, 2009. This meant that CenterPoint has already increased the rates for typical residential customers by 55 cents per month.

On August 12, 2009 the consultants for the City and TCUC filed a report with the Cities. The report was incomplete because CenterPoint refused to respond to three sets of requests for information.

#### **RATE ORDINANCE**

The Council has before it an ordinance which requires that CenterPoint refund the higher rates it put into effect on August 1, 2009. The ordinance also puts CenterPoint on notice of a possible civil penalty should CenterPoint fail to refund the higher rates that it put into effect in August. New rates at the environs level will not be implemented until October 29, 2009.

## **RECOMMENDATION**

Special Counsel to TCUC recommends that the City adopt the rate ordinance. While the ordinance does set rates at the environs level, it does recognize the fact that the City is given the right to suspend the rates for 90 days from the date proposed by CenterPoint. The ordinance does not go into effect until October 29, 2009. This will give CenterPoint the opportunity to refund the rate increase which began on August 1, 2009 and it will allow CenterPoint to answer discovery which was due to be answered during the first week of August.

ORDINANCE NO. 2009-2229

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS (“CITY”) REVIEWING THE REQUESTED RATE INCREASE REQUEST OF CENTERPOINT ENERGY ENTEX (“CENTERPOINT”); SETTING AND ESTABLISHING RATES AND TARIFFS; ORDERING THE REFUND OF BASE RATE INCREASES IMPLEMENTED ON AUGUST 1, 2009; ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE AND THE IMPLEMENTATION OF NEW RATES; PROVIDING FOR FINES FOR NON-COMPLIANCE WITH THIS ORDINANCE NOT TO EXCEED \$500 PER VIOLATION; PROVIDING FOR A SEVERABILITY CLAUSE; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE TOPICS SET FORTH IN THIS CAPTION.

**WHEREAS**, On May 1, 2009 CenterPoint filed a request to increase rates within the Texas Coast Division by approximately \$2 million; and

**WHEREAS**, the Chair of the Texas Coast Utilities Coalition of Cities (“TCUC”), Ignacio Ramirez, City Attorney for the City of Baytown, notified CenterPoint on July 13, 2009 that each of the TCUC Cities would suspend the effective date for 90 days as set forth in Attachment A which is appended hereto and incorporated herein by reference, and

**WHEREAS**, the City as a member of TCUC suspended CenterPoint’s requested implementation date of August 1, 2009 for 90 days or until October 30, 2009, as provided in Attachment B appended hereto and incorporated herein by reference ; and

**WHEREAS**, CenterPoint’s filing purports to be in compliance with a “Cost of Service Adjustment” (“COSA”) tariff approved by the Railroad Commission of Texas; and

**WHEREAS**, the COSA tariff approved by the Railroad Commission of Texas provides that “The provisions of this Cost of Service Adjustment are to be implemented in harmony with

the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105). The Company's annual rate adjustment will be made in accordance with all applicable laws," and

**WHEREAS**, CenterPoint refused to respond to three sets of requests for information, thus, adding to the difficulty of TCUC's consultant, Diversified Utility Consultants, Inc., completing its report and recommendation to the TCUC Cities; and

**WHEREAS**, the suspensions of the effective date were undertaken pursuant to Section 104.107 of the Texas Utilities Code; and

**WHEREAS**, in spite of the suspension, on August 1, 2009 CenterPoint increased its rates by approximately \$1.7 million or 55 cents per month for a typical residential customer; and

**WHEREAS**, the TCUC Cities, through its Chair, notified CenterPoint of the unlawfulness of its conduct as set forth on Attachment C as appended hereto and incorporated herein by reference; and

**WHEREAS**, the report of Diversified Utility Consultants, Inc. indicates that the rates requested by CenterPoint were excessive as set forth in Attachment D which is appended hereto and incorporated herein by reference; and

**WHEREAS**, refunds are owed to ratepayers located within the TCUC Cities for higher base rates implemented on August 1, 2009.

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

**Section 1.** That the facts contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** That the base rate increase put into effect by CenterPoint on August 1, 2009 within the City is unlawful.

**Section 3.** That CenterPoint shall refund any base rate increase put into effect between July 31, 2009 and October 29, 2009 with interest at the rate being earned on customer deposits no later than December 31, 2009.

**Section 4.** That CenterPoint shall file a report on November 16, 2009 with the Chair of the TCUC Cities, Ignacio Ramirez, City Attorney for the City of Baytown, Texas, detailing, on a customer-class basis, the amount refunded as ordered by this Ordinance, and shall provide in its report the consumption data upon which refund is based.

**Section 5.** The report by Diversified Utility Consultants, Inc. to the TCUC Cities calls for substantial reductions in the rate request, over and above the rates set by the Railroad Commission for the environs areas but assuming CenterPoint will refund the base rate increase of August 1, 2009 until the effective date of this Ordinance the City shall forego such additional adjustments to the rate request as detailed by Diversified in its report.

**Section 6.** The City adopts the tariffs appended hereto and incorporated herein as Attachment E by reference so long as they do not go into effect prior to October 29, 2009.

**Section 7.** The effective date for this Ordinance is October 29, 2009.

**Section 8.** The City adopts the attached tariffs with the understanding that such tariffs, or any other principle underlying such tariffs, shall not constitute precedent in any other proceeding.

**Section 9.** If there is an appeal of this Ordinance, then, the City reserves the right to assert additional adjustments to the revenue requirement, cost allocation and rate design which were not contained in the report by Diversified Utility Consultants, Inc., in addition to those in the report.

**Section 10.** All conditions precedent to the adoption of each of the foregoing sections herein have been complied with under law.

**Section 11.** CenterPoint shall reimburse the reasonable rate case expenses of the TCUC city coalition.

**Section 12.** TCUC shall submit its rate case expenses to CenterPoint by September 1, 2009.

**Section 13.** CenterPoint shall reimburse TCUC for its reasonable rate case expenses through the City of Baytown no later than November 3, 2009.

**Section 14.** Penalty upon failure to comply. Any person violating or failing to comply with any provision or requirement of this Ordinance may be fined up to \$500.00 pursuant to the Local Government Code, Section 54.001.

Notwithstanding the foregoing, any violation of any provision of this Ordinance that constitutes an immediate danger or threat to the health, safety and welfare of the public may be enjoined in a suit brought by the city for such purpose.

Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this ordinance.

**Section 15.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 16. Severability.** If any section or part of any section, paragraph, or clause of this Ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of section, paragraph, or clause of this Ordinance



**Section 17.** The City Secretary is hereby directed to send a true and copy of this Ordinance to Richard A. Zapalac, Vice President for Gas Operations-Texas, CenterPoint Energy, Suite 2120, 1111 Louisiana Street, Houston, Texas 77002 and to Jim Boyle, Herrera & Boyle, PLLC, Suite 1250, 816 Congress, Austin, Texas 78701.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2009 to be effective on October 29, 2009.

\_\_\_\_\_  
MAYOR

ATTEST:

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

**ATTACHMENT A**  
**NOTICE OF SUSPENSION OF EFFECTIVE DATE**



# City of Baytown

---

July 13, 2009

Mr. Richard A. Zapalac  
Vice President for Gas Operations – Texas  
CenterPoint Energy  
Suite 2120  
1111 Louisiana Street  
Houston, Texas 77002


RE: CenterPoint Energy Entex, Texas Coast Division COSA 2008

Dear Mr. Zapalac:

I am writing on behalf of the Texas Coast Utilities Coalition (“TCUC”), a coalition of cities. In connection with CenterPoint’s filing of May 1, 2009, the Company set an effective date of August 1, 2009. It does not appear that our consultants will have finished their review of the rate filing by that date. The TCUC Cities will be suspending the effective date so that the review can be finalized. We would like to meet with CenterPoint in mid- to late August in order to explore the possibilities of arriving at a settlement.

Thank you for your attention to this matter.

Sincerely yours,

  
Ignacio Ramirez, Sr.  
City Attorney

R:\Karen\Files\Legal\Suits\CenterPoint Entex\Letter2CenterPointSuspendingRates.doc

**ATTACHMENT B**  
**SUSPENSION RESOLUTION**

RESOLUTION NO. 2009-2194

RESOLUTION OF THE CITY OF FREEPORT, TEXAS ("CITY") TO AUTHORIZE THE SUSPENSION OF THE EFFECTIVE DATE OF THE RATES, SCHEDULES AND TARIFFS OF CENTERPOINT ENERGY ENTEX ("CENTERPOINT GAS") FOR NINETY DAYS WITH REGARD TO THE FILING BY CENTERPOINT GAS WITH THE CITY ON MAY 1, 2009; REQUIRING CENTERPOINT TO REIMBURSE REASONABLE RATE CASE EXPENSES; AUTHORIZING A CITY REPRESENTATIVE TO JOIN A COALITION OF CITIES TO DIRECT EXPERTS AND SPECIAL COUNSEL TO ACT ON THE CITY'S BEHALF; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL AND RATE CONSULTANT FIRMS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE FOR THE RESOLUTION.

WHEREAS, on or about May 1, 2009, CenterPoint Energy Entex filed a request to increase gas rates for the Texas Coast Division by approximately \$2 million through changes in rate schedules. The filing was entitled "Cost of Service Adjustment". The changed rate schedules were made with the City for in-city customers and at the Railroad Commission of Texas for customers located outside municipal boundaries; and

WHEREAS, the City has participated as a member of the Texas Coast Utilities Coalition ("TCUC"), a coalition of cities located in the service territory of the Texas Coast Division of CenterPoint Gas ; and

WHEREAS, in order to efficiently, meaningfully and comprehensively review the changed rate schedules filed by CenterPoint Gas it is advantageous for the City to continue to participate as a member of the Texas Coast Utilities Coalition; and

WHEREAS, given the knowledge and experience of the rate consultants and special counsel employed by the Texas Coast Utilities Coalition cities in reviewing the books and records of CenterPoint Gas in the last general rate case, Docket No. 9791, it is advantageous for the City as a member of Texas Coast Utilities Coalition to continue to retain such firms; and

**WHEREAS**, CenterPoint Gas designated August 1, 2009 as the effective date for the rate increases reflected in its rate schedules; and

**WHEREAS**, TCUC, through its consultants, has been examining the books and records of CenterPoint Gas, but at this point it appears that its review will not be completed by August 1, 2009 ; and

**WHEREAS**, under Texas law, the City has the right to suspend the effective date for up to ninety days.

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

**Section 1.** That the findings set out in the preamble are in all things approved and adopted.

**Section 2.** The effective date for the changes in rate schedules is suspended for ninety days. The last day of the suspension period would be October 30, 2009, but the City may issue a decision in this matter prior to the expiration of the suspension period.

**Section 3.** The City, as a member of the Texas Coast Utilities Coalition, continues its retention of Diversified Utilities Consultants, Inc. and the law firm of Herrera & Boyle, PLLC, to act on its behalf with regard to matters related to the requested change in rate schedules by CenterPoint Gas; and

**Section 4.** The City will act as a member of the coalition of cities known as the Texas Coast Utilities Coalition in reviewing the appropriateness of the changes in rate schedules proposed by CenterPoint Gas. The City Manager and City Attorney or their designates will act as the City's representatives with regard to directing the activities of the Texas Coast Utilities Coalition.

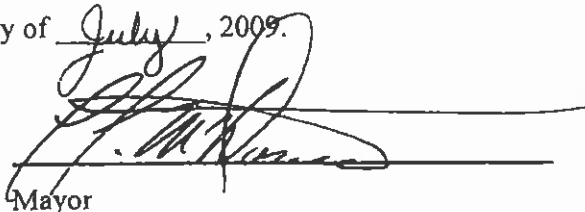
**Section 5.** The City orders CenterPoint Gas to reimburse the cost of its reasonable rate case expenses. The City will have no obligation for payment of any rate case expenses that are not reasonable.

**Section 6.** The City retains its right to withdraw from the coalition of cities at any time without any financial obligation to the remaining coalition members or to the experts or lawyers hired by the coalition or its members.

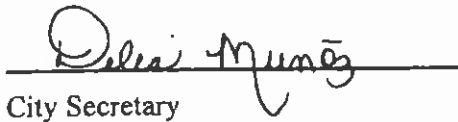
**Section 7.** The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 9.** This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this 20<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Secretary

**ATTACHMENT C**  
**NOTIFICATION OF UNLAWFUL CONDUCT**





# City of Baytown

---

August 12, 2009

Sent via Certified Mail RRR 7004 1350 0002 8951 7446

Mr. Richard A. Zapalac  
Regional Vice President Gas Operations  
CenterPoint Energy Resources Corp.  
1301 Travis, Suite 540  
Houston, Texas 77002

Re: COSA 2008 rate application for the Texas Coast Division

Dear Mr. Zapalac:

I understand that CenterPoint has put new rates into effect for all the TCUC Cities on August 1, 2009. On behalf of the TCUC Cities, I believe this action is unlawful. All of the TCUC Cities suspended the effective date for the new rates for ninety days as provided by Section 104.107 of the Gas Utility Regulatory Act. Each city acted to suspend the effective date prior to August 1, 2009.

The procedural requirements of the COSA tariff were made subject to the provisions of the Gas Utility Regulatory Act as set forth in the tariff, as follows:

The provisions of this Cost of Service Adjustment are to be implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101 – 105). The Company's annual adjustment will be made in accordance with all applicable laws.

Failure to comply with the suspensions of the effective date by TCUC Cities is totally at odds with the power vested in incorporated municipalities under Section 104.107(a)(1) to *"suspend the operation of the schedule for not longer than 90 days after the date the schedule would otherwise be effective."*

There is no way to argue that ignoring the power granted in Section 104.107 is in harmony with the provisions of the Gas Utility Regulatory Act or in accordance with all applicable laws. Ignoring the resolutions of the TCUC Cities is an act of defiance and contempt for the lawful functioning of incorporated municipalities acting as local regulatory authorities.


Letter to Mr. Zapalac  
August 12, 2009  
Page 2

Even if one were to argue that the tariff gave CenterPoint the right to implement rates within 90 days, the tariff cannot repeal the right that cities have to suspend the effective date as provided by Section 104.107 of the Gas Utility Regulatory Act.

Further, as I indicated in my letter of July 13, 2009, the TCUC Cities were willing to work with CenterPoint to see if it was possible to arrive at an amicable settlement of this rate application. We had wanted to schedule negotiations for mid to late August after we received the recommendation of our consultants. Instead of working to this end, CenterPoint notified our Austin attorney on August 4, 2009, that it would not be answering one set of requests for information which were due a day later as well as refusing to respond to two more sets of requests which were due within a couple of days thereafter. This is not working in good faith to resolve this matter.

We are still willing to work toward an amicable settlement if CenterPoint would answer the outstanding discovery and refund to customers any increase in base rates since August 1, 2009. With this understanding, please let us know by Monday, August 17, 2009, if CenterPoint is willing to work with us to resolve this rate case.

Sincerely yours,



Ignacio Ramirez  
City Attorney

**ATTACHMENT D**  
**DIVERSIFIED REPORT AND RECOMMENDATION**

# DIVERSIFIED UTILITY CONSULTANTS, INC.

1912 W. Anderson Ln, 202 • Austin, Texas 78757 • (512) 257-2600 • Fax (512) 257-2243

---

August 12, 2009

Texas Coast Utilities Coalition of Cities

**RE: CenterPoint Entex COSA Filing - Texas Coast Division**

Dear Mayors and City Council Members:

This report contains Diversified Utility Consultants, Inc.'s ("DUCI") review, analysis and investigation of CenterPoint Entex's ("CenterPoint" or "Company") initial cost of service adjustment ("COSA") filing for the Texas Coast Division ("TCD"). The letter provides a summary of recommendations, while the balance of the report discusses DUCI's analyses and each adjustment in greater detail.

CenterPoint filed its initial COSA filing on May 1, 2009. The COSA filing seeks to take advantage of a process approved by the Railroad Commission of Texas ("Commission" or "RCT") in GUD No. 9791 in 2008.<sup>1</sup> While this report does not address the Cities' position regarding the legality of the COSA, it does recognize that the Company's filing falls short of being a reasonable or adequate rate filing package. The Company's failure to comply with standard or typical informational presentations in its filing undermines any presumption that its request only seeks reasonable and necessary revenue requirements. Further, compounding the problems of the Company's limited rate filing presentation is the Company's position that the Cities must take action with 90 days of the filing. It appears the Company is attempting to take unfair advantage of Cities and customers by limiting both the amount of information and the corresponding time period to obtain, review and analyze information in order to set a rate in compliance with the law.

The Company's COSA request seeks an annual increase of \$2,050,632. The Company's proposed increase is excessive. The proposed increase incorporates various inappropriate costs or expenses that do not comply with various rate setting standards, including items previously denied by the Commission. The following table sets forth the Company's monthly proposed base rate increase and DUCI's recommended increases, by customer class.

---

<sup>1</sup> Final Order GUD No. 9791 signed October 20, 2008 and the Order on Rehearing dated December 16, 2008.

**COSA Proposed Monthly Customer Charge Increase**

| Customer Class   | CenterPoint | Base Rate% Increase | DUCI   |
|------------------|-------------|---------------------|--------|
| Residential      | \$0.67      | 4.60%               | \$0.33 |
| Small Commercial | \$0.63      | 3.00%               | \$0.47 |
| Large Volume     | \$0.63      | 0.02%               | \$0.63 |

Based on a review of the Company's filing, DUCI recommends a total COSA adjustment of \$1,014,867 or a reduction of \$1,035,765 to the Company's proposed COSA increase. This recommendation results in a monthly COSA adjustment of \$0.33 for the Residential class and \$0.47 for Small Commercial class. The Large Volume customer class COSA proposed increase by both the Company and DUCI of \$0.63 is set at the maximum allowed level of 5%, a limitation or cap set forth in the COSA tariff.

As discussed at the end of the attached report, DUCI may have recommended additional adjustments had the Company provided responses to the outstanding information requests. However, the Company refused to provide responses to DUCI's last three sets of interrogatories as noted in the attached email from CenterPoint.

The RCT analyzed the same COSA filing as it related to environs customers, those not in a municipality. The Commission did not suspend the effective date of the Company's request and as such had less time and information associated with its review efforts. Given that DUCI had both additional time and information, even though not all the information requested, we were able to identify more issues and thus a greater overall level of adjustments compared to the Commission. The following table summarizes the RCT's and DUCI's adjustments.

**RCT and DUCI Adjustments**

| DESCRIPTION                      | RCT's Adjustments | DUCI's Adjustments |
|----------------------------------|-------------------|--------------------|
| Cash Working Capital             | \$216,764         | \$394,022          |
| Uncollectible                    | \$0               | \$401,525          |
| Interest on Customer Deposits    | \$0               | \$58,310           |
| Incentive Compensation           | \$58,137          | \$58,137           |
| Long Term Incentive Compensation | \$0               | \$41,715           |
| Investor Relations               | \$44,344          | \$44,344           |
| Employee Meals and Entertainment | \$34,467          | \$34,467           |
| <b>Total Adjustments</b>         | <b>\$351,544</b>  | <b>\$1,035,765</b> |

We invite the Mayors, City Council Members, City Managers and City Staff to review the Company's request and DUCI's adjustments to the Company's proposed COSA filing. We appreciate the opportunity to provide this service to the Cities, and are prepared to answer any questions that may arise from your review of this request.

Sincerely,

Diversified Utility Consultants, Inc.

**ATTACHMENT E**

**TARIFFS**

**CENTERPOINT ENERGY RESOURCES CORP.  
D/B/A CENTERPOINT ENERGY ENTEX  
AND CENTERPOINT ENERGY TEXAS GAS  
TEXAS COAST DIVISION  
RATE SHEET  
RESIDENTIAL SERVICE  
RATE SCHEDULE NO. R-2074**

**APPLICATION OF SCHEDULE**

This schedule is applicable to any customer to whom service is supplied in a single private dwelling unit and its appurtenances, the major use of which is for household appliances, and for the personal comfort and convenience of those residing therein.

Natural gas supplied hereunder is for the individual use of the customer at one point of delivery and shall not be resold or shared with others.

**MONTHLY RATE**

For bills rendered on and after the effective date of this rate schedule, the monthly rate for each customer receiving service under this rate schedule shall be the sum of the following:

(a) The Base Rate consisting of:

- (1) Customer Charge – \$14.05 \*
- (2) Commodity Charge –  
All Ccf \$0.03055 per Ccf

(b) Tax Adjustment – The Tax Adjustment will be calculated and adjusted periodically as defined in the Company's Tax Adjustment Rate Schedule and Franchise Fee Adjustment Rate Schedule.

(c) Gas Cost Adjustment – The applicable Purchased Gas Adjustment (PGA) Rate – as calculated on a per Ccf basis and adjusted periodically under the applicable Purchased Gas Adjustment (PGA) Rate Schedule – for all gas used.

**RULES AND REGULATIONS**

Service under this schedule shall be furnished in accordance with the Company's General Rules and Regulations, as such rules may be amended from time to time. A copy of the Company's General Rules and Regulations may be obtained from Company's office located at 1111 Louisiana Street, Houston, Texas.

**CENTERPOINT ENERGY RESOURCES CORP.  
D/B/A CENTERPOINT ENERGY ENTEX  
AND CENTERPOINT ENERGY TEXAS GAS  
TEXAS COAST DIVISION  
RATE SHEET  
GENERAL SERVICE-SMALL  
RATE SCHEDULE NO. GSS-2074**

**APPLICATION OF SCHEDULE**

This schedule is applicable to natural gas service to any customer engaging in any business, professional or institutional activity, for all uses of gas, including cooking, heating, refrigeration, water heating, air conditioning, and power.

This schedule is applicable to any general service customer for commercial uses and industrial uses, except standby service, whose average monthly usage for the prior calendar year is 150,000 cubic feet or less. Natural gas supplied hereunder is for the individual use of the customer at one point of delivery and shall not be resold or shared with others.

**MONTHLY RATE**

For bills rendered on and after the effective date of this rate schedule, the monthly rate for each customer receiving service under this rate schedule shall be the sum of the following:

(a) The Base Rate consisting of:

- (1) Customer Charge – \$13.13\*
- (2) Commodity Charge –
  - First 150 Ccf      \$0.06655 per Ccf
  - Over 150 Ccf      \$0.03258 per Ccf

(b) Tax Adjustment – The Tax Adjustment will be calculated and adjusted periodically as defined in the Company's Tax Adjustment Rate Schedule and Franchise Fee Adjustment Rate Schedule.

(c) Gas Cost Adjustment – The applicable Purchased Gas Adjustment (PGA) Rate – as calculated on a per Ccf basis and adjusted periodically under the applicable Purchased Gas Adjustment (PGA) Rate Schedule – for all gas used.

**RULES AND REGULATIONS**

Service under this schedule shall be furnished in accordance with the Company's General Rules and Regulations, as such rules may be amended from time to time. A copy of the Company's General Rules and Regulations may be obtained from Company's office located at 1111 Louisiana Street, Houston, Texas.



**CENTERPOINT ENERGY RESOURCES CORP.  
D/B/A CENTERPOINT ENERGY ENTEX  
AND CENTERPOINT ENERGY TEXAS GAS  
TEXAS COAST DIVISION  
RATE SHEET  
GENERAL SERVICE-LARGE VOLUME  
RATE SCHEDULE NO. GSLV-605**

**AVAILABILITY**

This schedule is available at points on existing facilities of adequate capacity and suitable pressure in the area designated in the Rate Book of CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS (hereinafter called "Company").

**APPLICATION OF SCHEDULE**

This schedule is applicable to any general service customer for commercial uses and industrial uses whose average monthly usage for the prior calendar year is more than 150,000 cubic feet. Gas supplied hereunder is for the individual use of the Consumer at one point of delivery and shall not be resold or shared with others. If the Consumer has a written contract with Company, the terms and provision of such contract shall be controlling.

**MONTHLY RATE**

For bills rendered on and after the effective date of this rate schedule, the monthly rate for each customer receiving service under this rate schedule shall be the sum of the following:

(a) The Base Rate consisting of:

(1) Customer Charge – \$13.13 \*

(2) Commodity Charge –

|                    |                   |
|--------------------|-------------------|
| First 1,500 Ccf    | \$0.09036 per Ccf |
| 1,500 – 10,000 Ccf | \$0.05880 per Ccf |
| Over 10,000.Ccf    | \$0.04980 per Ccf |

(b) Tax Adjustment – The Tax Adjustment will be calculated and adjusted periodically as defined in the Company's Tax Adjustment Rate Schedule and Franchise Fee Adjustment Rate Schedule.

(c) Gas Cost Adjustment – The applicable Purchased Gas Adjustment (PGA) Rate – as calculated on a per Mcf basis and adjusted periodically under the applicable Purchased Gas Adjustment (PGA) Rate Schedule – for all gas used.

**WRITTEN CONTRACT**

In order to receive a delivery from Company of more than 25 Mcf during any one day, the Consumer must execute a written contract with Company on Company's form of contract covering the sale of gas by Company to it. In the case of existing Consumers, the maximum gas usage during any one day shall be obtained from the records of the

**CENTERPOINT ENERGY RESOURCES CORP.  
D/B/A CENTERPOINT ENERGY ENTEX  
AND CENTERPOINT ENERGY TEXAS GAS  
TEXAS COAST DIVISION  
RATE SHEET  
GENERAL SERVICE-LARGE VOLUME  
RATE SCHEDULE NO. GSLV-605**

Company, except in cases where the existing Consumer will be purchasing increased volumes of gas from Company because of expansions or for any other reasons, in which event the Company may estimate usage by such Consumer. Also in the case of new Consumers, the Company may estimate usage by the Consumer. Any such estimates made by Company shall be binding on Consumer in determining whether or not a contract is required. Such written contract shall be executed by Consumer upon request of Company and Company shall not be obligated to serve any such Consumer more than 25 Mcf during any one day until such written contract is executed and delivered by Consumer.

**MEASUREMENT**

The term "cubic foot of gas" for the purpose of measurement of the gas delivered and for all other purposes is the amount of gas necessary to fill a cubic foot of space when the gas is at an absolute pressure of 14.65 pounds per square inch and at a base temperature of sixty (60) degrees Fahrenheit.

The term "Mcf" shall mean 1,000 cubic feet of gas.

The Sales Unit shall be one Mcf.

**Assumed Atmospheric Pressure** - The average atmospheric pressure shall be assumed to be fourteen and seven-tenths (14.7) pounds per square inch, irrespective of actual elevation or location of the point of delivery above sea level or variation in such atmospheric pressure from time to time.

**Orifice Meters** - When orifice meters are used for the measurement of gas, such orifice meters shall be constructed and installed, and the computations of volume made, in accordance with the provisions of Gas Measurement Committee Report No. 3 of the American Gas Association as revised September, 1969 ("A.G.A. Report No. 3), with any subsequent amendments or revisions which may be mutually acceptable.

The temperature of the gas shall be determined by a recording thermometer so installed that it may record the temperature of the gas flowing through the meter or meters. The average of the record to the nearest one (1) degree Fahrenheit, obtained while gas is being delivered, shall be the applicable flowing gas temperature for the period under consideration.

The specific gravity of the gas shall be determined by a recording gravitometer owned and operated by the pipeline company from whom Company purchases its gas, so installed that it may record the specific gravity of the gas flowing through the meter or meters; provided, however, that the results of spot tests made by the pipeline company with a standard type specific gravity instrument shall be used at locations where the pipeline company does not have a recording gravitometer in service. If the recording gravitometer is used, the average of the record to the nearest one-thousandth (0.001), obtained while gas is being delivered, shall be the applicable specific gravity of the gas for the period under consideration. If the spot test method is used, the specific gravity of the gas delivered hereunder shall be determined once monthly, the result obtained, to the nearest one-thousandth (0.001), to be applicable during the succeeding billing month.

Adjustment for the effect of supercompressibility shall be made according to the provisions of A.G.A. Report No. 3, hereinabove identified, for the average conditions of pressure, flowing temperature and specific gravity at which the gas was measured during the period under consideration, and with the proportionate value of each carbon dioxide

**CENTERPOINT ENERGY RESOURCES CORP.  
D/B/A CENTERPOINT ENERGY ENTEX  
AND CENTERPOINT ENERGY TEXAS GAS  
TEXAS COAST DIVISION  
RATE SHEET  
GENERAL SERVICE-LARGE VOLUME  
RATE SCHEDULE NO. GSLV-605**

and nitrogen in the gas delivered included in the computation of the applicable supercompressibility factors. Company shall obtain appropriate carbon dioxide and nitrogen fraction values as may be required from time to time.

**Positive Displacement Meters and Turbine Meters** - When positive displacement meters and/or turbine meters are used for the measurement of gas, the flowing temperature of the gas metered shall be assumed to be sixty (60) degrees Fahrenheit, and no correction shall be made for any variation therefrom; provided however, that company shall have the option of installing a recording thermometer, and if company exercises such option, corrections shall be made for each degree variation in the applicable flowing temperature for the period under consideration.

The volumes of gas determined shall be adjusted for the effect of supercompressibility as follows:

- (A) When the flowing temperature of gas is assumed to be sixty (60) degrees Fahrenheit, the supercompressibility factor shall be the square of the factor,  $F_{pv}$ , computed in accordance with the principles of the A.G. A. Report No. 3, hereinabove identified, for a pure hydrocarbon gas of six-tenths (0.6) specific gravity and for the average pressure at which the gas was measured.
- (B) When the flowing gas temperature is recorded and applied according to the option above, the supercompressibility factor shall be the square of the factor,  $F_{pv}$ , computed in accordance with the principles of the American Gas Association Gas Measurement Committee Report No. 3, hereinabove identified, for a pure hydrocarbon gas of six-tenths (0.6) specific gravity and for the average conditions of pressure and flowing temperature at which the gas was measured.

**SUPPLY INTERRUPTIONS**

Total or partial interruption of gas deliveries due to acts of God, the elements, requirements for residential and other uses declared superior to Consumers by law, or to other causes or contingencies beyond the control of Company or not proximately caused by Company's negligence, shall not be the basis for claims-delivery and receipt of gas to be resumed whenever any such cause or contingency shall end.

**CHARGES FOR UNAUTHORIZED OVER-RUN GAS**

Any gas taken during any day by Consumer which exceeds the maximum daily quantity specified in Consumer's contract with Company shall be considered to be unauthorized over-run gas. Any gas taken by Consumer after the effective hour of an order calling for a complete curtailment of all gas deliveries, and prior to the authorized resumption of natural gas service, hereunder shall be considered to be unauthorized over-run gas. Any gas taken by Consumer after the effective hour of an order calling for a partial curtailment, and prior to the authorized resumption of natural gas service, which exceeds the stated amount of gas deliveries Consumer may take during such partial curtailment, shall be considered to be unauthorized over-run gas. Company shall bill, and Consumer shall pay for unauthorized over-run gas at the rate of \$10.00 per Mcf, in addition to the Monthly Rate specified herein for such gas. The payment of such additional charge for unauthorized over-run gas shall not, under any circumstances, be considered as giving the Consumer the right to take unauthorized over-run gas, nor shall such payment be considered to exclude or limit any other remedies available to Company against the Consumer for exceeding the maximum daily quantity specified in Consumer's contract with Company, or for failure to comply with curtailment orders issued by Company hereunder.

**CENTERPOINT ENERGY RESOURCES CORP.  
D/B/A CENTERPOINT ENERGY ENTEX  
AND CENTERPOINT ENERGY TEXAS GAS  
TEXAS COAST DIVISION  
RATE SHEET  
GENERAL SERVICE-LARGE VOLUME  
RATE SCHEDULE NO. GSLV-605**

The additional amount specified above charged for unauthorized over-run gas shall be adjusted, either plus or minus, to conform to the change made by Company's supplier in its rate schedule under which Company purchases its gas supply for resale under this schedule.

**RULES AND REGULATIONS**

Service under this schedule shall be furnished in accordance with the Company's General Rules and Regulations, as such rules may be amended from time to time. A copy of the Company's General Rules and Regulations may be obtained from Company's office located at 1111 Louisiana Street, Houston, Texas.

ORDINANCE NO. 2009-2230

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACTS; AMENDING THE BUDGET FOR THE FISCAL YEAR 2008-2009; 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 2008-2009 fiscal year of the City was finally approved by the City Council, being the governing body thereof, by its Ordinance No. 2008-2209, read, passed and adopted on the 26th day of September, 2008, (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 9(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 8, 2008, 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 2008-2009 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 \_\_\_\_\_, 2009.

\_\_\_\_\_  
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.Bud\2008-2009Bud-4Amn-Ord





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 #3  
Date: September 14, 2009

We are requesting the following amendments to the 2008-2009 Budget:

| BUDGET AMENDMENTS                                                                                                             | ACCT#                                  | ACCOUNT DESCRIPTION                                                  | BUDGET AMENDMENTS |         |
|-------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------------------------------------------------------|-------------------|---------|
|                                                                                                                               |                                        |                                                                      | DEBITS            | CREDITS |
| 1 MISC. INCOME<br>AMBULANCE OVERTIME<br>SEMINARS/DUES/TRAVEL<br>REIMB. FOR TRAINING FREEPORT LNG                              | 20-360-101<br>20-535-190<br>20-535-602 | MISC. INCOME-AMBULANCE<br>AMBULANCE OVERTIME<br>SEMINARS/DUES/TRAVEL | 3,686<br>474      | 4,160   |
| 2 GRANT REVENUE<br>SEMINARS/DUES/TRAVEL<br>AMBULANCE GRANT-LEOSE<br>CONTINUING EDUCATION                                      | 20-360-400<br>20-535-602               | GRANT REVENUE<br>SEMINARS/DUES/TRAVEL                                | 1,472             | 1,472   |
| 3 SEMINARS/DUES/TRAVEL-<br>GRANT REVENUE<br>POLICE GRANT-LEOSE<br>CONTINUING EDUCATION                                        | 10-525-602<br>10-360-400               | SEMINARS/DUES/TRAVEL<br>GRANT REVENUE                                | 2,828             | 2,828   |
| 4 EMERGENCY MANAGEMENT<br>INSURANCE RECOVERY<br>INSURANCE - IKE DAMAGES                                                       | 10-530-625<br>10-399-100               | EMERGENCY MANAGEMENT<br>INSURANCE RECOVERY                           | 18,069            | 18,069  |
| 5 NARCOTICS/K9<br>SELL OF SEIZED ASSETS<br>Sell of seized vehicles-Police Dept.                                               | 10 525 620<br>10 361 525               | NARCOTICS/K9<br>SELL OF SEIZED ASSETS                                | 5,968             | 5,968   |
| 6 EMERGENCY MANAGEMENT<br>Record FEMA Disaster Relief<br>Funds Received                                                       | 10 530 625<br>10 360 460               | EMERGENCY MGMT.<br>FEMA FUNDS RECEIVED                               | 93,839            | 93,839  |
| 7 TECHNOLOGY FUND EXPENSE<br>(4) COMPUTERS, SECURITY CAMERAS<br>CASH COUNTER, TICKET WRITERS<br>FUNDS TAKEN FROM FUND BALANCE | 10-430-684                             | EQUIPMENT                                                            | 56,217            |         |
| 8 SECURITY FUND EXPENSE<br>REMODEL CITY HALL- COURT<br>EMERGENCY LIGHTS-MARSHALL<br>FUNDS TAKEN FROM FUND BALANCE             | 10-430-685                             | CONSTRUCTION                                                         | 16,481            |         |
| 9 GOLF COURSE-CHEMICALS<br>GOLF COURSE-CAPITAL<br>EQUIPMENT-AERATOR                                                           | 15-656-389<br>15-656-899               | CHEMICALS<br>CAPITAL                                                 | 5,660             | 5,660   |
| 10 POLICE OVERTIME<br>MISC. INCOME<br>SPECIAL INVESTIGATION BILLINGS                                                          | 10-525-190<br>10-360-101               | OVERTIME<br>MISC. INCOME                                             | 46,983            | 46,983  |

|    |                                                                                                                                                    |                                                                                  |                                                                                           |                  |                                  |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|------------------|----------------------------------|
| 11 | MAIN STREET- ADVERTISING<br>TRANSFER FROM HOTEL/MOTEL<br>TRANSFER TO GEN FUND<br>REQUEST FUNDS TRANSFER FOR<br>SUMMERTIME BLUES FESTIVAL           | 10-405-430<br>10-710-018<br>18-700-010                                           | MAIN STREET<br>TRANSFER FROM<br>TRANSFER TO                                               | 15,000<br>15,000 | 15,000                           |
| 12 | MISC. DONATIONS<br>POLICE-OTHER SUNDRY<br>FIRE - OTHER SUNDRY<br>RECORD DONATION FROM SUPER S<br>FOOD STORE                                        | 10-360-920<br>10-525-699<br>10-530-699                                           | GENERAL FUND<br>OTHER SUNDRY<br>OTHER SUNDRY                                              | 2,000<br>2,000   | 4,000                            |
|    | MISC. INCOME<br>SEWER/STREET/ALLEYWAY<br>RECORD REIMB. FROM MR. YATES<br>AND MR. DORSETT-1495 INTERLOCAL<br>AGREEMENT                              | 10-360-101<br>63-410-899                                                         | MISC. INCOME<br>STREET MAINT.                                                             | 30,000           | 30,000                           |
| 13 | MISC. DONATIONS<br>MISC. DONATIONS<br>MISC. DONATIONS<br>MISC. DONATIONS<br>CAPITAL -FIRE DEPT.<br>CLOTHING - FIRE DEPT.<br>RECORD MISC. DONATIONS | 10-360-920<br>10-360-920<br>10-360-920<br>10-360-920<br>10-530-899<br>10-530-335 | SUPER S FOODS<br>GULF CHEMICAL<br>AMERICAN RICE<br>VERNOR MATERIAL<br>CAPITAL<br>CLOTHING | 11,000<br>1,500  | 2,000<br>1,500<br>1,000<br>8,000 |

**SUMMARY EFFECT ON GOVERNMENTAL FUNDS:**

| BUDGET ADJUSTMENTS                 | ACCT#      |           | CURRENT BUDGET | BUDGET AMEND    | AMENDED BUDGET  |
|------------------------------------|------------|-----------|----------------|-----------------|-----------------|
| MISC. INCOME                       | 20-360-101 | AMBULANCE | 0              | -4,160          | -4,160          |
| AMBULANCE OVERTIME                 | 20-535-190 | AMBULANCE | 25,000         | 3,686           | 28,686          |
| SEMINARS/DUES/TRAVEL               | 20-535-602 | AMBULANCE | 11,957         | 1,946           | 13,903          |
| GRANT REVENUE                      | 20-360-400 | AMBULANCE | -2,600         | -1,472          | -4,072          |
| SEMINARS/DUES/TRAVEL               | 10-525-602 | POLICE    | 18,615         | 2,828           | 21,443          |
| GRANT REVENUE                      | 10 360 460 | GENERAL   | -98,000        | -2,828          | -100,828        |
| EMERGENCY MANAGEMENT               | 10-530-625 | FIRE      | 618,293        | 111,908         | 730,201         |
| INSURANCE RECOVERY                 | 10-399-100 | GENERAL   | -234,542       | -18,069         | -252,611        |
| FEMA DISASTER RECOVERY             | 10-360-460 | GENERAL   | -367,016       | -93,839         | -460,855        |
| NARCOTICS/K9                       | 10-525-620 | POLICE    | 84,044         | 5,968           | 90,012          |
| SELL OF SEIZED ASSETS              | 10-361-525 | GENERAL   | -43,678        | -5,968          | -49,646         |
| TECHNOLOGY FUND EXP.               | 10-430-684 | COURT     | 6,100          | 62,217          | 62,317          |
| SECURITY FUND EXP.                 | 10-430-685 | COURT     | 50             | 16,481          | 16,531          |
| GOLF-CHEMICALS                     | 15-656-389 | GOLF      | 41,000         | -5,660          | 35,340          |
| GOLF-CAPITAL                       | 15-656-899 | GOLF      | 21,000         | 5,660           | 26,660          |
| POLICE-OVERTIME                    | 10-525-190 | POLICE    | 50,000         | 46,983          | 96,983          |
| MISC. INCOME                       | 10-360-101 | GENERAL   | -60,000        | -76,983         | -136,983        |
| MAIN STREET- ADVERTISING           | 10-405-430 | MAIN ST.  | 10,000         | 15,000          | 25,000          |
| TRANSFER TO GEN FUND               | 18-700-010 | TRANSFER  | 0              | 15,000          | 15,000          |
| TRANSFER FROM HOTEL                | 10-710-018 | TRANSFER  | 0              | -15,000         | -15,000         |
| OTHER SUNDRY                       | 10-525-699 | POLICE    | 25,494         | 2,000           | 27,494          |
| OTHER SUNDRY                       | 10-530-699 | FIRE      | 0              | 2,000           | 2,000           |
| MISC. DONATIONS                    | 10-360-920 | GENERAL   | -43,926        | -16,500         | -60,426         |
| SEWER/STREET/ALLEYWAY              | 63-410-899 | 2008 COO  | 2,797,979      | 30,000          | 2,827,979       |
| CAPITAL FIRE DEPT                  | 10-530-899 | FIRE      | 51,600         | 11,000          | 62,600          |
| CLOTHING - FIRE DEPT.              | 10-530-335 | FIRE      | 3,664          | 1,500           | 5,164           |
|                                    |            |           | 15,000         | 87,698          | 3,002,752       |
| <b>Net effect on Fund Balance:</b> |            |           |                | <b>DECREASE</b> | <b>\$87,698</b> |

RESOLUTION NO. 2009-2207

**AN RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; ESTABLISHING A TAX ABATEMENT AND REINVESTMENT ZONE POLICY AND ADOPTING GUIDELINES AND CRITERIA FOR THE SAME; PROVIDING AN EFFECTIVE DATE AND FOR EXPIRATION AFTER TWO (2) YEARS; PROVIDING FOR AMENDMENT AND RECISION PRIOR TO EXPIRATION; PROVIDING FOR THE CONTINUATION FOR ITS DURATION OF ANY ABATEMENT CONTRACT ENTERED INTO PRIOR TO ANY SUCH AMENDMENT, RECISION OR EXPIRATION; CONTAINING A SEVERANCE CLAUSE; 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 54.004 of the Local Government Code, Subchapter B of Chapter 312 of the Property Tax Code and Sections 2.01, 2.02 and 9.18 of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of this Resolution; and,**

**WHEREAS, the City Council of the City has determined to 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 the economic development of the City.**

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

**First, the City Council of the City hereby establishes a Tax Abatement and Reinvestment Zone Policy and adopts the guidelines and criteria for commercial and residential projects which are marked, respectively, "Exhibit A" and Exhibit B", and are attached hereto and made a part hereof as if set forth herein in full.**

**Second, this resolution, the Tax Abatement and Reinvestment Zone Policy hereby established and the guidelines and criteria therefor hereby adopted shall take effect upon the passage and adoption of this resolution and may be amended or rescinded by the City Council of the City at any time thereafter. Provided, however, unless rescinded prior thereto, this resolution and the guidelines and criteria adopted hereby shall expire two (2) years after the effective date hereof. Provided further, any abatement application timely filed prior to and adoption of this resolution shall be governed by the guidelines in effect when such application was filed; and any abatement agreement entered into prior to such expiration or prior to any such amendment or rescision shall, for the duration of such agreement, remain in full force and effect, subject to the guidelines and criteria in effect on the date of the execution of such agreement.**

**Third, in the event any section or provision of this resolution or the guidelines and criteria hereby adopted are 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 remainder thereof which shall remain in full force and effect.**

Fourth, 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 \_\_\_\_\_, 2009.

---

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.Abt\GuideLin-5Rsl

**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 with 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):** \_\_\_\_\_

**Mailing Address:**

**Telephone Number:**

\_\_\_\_\_

**Property Owner's Representative:** \_\_\_\_\_

**Mailing Address:**

**Telephone Number:**

\_\_\_\_\_

**Property Address (physical):**

\_\_\_\_\_

**Property Legal Description:**

(If metes and bounds, use attachment)

**Located within:** City of Freeport \_\_\_\_\_ Freeport ET \_\_\_\_\_

**Description of Project:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date of projected occupation of project/initiation of operations:** \_\_\_\_\_

**COMMERCIAL TAX ABATEMENT  
GUIDELINES AND CRITERIA**

**PROCEDURES**

**AND**

**APPLICATION**

**CITY OF FREEPORT, TEXAS**

**ECONOMIC DEVELOPMENT INCENTIVES**  
**CITY OF FREEPORT**

**I. Introduction**

The City of Freeport is committed to desirable economic development. A successful economic development program depends on a viable working relationship between all aspects of the public and private sector. In addition to insuring the protection of the environment and other natural resources as high priority, any attempts to stimulate the economy should be relatively assured of eventful positive economic effects on the City of Freeport's revenue raising capabilities.

This document describes guidelines and criteria to opportunities that the City may consider in attempts to assert positive economic development. Nothing herein shall imply or suggest that the City of Freeport is under obligation to afford these opportunities to any applicant.

All applicants shall be reviewed on a case by case basis. The customized design of a total incentives package is intended to allow maximum flexibility in addressing the unique concerns of each applicant while enabling the City to respond to the changing needs of the community. Consideration will be given to applicants according to the criteria listed in this document.

**II. TAX ABATEMENT**

**A. Definitions**

1. *Abatement* means the full or partial exemption from ad valorem taxes on certain real property in a reinvestment zone designated by the city council for economic development purposes.
2. *Affected jurisdiction* means Brazoria County and any school district, the majority of which is located in the county and levies ad valorem taxes upon and provides services to property located within the proposed or any existing reinvestment zone designated by the city council.
3. *Agreement* means a contractual agreement between a property owner and/or lessee and an affected jurisdiction for the purposes of tax abatement.
4. *Base year value* means the assessed value of eligible property January 1 preceding the execution of the agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the agreement.
5. *City* means Freeport, Texas.
6. *Deferred maintenance* means improvements necessary for continued operations which do not improve productivity or alter the process technology.

7. ***Distribution Center Facility*** means buildings and structures, including machinery and equipment, used or to be used primarily to receive, store, service, or distribute goods or materials owned by the facility operator, where a majority of the goods or services are distributed to points at least 50 miles from its location in Brazoria County, Texas.
8. ***Expansion*** means the addition of buildings, structures, machinery or equipment purposes of increasing production capacity.
9. ***Facility*** means property improvements completed or in the process of construction which together compromise an integral whole.
10. ***Manufacturing facility*** means buildings and structures, including machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.
11. ***Modernization*** means the replacement and upgrading of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing or repairing.
12. ***New facility*** means a property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.
13. ***Other basic industry*** means buildings and structures, including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services, which serve a market primarily outside the Brazoria Primary Metropolitan Statistical Area (PMSA) and result in the creation of new permanent jobs and create new wealth in the PSMA.
14. ***Personal property*** means tangible personal property located on the real property, excluding that personal property located on the real property prior to the period covered by the abatement agreement with the City, and other than inventory or supplies.
15. ***Productive life*** means the number of years a property improvement is expected to be in service.
16. ***Regional entertainment facility*** means buildings and structures, including machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside at least 50 miles from its location in Brazoria County.
17. ***Research facility buildings*** means buildings and structures, including machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.

18. ***Reinvestment zone*** means any area of the City which has been designated a reinvestment zone for tax purposes and which is located within the taxing jurisdiction of the City. It is the intent of the City to designate reinvestment zones on case by case basis in order to maximize the potential incentives for eligible enterprises to locate or expand within the City.

19. ***Regional Service facility*** means buildings and structures, including machinery and equipment, used or to be used to service goods where a majority of the goods being serviced originate at least 50 miles from the facilities location in Brazoria County.

20. ***Value of property*** means the assessed value of eligible property for purposes of ad valorem taxation.

**B. General Criteria** - All applicants should meet the following criteria before being considered for abatement.

1. The project expands the local tax base.
2. The project creates permanent full time employment opportunities.
3. The project in all likelihood would not otherwise be developed.
4. The project makes a contribution to enhancing further economic development.
5. The project must remain in good standing to all reasonable aesthetic and environmental concerns.
6. The project has not begun and no construction has commenced at time of application approval.
7. Companies seeking to qualify for tax abatement on the basis of job retention shall document that without the creation of a reinvestment zone and/or tax abatement, it will either reduce or increase operations.
8. The project should not have any of the following objections:
  - a. There would be substantial adverse affect on the provision of government service or tax base.
  - b. Insufficient financial capacity.
  - c. Planned or potential use of the property would constitute a hazard to public safety.
  - d. Planned or potential use of the property would give adverse impacts to adjacent properties; or,
  - e. Any violation of laws of the U.S. or State of Texas or ordinances of the City would occur.



- f. Property owned or used by the State of Texas or its political subdivisions.
- g. Property owned by an organization owned, operated or directed by a state political subdivision.
- h. **Conflict of Interest:** Property that is in a reinvestment zone and that is owned or leased by a member of the governing body of the City or its political subdivisions may not be included in a tax abatement; but such person may continue to receive a tax abatement already in effect prior to such person joining that body.

C. Specific Criteria - If the project in the application meets the general criteria, is a facility of a targete for 10 years.

| <u>Total Investment</u>  | <u>Abatement Per Year</u>      |
|--------------------------|--------------------------------|
| \$50,000 to \$100,000    | 100% 50%                       |
| \$100,000 to \$1,000,000 | 100% 75% 50%                   |
| Over \$1,000,000         | 100% 100% 100% 75% 50% 25% 25% |

**DESIGNATION OF A REINVESTMENT ZONE**

The City Council by ordinance must designate an area as a reinvestment zone. Prior to adopting such an ordinance the City Council must conduct a public hearing on the designation that entitles all interested persons to speak and present evidence for or against the designation. Not later than the seventh day before the date of the hearing, notice of the hearing must be:

1. Published in a newspaper having general circulation in the City.
2. Delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone.
3. Should any affected jurisdiction be able to show cause in the public hearing why the grant of abatement will have a substantial adverse effect on its bonds, tax revenue, service capacity or the provision of services, that showing shall be reason for the City to deny any designation of the reinvestment zone, the granting of the abatement or both.

**TAX ABATEMENT AGREEMENT**

The City by resolution may enter into a tax abatement agreement in accordance with the criteria contained in this document. At least seven days before entering into the agreement, the City will deliver written notice of its intent to each taxing unit that is included in the reinvestment zone.

1. Any agreement will include, but not be limited to, the following specific Items.
  - a. All appropriate stipulations included in the application as outlined by this document for a reinvestment zone and tax abatement agreement; and
  - b. The amount and duration of the tax abatement; and
  - c. A method for determining the qualifications of meeting the criteria and applicant's promise to meet and maintain these qualifications over the term of the agreement; the City will be allowed, upon written request and reasonable notice, to inspect and audit such records of the applicant as are necessary to substantiate that the applicant is meeting criteria agreed upon during the term of the abatement; and
  - d. A provision that in the event the agreement is not kept, the tax abatement agreement will be determined null and void and all abated taxes will be paid immediately to the City and all other taxing units participating in the agreement; and
  - e. Any and all other statutory requirements pertaining to municipal tax abatements agreements, including but not limited to those requirements set forth in Section 312.205 of the State Tax Code (Vernon's 1992 with 1976 supplement), as amended.
2. **Eligible Property.** Abatement may be extended to the value of buildings, structures, fixed machinery, equipment, site improvements plus that office space and related fixed improvements necessary to the operation and administration of the facility. The economic life of the property and improvements must exceed the life of the abatement agreement.
  - a. Abatement may be granted to new facilities;
  - b. Abatement may be granted for improvements to existing facilities for purposes of modernization and expansion.
3. **Recapture**
  - a. In the event that the facility is completed and begins producing goods and/or services, but subsequently discontinues such production for any reason excepting fire, explosion or other casualty or natural disaster for a period of one year during the abatement period, then the agreement shall terminate and so shall the abatement of taxes for the calendar year during which the facility no longer produces. The taxes otherwise abated for the calendar year shall be paid to the City within (60) days from the termination.

b. Should the City determine that the company or individual is in default according to the terms and conditions of the abatement agreement, the City shall notify the company or individual, in writing, at the address stated in the agreement, and if such non-compliance is not resolved within (60) days from the date of such notice, then the agreement shall be terminated.

c. In the event that the company or individual:

(1). allows its ad valorem taxes owed the City or affected jurisdiction to become delinquent and fails to timely and properly follow legal procedures for their protest and/or contest, or

(2). violates any of the terms and conditions of the abatement agreement and fails to resolve such violations with sixty (60) days from the date of written notice of such violations, the agreement then may be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within (60) days of the termination.

(3). Upon completion of construction, the City shall annually evaluate each facility receiving abatement to ensure compliance with the agreement and report possible violations to the City Council and the City Attorney.

(4). The City must deliver a report to the Texas Comptroller's Office describing the guidelines and criteria, reinvestment zone, terms of any abatement agreements, and any other information required by the Comptroller. The reports will be submitted by March 31 of the year following the designation of a zone or the execution of a tax abatement.

#### APPLICATION FOR TAX ABATEMENT INSTRUCTIONS

1. Attach additional pages if there is not enough space allotted to answer questions on the application.

2. Applicants and projects must meet the requirements established by the City of Freeport Guidelines and Criteria in order to receive positive consideration.

3. Applicants must submit an application processing fee in the amount of Five Hundred Dollars (\$500) or one percent (1%) of the value of the proposed improvement(s), whichever is less, to cover cost to the City of attorney's fees and legal notices to be published.

4. Applicants must submit an adequately definitive legal description that sufficiently describe the tract(s) of land comprising the proposed reinvestment zone (tax abatement area) upon which the new facility, expansion or modernization project will be located. Applications with insufficient or indefinite legal descriptions will be returned to the applicant for amendment such applications will not be considered for hearing until corrected.

5. Applicant must submit the attached *Certification of Appraised Value of Properties* form which is part of this application. This certification should cover the proposed tax abatement area and it is the responsibility of the applicant to obtain this information from the Brazoria County Appraisal District.

## APPLICANT INFORMATION

The taxing unit may consider applicant's financial capacity in determining whether to enter into an abatement agreement. Established companies for which public information is available, or the wholly owned businesses of such companies, should include with the new application a copy of their latest annual report to the stockholders. Other applicants and new companies should attach a statement showing:

- (1). when the company was established
- (2). business references (name, contact person, accountant, attorney)
- (3). may be required to submit an audit financial statement and business plan.

## PROJECT INFORMATION

Only facilities listed in the General Criteria of the Guidelines may receive abatement. Check guidelines definitions to see if project qualifies.

If the project is a Regional Entertainment Facility, Regional Service Facility, Regional Distribution Center Facility or other basic industry, include the following items;

- (1). market studies
- (2). business plans
- (3). agreements or other materials demonstrating that the facility is intended to serve a market of which the majority is substantially outside the City of Freeport.

## ECONOMIC MARKET

### **Permanent Employment Estimates**

In estimating the permanent employment, include the total number of jobs retained or created at this site by your firm as well as known permanent jobs of service contractors required for operation.

### **Estimated Appraised Value on Site**

The value on January 1 preceding abatement should be the value established by the Brazoria County Appraisal District. If the applicant must estimate value because taxable value is not known or is combined with other properties under a single tax account, please so state. To qualify, the abated properties must be expected to result in an addition to the tax base of at least fifty thousand dollars (\$50,000) after the period of abatement expires. Projections of value should be a best estimate" based on taxability in Texas. The projection of project values not abated should include personal property and ineligible project related improvements such as an office in excess of that used for plant administration, housing, etc.

**APPLICATION FOR TAX ABATEMENT**  
**COMMERCIAL/INDUSTRIAL**

This application should be filed at least ninety (90) days prior to the beginning of construction or the installation of equipment. This application will become part of any later agreement or contract and knowingly false representations thereon will be grounds for the voiding of any later agreement or contract.

Original copy of this application and attachments should be submitted to:

City Manager  
City of Freeport  
200 West Second Street  
Freeport, TX 77541

**APPLICANT INFORMATION**

Company Name: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

Address: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

**PROJECT INFORMATION**

Check type of facility to be abated:

|                  |                          |                               |                          |
|------------------|--------------------------|-------------------------------|--------------------------|
| Manufacturing    | <input type="checkbox"/> | Regional Distribution         | <input type="checkbox"/> |
| Regional Service | <input type="checkbox"/> | Regional Entertainment Center | <input type="checkbox"/> |
| Research         | <input type="checkbox"/> | Other Basic Industry          | <input type="checkbox"/> |

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

\_\_\_\_\_  
\_\_\_\_\_

Attach a map showing the site. (Attach as Exhibit)

Proposed facility located in the following taxing jurisdictions:

|                             |                                      |
|-----------------------------|--------------------------------------|
| School District             | Brazoria Independent School District |
| Drainage District           | Velasco Drainage District            |
| City                        | City of Freeport                     |
| Other Taxing Jurisdictions: | Brazoria County                      |
|                             | Port Freeport                        |

Describe product or service to be provided: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

This application is for a: New Facility  Expansion

**PROJECT DESCRIPTION**

Please attach a statement which:

1. fully explains the project;
2. describes the site and existing improvements;
3. describes all proposed improvements;
4. provides a list of improvements and fixed equipment for which abatement is requested.

**ECONOMIC IMPACT INFORMATION**

A. Estimated cost of improvements:

Real Estate \$ \_\_\_\_\_

Personal Property \$ \_\_\_\_\_

B. Permanent employment estimates:

If existing facility, current plant employment: \_\_\_\_\_

Estimated number of jobs retained: ( ) jobs created: ( )

Number of employees anticipated at start up: ( ) within 1 yr. ( )

C. Construction employment estimates:

Construction to start: Month: \_\_\_\_\_ Year: \_\_\_\_\_

Construction to be completed: Month: \_\_\_\_\_ Year: \_\_\_\_\_

Number of construction jobs anticipated: At start: \_\_\_\_\_

Peak \_\_\_\_\_ Finish: \_\_\_\_\_

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

Number of families transferred to area: \_\_\_\_\_

Number of students added to ISD: \_\_\_\_\_

E. City Impact estimates:

Volume of treated water required from city: \_\_\_\_\_

Volume of effluent water to be treated by city: \_\_\_\_\_

Has permitted been started? Yes ( ) No ( )

F. Estimated appraised value on site:

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

**G. Statement of planned efforts to use City of Freeport Vendors and services:**

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

**DECLARATION**

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

\_\_\_\_\_  
Company Official Signature

\_\_\_\_\_  
Printed Name and Title of  
Company Official

\_\_\_\_\_  
Date Signed

**CERTIFICATION OF APPRAISED VALUE OF PROPERTIES**  
**AS OF JANUARY 1, \_\_\_\_\_**

To: City of Freeport

Fm: Brazoria County Appraisal District

Date: \_\_\_\_\_

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

**PERSONAL PROPERTY**

**APPRAISAL VALUE**

Account No. \_\_\_\_\_ \$ \_\_\_\_\_

Account No. \_\_\_\_\_ \$ \_\_\_\_\_

**LAND**

Account No. \_\_\_\_\_ \$ \_\_\_\_\_

Account No. \_\_\_\_\_ \$ \_\_\_\_\_

Account No. \_\_\_\_\_ \$ \_\_\_\_\_

**IMPROVEMENTS**

Account No. \_\_\_\_\_ \$ \_\_\_\_\_

Account No. \_\_\_\_\_ \$ \_\_\_\_\_

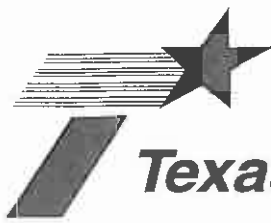
Account No. \_\_\_\_\_ \$ \_\_\_\_\_

Certified this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**Chief Appraiser**  
**Brazoria County Appraisal District**

By: \_\_\_\_\_





# Texas Department of Transportation

P.O. BOX 1386 • HOUSTON, TEXAS 77251-1386 • (713) 802-5000

August 28, 2009

CONTACT: TRF ENG

## Cell Phone Restriction Sign

The Honorable Larry L. McDonald  
Mayor, City of Freeport  
200 West 2<sup>nd</sup> Street  
Freeport, Texas 77541

Dear Mayor McDonald:

This follows our August 14, 2009 letter regarding new school zone legislation. We inadvertently used an old mailing list to send out the original correspondence. We are sorry for any inconvenience that this may have caused.

The 81<sup>st</sup> Legislature passed House Bill 55 (HB 55) that will become effective September 1, 2009, and, where enforced, will prohibit drivers from using wireless communication devices while operating a motor vehicle within a school crossing zone. To implement the requirements of HB 55, the Texas Department of Transportation (TxDOT) has adopted the "Cell Phone Use Prohibited-Up To \$200 Fine" (S7-1T) sign (see attached) located at the following web address:

[http://www.txdot.gov/txdot\\_library/publications/highway\\_signs.htm](http://www.txdot.gov/txdot_library/publications/highway_signs.htm)

A municipality, county, or other political subdivision that enforces this section shall post signs at the entrance to each school crossing zone.

The "Cell Phone Use Prohibited-Up To \$200 Fine" (S7-1T) signs shall be posted below the School Speed Limit (S5-1) sign. Upon request by the local jurisdiction, TxDOT will pay for the cost and installation of the sign for State highways in cities with a population of 50,000 or less or outside incorporated areas. For all other roadways, the municipality, county, or other political subdivision will be responsible for the cost and installation of the signs.

We appreciate your efforts to work with us in order to provide safe and secure school zones. If you should have any questions concerning this matter, please call me at (713) 802-5171 or Mr. Sylvester E. Onwas, P.E., District Traffic Engineer, at (713) 802-5831.

Sincerely,

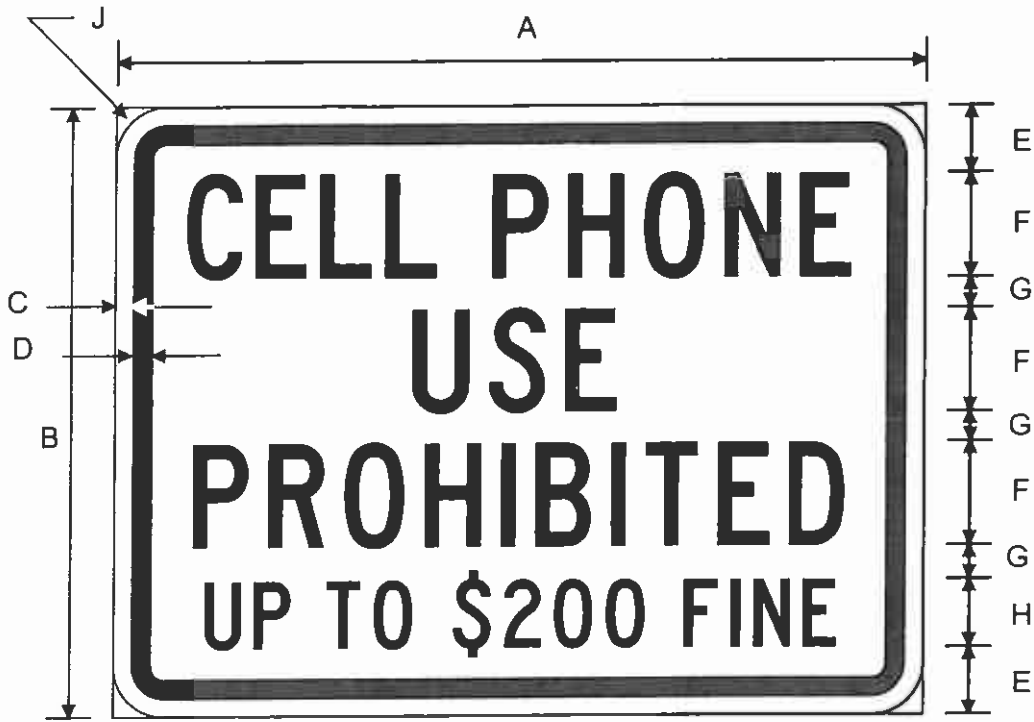
Stuart C. Corder, P.E.  
Director of Transportation Operations  
Houston District

JRK:ks

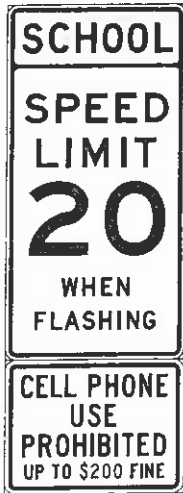
Attachment

cc: Mr. Sylvester E. Onwas, P.E.  
Area Engineers  
Maintenance Supervisors  
Mr. Quincy D. Allen, P.E.  
Mr. Ryan S. Gibson

THE TEXAS PLAN  
REDUCE CONGESTION • ENHANCE SAFETY • EXPAND ECONOMIC OPPORTUNITY • IMPROVE AIR QUALITY  
INCREASE THE VALUE OF OUR TRANSPORTATION ASSETS



S7-1T



| A  | B  | C    | D    | E | F  | G | H  | J   |
|----|----|------|------|---|----|---|----|-----|
| 24 | 18 | .375 | .625 | 2 | 3C | 1 | 2C | 1.5 |
| 36 | 18 | .375 | .625 | 2 | 3C | 1 | 2C | 1.5 |
| 48 | 36 | .75  | 1.25 | 4 | 5C | 3 | 4C | 3   |

COLORS: LEGEND - BLACK  
 BACKGROUND - WHITE (RETROREFLECTIVE)

RESOLUTION NO. 2009-2209

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; REQUESTING THE TEXAS DEPARTMENT OF TRANSPORTATION TO POST SIGNS AT THE ENTRANCE TO EACH SCHOOL CROSSING ZONE ON STATE HIGHWAYS WITHIN THE CITY PROHIBITING DRIVERS FROM USING WIRELESS COMMUNICATION DEVICES WHILE OPERATING A MOTOR VEHICLE WITHIN SUCH ZONE AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO POST SIGNS AT THE ENTRANCE TO THE OTHER SCHOOL CROSSING ZONES WITHIN THE CITY PROHIBITING DRIVERS FROM USING WIRELESS COMMUNICATION DEVICES WHILE OPERATING A MOTOR VEHICLE WITHIN SUCH ZONES; 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, House Bill 55, recently adopted by the 81<sup>st</sup> Legislature of the State of Texas authorizes the City Council of the City to adopt the provisions of this Resolution; and,

WHEREAS, the City Council of the City has determined and does 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 students using the school crossing zones of the City.

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

First, the City Council of the City makes the following findings of fact:

(1) That Division (B) of Section 71.21 of the Code of Ordinances of the City establishes fourteen (14) school crossing zones within the corporate limits the City.

(2) That some of these include school crossing zones located on State Highway 288, F.M. Highway 521 and F.M. Highway 1495.

(3) That the City has a population of less than 50,000 at the present time.

Second, the City Council of the City hereby requests that the Texas Department of Transportation, at its expense, install signs stating "Cell Phone Use Prohibited-Up To #200 Fine" below the school speed limit sign at the entrance to the school crossing zones located within the City on State Highway 288, F.M. Highway 521 and F.M. Highway 1495; and that the City Manager be and he is hereby authorized to install signs conforming to that used on the state highways stating "Cell Phone Use Prohibited-Up To #200 Fine" below the school speed limit sign at the entrance to all other school crossing zones located within the City.

Third, 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.

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 and a certified copy thereof shall be sent to the appropriate official of the Texas Department of Transportation.

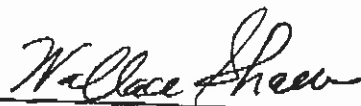
READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
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.Rsl\No Cell Phone-Rsl

Park/Council Special Request Form

Council Meeting Date

Name of Organization

Name of Event

Date of Event

Type of Event

Brazoria County Peace Officers Association

1st Annual Fish Fry Fund Raiser

Sept. 26, 2009

Fund Raiser / Breast Cancer Awareness Week

On behalf of the organization I represent I am requesting your permission to allow us to do the following in Municipal Park:

The Parks Department has reviewed the noted requests. We forward our recommendations for your consideration and approval.

Sell alcohol on specified date - Lions Club to sell alcohol  yes  no

security provided by: Brazoria County Sheriff Dept.

Have a public dance  yes  no

Provide own agency to be used: \_\_\_\_\_

Erect temporary fencing  yes  no

Charge a general admission fee  yes  no

Close or use lanes on streets within the City  yes  no

(see map attached showing affected streets.)

Have fireworks display  yes  no

Other: \_\_\_\_\_  yes  no

Other: \_\_\_\_\_  yes  no

Thank you for your assistance

Sincerely,

\_\_\_\_\_  
Organization Representative

\_\_\_\_\_  
Date

Thank you.

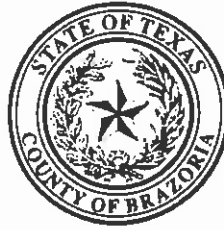
Sincerely,

Danny Farnsworth  
Director-Parks & Recreation

8/28/09  
Date

GERALD L. ROBERTS, P.E.  
COUNTY ENGINEER

KEVIN B. SHERRODD, P.E.  
ASSISTANT COUNTY ENGINEER



(979) 864-1265 ANGLETON  
(979) 388-1265 CLUTE  
(281) 756-1265 HOUSTON  
(979) 864-1270 FAX

BRAZORIA COUNTY  
451 N VELASCO, SUITE 230  
ANGLETON, TEXAS 77515

August 7, 2009

**Re: Road & Bridge Interlocal Agreement Fiscal Year 2010**

Dear Mayor:

Enclosed, please find two "original" copies of the Road and Bridge Department interlocal agreement approved by Commissioners' Court and signed by Brazoria County Judge Joe King, covering construction, improvement, maintenance, or repair activities on streets or alleys within your municipality during Brazoria County's Fiscal Year (FY) 2010, which begins October 1, 2009. Upon approval of the interlocal agreement by action of your City Council, **please have your Mayor sign and return one fully executed original to the attention of Sherri Stanford before October 1, 2009.**

In addition, please complete and return the enclosed Project Request, listing all "major" projects for which you are requesting the County's assistance for FY-10. Each request submitted requires the approval of your Mayor. It is very important for our Superintendent to be involved in the negotiation and planning process with your Administration as to some level of work the County can accomplish for you. **Please return your completed Project Request to the attention of Sherri Stanford before December 15, 2009.**

We are encouraging you to consider that the County would prefer to do overlays only for "road construction". Doing sub-base, base, and stabilization of road materials is quite time consuming and ties up many of our resources that we need to be using on other jobs.

The County Road and Bridge Act authorizes a commissioners' court to expend county funds and utilize county equipment to do road and street work within incorporated cities and towns, provided the governing body of the city or town consents. Therefore, work under this interlocal agreement must be initiated by submitting a written request signed by your Mayor to the Engineer's Office. If such work is determined to be a benefit to the County by Commissioners' Court, work will be performed as quickly as our Road Superintendent is able to schedule in coordination with other projects and commitments.

If unexpected projects come up during the year, please follow the same process of involving our appropriate Service Center Road Superintendent prior to submitting a written request to Brazoria County Engineering.

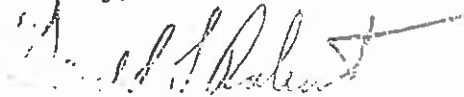
It is not necessary to involve the Superintendent in the planning process for driveways to be set, or pothole patching. However, in order to better serve your needs please list location, name, and contact number of the person requesting the work. Culverts should be on site with area staked out. The County will assist in spreading material providing the material is on site prior to our arrival to perform the work.

Cities are responsible for all material (road material, patching material, signs, culverts, etc.) and may purchase through the County's suppliers providing they have a "separate" interlocal agreement with the Brazoria County Purchasing Department to do so. If you do not have this agreement with Purchasing, please contact Natasha Stulberg, at 979/864-1677.

Cities will be invoiced for material depleted from County Road and Bridge Department inventory.

If you have any questions, please contact Sherri Stanford at 979/864-1865.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald L. Roberts", with a long horizontal flourish extending to the right.

Gerald L. Roberts, P.E.  
County Engineer

GR/ss  
Encl.





link to, other roads and highways is allowed if such work is determined to be a benefit to the County by Commissioners Court. The City will provide materials, including fuel used by the equipment for these projects. All such materials shall be paid for by the City, and may be purchased through the County's suppliers. The City shall reimburse the cost of any work performed or obtained by the County, which is determined to be beyond the scope of this agreement, to the County.

1.2 The county work authorized by this AGREEMENT may be done:

- (1) By the County through use of county equipment;
- (2) By an independent contractor with whom the County has contracted for the provision of certain services and materials, conditioned on the City providing a purchase order to such independent contractor for the full amount of such services or materials.

1.3 During the term of this AGREEMENT when County work is requested, the Mayor of the City shall submit a request in writing to the County Engineer. The County Engineer and the Mayor of the City shall agree in writing as to the location and type of assistance to be provided pursuant to this AGREEMENT. It is expressly understood between the parties that the County shall have no authority or obligation to provide any service or work on any city street or alley not so agreed to in writing. The County Engineer is authorized to sign an acceptance statement for

each project at the appropriate time and authorize the work subject to be completed as the Road and Bridge Department schedules permit.

1.4 The parties intend that the County in performing such services shall act as an independent contractor and shall have control of the work and the manner in which it is performed. The County shall not be considered an agent, employee, or borrowed servant of the City.

1.5 For and in consideration of the above agreement by the County, the City agrees to provide all warning and safety signs and other safety protections as required when such work is being performed by the County.

1.6 The parties further agree that such work and materials are provided by the County without warranty of any kind to the City or any third party, and that the County has no obligation to provide any supplemental warranty work after a project's completion. The City agrees to provide any engineering or design work required for work done pursuant to this agreement.

## II.

2.0 To the extent authorized by law, the City hereby agrees to hold harmless the County, its officers, agents and employees from any and all loss, damage, cost demands or causes of action of any nature or kind for loss or damage to property, or for injury or death to persons, arising in any manner from the performance of the above-referenced work.

2.1 Payment for services or materials under this agreement shall be payable from current revenues available to the paying party.

III.

3.0 Either party may terminate this agreement upon thirty- (30) day's written notice to the other party.

3.1 Nothing herein shall be construed to make either party a purchaser or consumer of goods or services from the other.

3.2 Nothing herein shall be construed to create any rights in third parties.

SIGNED AND ENTERED this the 7 day of August, 2009.

BRAZORIA COUNTY, TEXAS

CITY OF FREEPORT, TEXAS

  
By: Joe King  
Brazoria County Judge

\_\_\_\_\_  
By: Mayor Larry McDonald

ATTEST:

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

**ORDER NO. 24 RE: APPROVAL OF FORM FOR INTERLOCAL AGREEMENTS FOR FY 2010 FOR DIRECT ASSISTANCE TO CITIES AND TOWNS**

Motion by Commissioner Sebesta, seconded by Commissioner Payne that the County Engineer be authorized to provide new blanket interlocal agreements to cities and towns for their approval in the form attached, pursuant to provisions of Chapter 791 and the Texas Transportation Code, §251.012, and the County Judge be authorized to subsequently execute same on behalf of Commissioners' Court.

Further, that a certified copy of this order be furnished to the County Engineer.

Motion carried, all present voting aye.

**STATE OF TEXAS §**

**COUNTY OF BRAZORIA §**

**I, Joyce Hudman, Clerk County Court and Ex-Officio Clerk of the Commissioners' Court of Brazoria County, Texas, do hereby certify that the foregoing is a true and correct copy of that certain:**

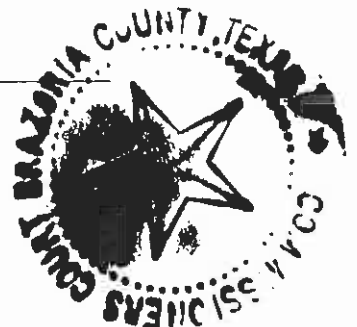
**ORDER NO. 24 RE: APPROVAL OF FORM FOR INTERLOCAL AGREEMENTS FOR FY 2010 FOR DIRECT ASSISTANCE TO CITIES AND TOWNS**

as passed by the Commissioners' Court on the 28<sup>th</sup> day of July, A.D., 2009, SPECIAL Term of Commissioners' Court and as the same appear(s) in the Commissioners' Court Records of Brazoria County, Texas.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 29<sup>th</sup> DAY OF July A. D., 2009.**

JOYCE HUDMAN, Clerk County Court  
and Ex-Officio Member of the Commissioners'  
Court of Brazoria County, Texas

By: S. Moore  
S. Moore, Deputy



# City of Freeport

Inter-local Agreement Project Request Summary FY-2010

updated 8-24-09

## 2010 Street Projects #6.xls

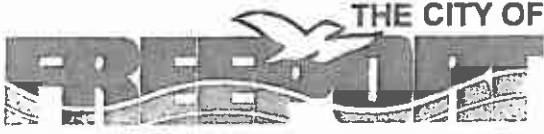
| MILES | STREET /LOCATION | LIMITS (TO - FROM)          | LEN. (FT) | WID. (FT)                     | WORK DESCRIPTION                                                                                                               | FOR OFFICE USE ONLY |
|-------|------------------|-----------------------------|-----------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 0.36  | Mulberry         | 2nd to 8th                  | 1940'     | 27'                           | lower street for 4" finished crown                                                                                             | 0.36                |
|       |                  |                             |           | 52,380 sq. ft.                | replace subgrade with reclaimand & base<br>matl, ABS-65, 2" hot mix                                                            |                     |
| 0.27  | McNeil           | Front to Gulf               | 1450'     | 22'                           | Add 2" base, ABS-65, 2" hot mix                                                                                                | 0.63                |
|       |                  |                             |           | 31,900 sq. ft.                |                                                                                                                                |                     |
| 0.2   | Ash              | From alley n. of 1st        | 1057'     | 24' road base                 |                                                                                                                                | 0.83                |
|       |                  |                             |           | 34,800 sq. ft.                | 1' shoulder<br>1' shoulder from alley to 1st<br>ABS-65, 2" hot mix<br>curbed 1st to 4th - lower street to 4"<br>finished crown |                     |
| 0.09  | Oak              | From Alley n. of 1st to 2nd | 525'      | 30' asphalt                   | lower street for 4" finished crown                                                                                             | 0.92                |
|       |                  |                             |           | 15750 sq. ft.                 | replace subgrade with reclaimand & base<br>matl, ABS-65, 2" hot mix<br>curbed                                                  |                     |
| 0.45  | Maple            | Brazos to 8th               | 2400'     | 30' asphalt                   | lower street for 4" finished crown                                                                                             | 1.37                |
|       |                  |                             |           | 72000 sq. ft.                 | replace subgrade with reclaimand & base<br>matl, ABS-65, 2" hot mix<br>Add 3" base, ABS-65, 2" hot mix                         |                     |
| 0.22  | Grove            | Ave A to Gulf Blvd          | 1200'     | 20' asphalt                   | lower street for 4" finished crown                                                                                             | 1.59                |
|       |                  |                             |           | 24000 sq. ft. / Road Bed 22'  | 1' shoulder from alley to 1st<br>Add 3" base, ABS-65, 2" hot mix                                                               |                     |
| 0.18  | Walnut           | 2nd to 5th                  | 975'      | 26400 sq. ft.                 | curbed                                                                                                                         | 1.77                |
|       |                  |                             |           | 27' asphalt                   | lower street for 4" finished crown                                                                                             |                     |
| 0.23  | Division         | Ave A to Gulf               | 1200'     | 26,400 sq. ft. / Road Bed 24' | replace subgrade with reclaimand & base<br>matl, ABS-65, 2" hot mix                                                            | 2                   |
|       |                  |                             |           | 38,800 sq. ft.                | Add 3" base, ABS-65, 2" hot mix<br>1' shoulder                                                                                 |                     |

Note: Each page submitted must be approved

By Mayor --- Return to County Engineer

\* Concrete curbs, gutters & sidewalks cost extra.

Approved By: Mayor



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

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

### PROPERTY MANAGEMENT MEMO

Council: . September 14, <sup>2009</sup>2007  
 Agenda item: .  
 Block & Lot(s): . Lot 17, Block 715  
 Street Location: . 1209 North Avenue M  
 Account : . 8110-3072-000

Taxes delinquent: \$ Since 1983  
 Taxes extinguished: \$ 143.45

Value of property: \$ 2,340.00  
 Offer by Chad Auzenne: \$ 200.00  
 Court costs & post judgment: \$ 0

Zoning : R-2 Residential

To distribute: \$ 200.00

Amount to Freeport: \$ 151.82

Remarks:

Property fronts on concrete street.

No outstanding liens.

Action:  Sell  
 Reject off

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Trust sale-Council action

**BID ANALYSIS**

**Cause Number:** [REDACTED]

**Account Number:** 8410-3012-000

**Offer Amount:** \$200.00

**Value \$:** [REDACTED]

**Person Offering:** Chad Auzenne

**Adjudged Value\$:** [REDACTED]

**Judgement Information**

| Taxing Entity      | Tax Years | Amount Due |
|--------------------|-----------|------------|
| BC                 | 1983      | \$9.99     |
| Brazosport ISD     |           | \$14.52    |
| BRHND              |           | \$2.98     |
| Brazosport College |           | \$2.38     |
| Velasco Drainage   |           | \$4.69     |
| Road dist 34       |           | \$0.00     |
| City of Freeport   |           | \$108.89   |

**Total** \$143.45

**Costs**

|                  |        |                 |        |
|------------------|--------|-----------------|--------|
| Court Costs      | \$0.00 | Sheriff Fees    |        |
| Publication Fees |        | Research Fees   | \$0.00 |
| Ad Litem         |        | Recording fee's |        |
|                  | Liens  |                 | 0      |

**Total** \$0.00

**Post Judgement Information**

| Taxing Entity | Tax Year's |  |
|---------------|------------|--|
|               |            |  |
|               |            |  |
|               |            |  |
|               |            |  |
|               |            |  |
|               |            |  |
|               |            |  |
|               |            |  |
|               |            |  |

**Post Judgment Total** \$0.00

**Proposed Distribution**

|                             |          |                          |          |
|-----------------------------|----------|--------------------------|----------|
| <b>Offer Amount</b>         | \$200.00 | <b>Costs + P &amp; J</b> | \$0.00   |
| <b>Net to Distribute \$</b> |          |                          | \$200.00 |

|                    |        |          |
|--------------------|--------|----------|
| BC                 | 6.96%  | \$13.93  |
| BCED               | 10.12% | \$20.24  |
| Brazosport ISD     | 2.08%  | \$4.15   |
| BRHND              | 1.66%  | \$3.32   |
| Brazosport College | 3.27%  | \$6.54   |
| Velasco Drainage   | 0.00%  | \$0.00   |
| City of Freeport   | 75.91% | \$151.82 |



### Brazoria CAD

Property Search Results > Property ID 261341 CITY OF FREEPORT IN TRUST for Year 2009

**Property Details**

**Account**  
Property ID: 261341  
Geo. ID: 8110-3072-000  
Type: Real

**Legal Description:**  
VELASCO (FREEPORT), BLOCK 715, LOT 17, SUIT #81G0293 7-27-83

**Location**  
Address: N AVE M  
FREEPORT, TX 77541

**Neighborhood:** FREEPORT ORIGINAL

**Mapsco:** CAD, CFP, DR2, GBC, JBR, NAV, RDB, SBR

**Jurisdictions:**

**Owner**  
Name: CITY OF FREEPORT IN TRUST  
Address: 200 W 2ND ST  
FREEPORT, TX 77541-5773

**Property**  
Appraised Value: \$2,340

Map Layers

Radius Search

1: Zoom

Website version: 1.2.2.2

Database last updated on: 7/27/2009 2:59 PM

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

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

# Brazoria CAD

## Property Search Results > 261341 CITY OF FREEPORT IN TRUST for Year 2009

### Property

**Account**

Property ID: 261341      Legal Description: VELASCO (FREEPORT), BLOCK 715, LOT 17, SUIT #81G0293 7-27-83  
 Geographic ID: 8110-3072-000      Agent Code:  
 Type: Real

**Location**

Address: N AVE M      Mapsco:  
 FREEPORT, TX 77541  
 Neighborhood: FREEPORT ORIGINAL      Map ID:  
 Neighborhood CD: CFP.O

**Owner**

Name: CITY OF FREEPORT IN TRUST      Owner ID: 114250  
 Mailing Address: 200 W 2ND ST      % Ownership: 100.0000000000%  
 FREEPORT, TX 77541-5773  
 Exemptions: EX

### Values

|                                       |   |         |                       |
|---------------------------------------|---|---------|-----------------------|
| (+) Improvement Homesite Value:       | + | \$0     |                       |
| (+) Improvement Non-Homesite Value:   | + | \$0     |                       |
| (+) Land Homesite Value:              | + | \$0     |                       |
| (+) Land Non-Homesite Value:          | + | \$2,340 | Ag / Timber Use Value |
| (+) Agricultural Market Valuation:    | + | \$0     | \$0                   |
| (+) Timber Market Valuation:          | + | \$0     | \$0                   |
|                                       |   | -----   |                       |
| (=) Market Value:                     | = | \$2,340 |                       |
| (-) Ag or Timber Use Value Reduction: | - | \$0     |                       |
|                                       |   | -----   |                       |
| (=) Appraised Value:                  | = | \$2,340 |                       |
| (-) HS Cap:                           | - | \$0     |                       |
|                                       |   | -----   |                       |
| (=) Assessed Value:                   | = | \$2,340 |                       |

### Taxing Jurisdiction

Owner: CITY OF FREEPORT IN TRUST  
 % Ownership: 100.0000000000%  
 Total Value: \$2,340

| Entity | Description                            | Tax Rate | Appraised Value | Taxable Value | Estimated Tax |
|--------|----------------------------------------|----------|-----------------|---------------|---------------|
| CAD    | BRAZORIA COUNTY APPRAISAL DISTRICT     | 0.000000 | \$2,340         | \$0           | \$0.00        |
| / CFP  | CITY OF FREEPORT                       | 0.700000 | \$2,340         | \$0           | \$0.00        |
| , DR2  | VELASCO DRAINAGE DISTRICT              | 0.082075 | \$2,340         | \$0           | \$0.00        |
| GBC    | BRAZORIA COUNTY                        | 0.330000 | \$2,340         | \$0           | \$0.00        |
| JBR    | BRAZOSPORT COLLEGE                     | 0.156488 | \$2,340         | \$0           | \$0.00        |
| NAV    | PORT FREEPORT                          | 0.053500 | \$2,340         | \$0           | \$0.00        |
| , RDB  | ROAD & BRIDGE FUND                     | 0.060000 | \$2,340         | \$0           | \$0.00        |
| , SBR  | BRAZOSPORT INDEPENDENT SCHOOL DISTRICT | 1.192200 | \$2,340         | \$0           | \$0.00        |

Total Tax Rate: 2.574263

Taxes w/Current Exemptions: \$0.00

Taxes w/o Exemptions: \$60.24

**Improvement / Building**

No improvements exist for this property.

**Land**

| # | Type | Description  | Acres  | Sqft    | Eff Front | Eff Depth | Market Value | Prod. Value |
|---|------|--------------|--------|---------|-----------|-----------|--------------|-------------|
| 1 | S1   | PRIMARY SITE | 0.0717 | 3125.00 | 0.00      | 0.00      | \$2,340      | \$0         |

**Roll Value History**

| Year | Improvements | Land Market | Ag Valuation | Appraised | HS Cap | Assessed    |
|------|--------------|-------------|--------------|-----------|--------|-------------|
| 2009 |              | \$0         | \$2,340      | 0         | 2,340  | \$0 \$2,340 |
| 2008 |              | \$0         | \$2,030      | 0         | 2,030  | \$0 \$2,030 |
| 2007 |              | \$0         | \$2,030      | 0         | 2,030  | \$0 \$2,030 |
| 2006 |              | \$0         | \$2,030      | 0         | 2,030  | \$0 \$2,030 |
| 2005 |              | \$0         | \$2,030      | 0         | 2,030  | \$0 \$2,030 |
| 2004 |              | \$0         | \$1,410      | 0         | 1,410  | \$0 \$1,410 |
| 2003 |              | \$0         | \$1,410      | 0         | 1,410  | \$0 \$1,410 |
| 2002 |              | \$0         | \$1,410      | 0         | 1,410  | \$0 \$1,410 |
| 2001 |              | \$0         | \$1,410      | 0         | 1,410  | \$0 \$1,410 |

**Deed History - (Last 3 Deed Transactions)**

| # | Deed Date | Type | Description | Grantor | Grantee | Volume | Page |
|---|-----------|------|-------------|---------|---------|--------|------|
|---|-----------|------|-------------|---------|---------|--------|------|

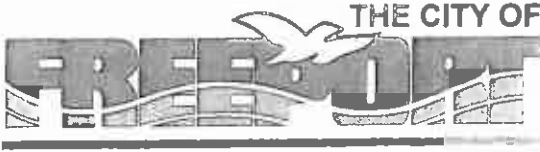
**Questions Please Call (979) 849-7792**

Website version: 1.2.2.2

Database last updated on: 7/27/2009 2:59 PM

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

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



### PROPERTY MANAGEMENT MEMO

Council: . September 14, 2007<sup>9</sup>  
 Agenda item: .  
 Block & Lot(s): . Lot 20, Block 4, Section 2  
 Street Location: . 20 Marlin Drive  
 Account : . 2190-0246-000

Taxes delinquent: \$ 1975-2008  
 Taxes extinguished: \$ 902.12

Value of property: \$ 590.00  
 Offer by Mike Wilson : \$ 350.00  
 Court costs & post judgment: \$ 402.19

Zoning : R-2 Residential

To distribute: \$ 0  
 Amount to Freeport: \$ 0

Remarks:

Property fronts on Marlin Avenue.

No outstanding liens.

Action: [ ] Sell  
[ ] Reject off

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Trust sale-Council action

**BID ANALYSIS**

**Cause Number:** 94T5098      **Account Number:** 2190-0246-000  
**Offer Amount:** \$350.00      **Value \$:** \$590.00  
**Person Offering:** MIKE WILSON      **Adjudged Value\$:** \$500.00

**Judgement Information**

| Taxing Entity      | Tax Years | Amount Due |
|--------------------|-----------|------------|
| BC                 | 1975-1994 | \$85.54    |
| BCED               | 1975-1994 | \$207.44   |
| Brazosport ISD     | 1975-1994 | \$117.82   |
| BRHND              | 1975-1994 | \$23.86    |
| Brazosport College | 1975-1994 | \$17.80    |
| Velasco Drainage   | 1975-1994 | \$35.73    |
| City of Freeport   | 1975-1994 | \$413.93   |

**Total** \$902.12

**Costs**

|                  |          |                 |   |
|------------------|----------|-----------------|---|
| Court Costs      | \$365.00 | Sheriff Fees    |   |
| Publication Fees |          | Research Fees   |   |
| Ad Litem         |          | Recording fee's |   |
| Liens            |          |                 | 0 |

**Total** \$365.00

**Post Judgement Information**

| Taxing Entity      | Tax Year's |         |
|--------------------|------------|---------|
| BC                 | 1995       | \$4.73  |
| BCED               | 1995       | \$0.00  |
| Brazosport ISD     | 1995       | \$18.12 |
| BRHND              | 1995       | \$1.16  |
| Brazosport College | 1995       | \$1.01  |
| Velasco Drainage   | 1995       | \$1.70  |
| City of Freeport   | 1995       | \$10.47 |

**Post Judgment Total** \$37.19

**Proposed Distribution**

|                             |          |                          |                 |
|-----------------------------|----------|--------------------------|-----------------|
| <b>Offer Amount</b>         | \$350.00 | <b>Costs + P &amp; J</b> | \$402.19        |
| <b>Net to Distribute \$</b> |          |                          | <b>-\$52.19</b> |

|                    |        |          |
|--------------------|--------|----------|
| BC                 | 9.48%  | -\$4.95  |
| BCED               | 22.99% | -\$12.00 |
| Brazosport ISD     | 13.06% | -\$6.82  |
| BRHND              | 2.64%  | -\$1.38  |
| Brazosport College | 1.97%  | -\$1.03  |
| Velasco Drainage   | 3.96%  | -\$2.07  |
| City of Freeport   | 45.88% | -\$23.95 |



# Brazoria CAD

## Property Search Results > 193488 BRAZORIA COUNTY IN TRUST for Year 2009

### Property

#### Account

Property ID: 193488      Legal Description: BRIDGE HARBOR (A0051 F J CALVIT DIV 8 (B C I C)), BLOCK 4, LOT 20 NO 2, CAUSE #94T5098

Geographic ID: 2190-0246-000      Agent Code:  
 Type: Real

#### Location

Address: MARLIN DR      Mapsco:  
 FREEPORT, TX 77541  
 Neighborhood: FREEPORT ORIGINAL      Map ID:  
 Neighborhood CD: CFP.O

#### Owner

Name: BRAZORIA COUNTY IN TRUST      Owner ID: 49031  
 Mailing Address: 111 E LOCUST      % Ownership: 100.0000000000%  
 ANGLETON, TX 77515  
 Exemptions: EX

### Values

|                                       |   |       |                       |
|---------------------------------------|---|-------|-----------------------|
| (+) Improvement Homesite Value:       | + | \$0   |                       |
| (+) Improvement Non-Homesite Value:   | + | \$0   |                       |
| (+) Land Homesite Value:              | + | \$0   |                       |
| (+) Land Non-Homesite Value:          | + | \$590 | Ag / Timber Use Value |
| (+) Agricultural Market Valuation:    | + | \$0   | \$0                   |
| (+) Timber Market Valuation:          | + | \$0   | \$0                   |
| <hr/>                                 |   |       |                       |
| (=) Market Value:                     | = | \$590 |                       |
| (-) Ag or Timber Use Value Reduction: | - | \$0   |                       |
| <hr/>                                 |   |       |                       |
| (=) Appraised Value:                  | = | \$590 |                       |
| (-) HS Cap:                           | - | \$0   |                       |
| <hr/>                                 |   |       |                       |
| (=) Assessed Value:                   | = | \$590 |                       |

### Taxing Jurisdiction

Owner: BRAZORIA COUNTY IN TRUST  
 % Ownership: 100.0000000000%  
 Total Value: \$590

| Entity | Description                            | Tax Rate | Appraised Value | Taxable Value | Estimated Tax |
|--------|----------------------------------------|----------|-----------------|---------------|---------------|
| CAD    | BRAZORIA COUNTY APPRAISAL DISTRICT     | 0.000000 | \$590           | \$0           | \$0.00        |
| CFP    | CITY OF FREEPORT                       | 0.700000 | \$590           | \$0           | \$0.00        |
| DR2    | VELASCO DRAINAGE DISTRICT              | 0.082075 | \$590           | \$0           | \$0.00        |
| GBC    | BRAZORIA COUNTY                        | 0.330000 | \$590           | \$0           | \$0.00        |
| JBR    | BRAZOSPORT COLLEGE                     | 0.156488 | \$590           | \$0           | \$0.00        |
| NAV    | PORT FREEPORT                          | 0.053500 | \$590           | \$0           | \$0.00        |
| RDB    | ROAD & BRIDGE FUND                     | 0.060000 | \$590           | \$0           | \$0.00        |
| SBR    | BRAZOSPORT INDEPENDENT SCHOOL DISTRICT | 1.192200 | \$590           | \$0           | \$0.00        |

Total Tax Rate: 2.574263

Taxes w/Current Exemptions: \$0.00

Taxes w/o Exemptions: \$15.19

**Improvement / Building**

No improvements exist for this property.

**Land**

| # | Type | Description | Acres  | Sqft    | Eff Front | Eff Depth | Market Value | Prod. Value |
|---|------|-------------|--------|---------|-----------|-----------|--------------|-------------|
| 1 | S6   | CANAL       | 0.2254 | 9820.00 | 0.00      | 0.00      | \$590        | \$0         |

**Roll Value History**

| Year | Improvements | Land Market | Ag Valuation | Appraised | HS Cap | Assessed  |
|------|--------------|-------------|--------------|-----------|--------|-----------|
| 2009 |              | \$0         | \$590        | 0         | 590    | \$0 \$590 |
| 2008 |              | \$0         | \$590        | 0         | 590    | \$0 \$590 |
| 2007 |              | \$0         | \$590        | 0         | 590    | \$0 \$590 |
| 2006 |              | \$0         | \$590        | 0         | 590    | \$0 \$590 |
| 2005 |              | \$0         | \$590        | 0         | 590    | \$0 \$590 |
| 2004 |              | \$0         | \$590        | 0         | 590    | \$0 \$590 |
| 2003 |              | \$0         | \$590        | 0         | 590    | \$0 \$590 |
| 2002 |              | \$0         | \$590        | 0         | 590    | \$0 \$590 |
| 2001 |              | \$0         | \$590        | 0         | 590    | \$0 \$590 |

**Deed History - (Last 3 Deed Transactions)**

| # | Deed Date              | Type | Description    | Grantor         | Grantee        | Volume | Page   |
|---|------------------------|------|----------------|-----------------|----------------|--------|--------|
| 1 | 10/10/1995 12:00:00 AM | SD   | SHERIFF'S DEED | JETER ROBERT BF | BRAZORIA COUNT | 95     | 033843 |

**Questions Please Call (979) 849-7792**

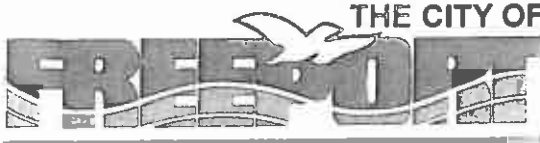
Website version: 1.2.2.2

Database last updated on: 7/27/2009 2:59 PM

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

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





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: 9-14-2009  
~~June 15, 2009~~  
Agenda item:

Type of Property: Trust  
Sheriff Deed: 4-20-2004  
Street Address: Marlin Ave, Bridge Harbor  
Legal Description: Lot 25, Block 3, Section 2  
Account Number: 2190-0219-000

Years Taxes Delinquent: 24 years (1985-2009)  
Extinguished by Sheriff Sale: \$ 804.14

Appraisal District Value: \$460.00  
Offer by: Joyce Cornwell \$460.00  
Court Cost & Post Judgment: \$(-724.50)

Amount to Distribute: \$(-264.50)  
Distribution to Freeport: \$0

Council Action:  Accept Offer  
 Reject Offer

### COMMENTS:

Property more valuable to City for mitigation

Motion by \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Trust sale-Council action

# Brazoria CAD

## Property Search Results > Property ID 193465 BRAZOSPORT ISD IN TRUST for Year 2009

**Property Details**

**Account**  
 Property ID: 193465  
 Geo. ID: 2190-0219-000  
 Type: Real

**Legal Description:**  
 BRIDGE HARBOR (A0051 F J CALVIT DIV 8 (B C I C)), BLOCK 3, LOT 25 NO 2, CAUSE #91T5260, FREEPORT

**Location**  
 Address: MARLIN DR FREEPORT, TX 77541  
 Neighborhood: FREEPORT ORIGINAL  
 Mapsco:

**Jurisdictions:**  
 CAD, CFP, DR2, GBC, JBR, NAV, RDB, SBR

**Owner**  
 Name: BRAZOSPORT ISD IN TRUST  
 Address: PO BOX Z, FREEPORT, TX 77542-1926

**Property**  
 Appraised Value: \$460

[Map Layers](#)

[Radius Search](#)

1: Zoom

Website version: 1.2.2.2

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

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

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

**BID ANALYSIS**

**Cause Number:** 91T5260

**Account Number:** 2190-0219-000

**Offer Amount:** \$460.00

**Value \$:** \$460.00

**Person Offering:** Joyce Cornwell

**Adjudged Value\$:** \$2,960.00

**Judgement Information**

| Taxing Entity      | Tax Years | Amount Due |
|--------------------|-----------|------------|
| BC                 | 1985-1991 | \$109.25   |
| BCED               | 1985-1991 | \$88.80    |
| Brazosport ISD     | 1985-1991 | \$246.30   |
| BRHND              | 1985-1991 | \$32.29    |
| Brazosport College | 1985-1991 | \$17.16    |
| Velasco Drainage   | 1985-1991 | \$45.01    |
| City of Freeport   | 1985-1991 | \$265.33   |

**Total** \$804.14

**Costs**

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

**Total** \$38.42

**Post Judgement Information**

| Taxing Entity      | Tax Year's |          |
|--------------------|------------|----------|
| BC                 | 1992-2008  | \$87.14  |
| BCED               | 1992-2008  | \$96.98  |
| Brazosport ISD     | 1992-2008  | \$234.74 |
| BRHND              | 1992-2008  | \$21.05  |
| Brazosport College | 1992-2008  | \$18.83  |
| Velasco Drainage   | 1992-2008  | \$28.47  |
| City of Freeport   | 1992-2008  | \$198.87 |

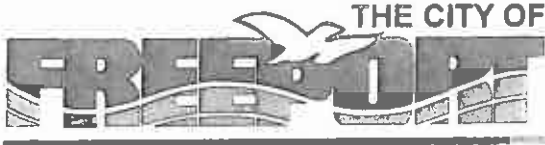
**Post Judgment Total** \$686.08

**Proposed Distribution**

**Offer Amount** \$460.00      **Costs + P & J** \$724.50

**Net to Distribute \$** -264.50

|                    |        |          |
|--------------------|--------|----------|
| BC                 | 13.59% | -\$35.93 |
| BCED               | 11.04% | -\$29.21 |
| Brazosport ISD     | 30.63% | -\$81.01 |
| BRHND              | 4.02%  | -\$10.62 |
| Brazosport College | 2.13%  | -\$5.64  |
| Velasco Drainage   | 5.60%  | -\$14.80 |
| City of Freeport   | 33.00% | -\$87.27 |



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: Sept. 14, 2009  
~~June 15, 2009~~  
Agenda item:

Type of Property: Trust  
Sheriff Deed: 4-20-2004  
Street Address: Marlin Ave, Bridge Harbor  
Legal Description: Lot 26, Block 3, Section 2  
Account Number: 2190-0220-000

Years Taxes Delinquent: 24 years (1985-2009)  
Extinguished by Sheriff Sale: \$1036.34

Appraisal District Value: \$460.00  
Offer by: Joyce Cornwell \$460.00  
Court Cost & Post Judgment: \$724.50

Amount to Distribute: . \$(-264.50)  
Distribution to Freeport: \$0

Council Action:  Accept Offer  
 Reject Offer

### COMMENTS:

Property more valuable to City for mitigation

Motion by \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Trust sale-Council action

Brazoria CAD

Property Search Results > Property ID 193466 BRAZOSPORT ISD IN TRUST for Year 2009

**Property Details**

Account  
Property ID: 193466  
Geo. ID: 2190-0220-000  
Type: Real

Legal Description:  
BRIDGE HARBOR (A0051 F J CALVIT DIV 8 (B C I C)), BLOCK 3, LOT 26 NO 2, CAUSE #91T5260, FREEPORT

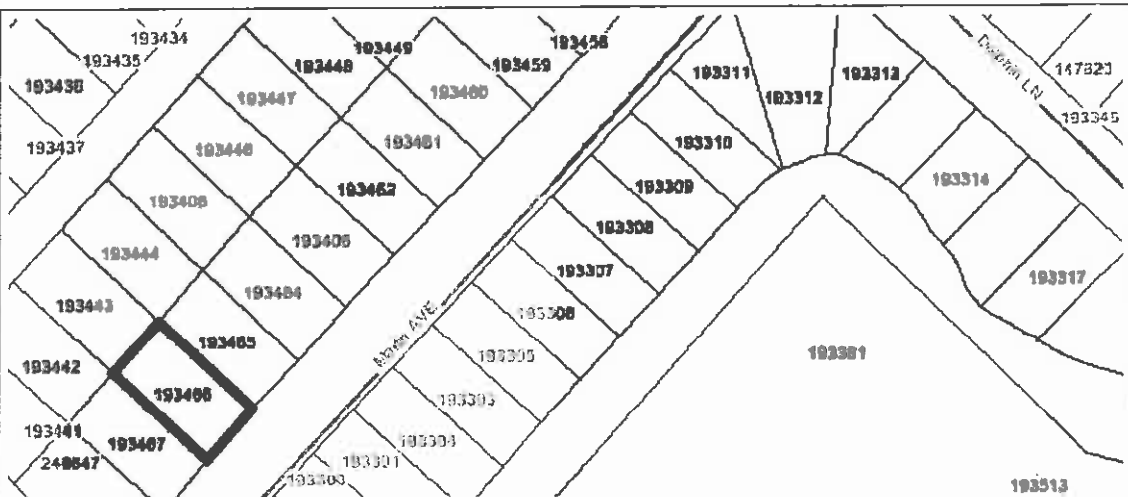
Location  
Address: MARLIN DR FREEPORT, TX 77541  
Neighborhood: FREEPORT ORIGINAL

Mapsco:  
Jurisdictions: CAD, CFP, DR2, GBC, JBR, NAV, RDB, SBR

Owner  
Name: BRAZOSPORT ISD IN TRUST  
Address: PO BOX Z FREEPORT, TX 77542-1926

Property  
Appraised Value: \$460

Map Layers  
 Radius Search



Website version: 1.2.2.2

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

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

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

**BID ANALYSIS**

**Cause Number:** 91T5260      **Account Number:** 2190-0220-000  
**Offer Amount:** \$460.00      **Value \$:** \$460.00  
**Person Offering:** Joyce Cornwell      **Adjudged Value\$:** \$2,960.00

**Judgement Information**

| Taxing Entity      | Tax Years | Amount Due        |
|--------------------|-----------|-------------------|
| BC                 | 1985-1991 | \$109.25          |
| BCED               | 1985-1991 | \$88.80           |
| Brazosport ISD     | 1985-1991 | \$246.30          |
| BRHND              | 1985-1991 | \$32.29           |
| Brazosport College | 1985-1991 | \$17.16           |
| Velasco Drainage   | 1985-1991 | \$45.01           |
| City of Freeport   | 1985-1991 | \$265.33          |
| <b>Total</b>       |           | <b>\$1,036.34</b> |

**Costs**

|                  |         |                 |         |
|------------------|---------|-----------------|---------|
| Court Costs      | \$18.00 | Sheriff Fees    |         |
| Publication Fees |         | Research Fees   | \$20.42 |
| Ad Litem         |         | Recording fee's |         |
|                  | Liens   |                 | 0       |
| <b>Total</b>     |         | <b>\$38.42</b>  |         |

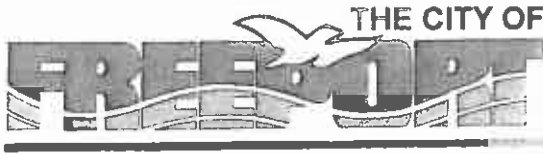
**Post Judgement Information**

| Taxing Entity              | Tax Year's |                 |
|----------------------------|------------|-----------------|
| BC                         | 1985-1991  | \$87.14         |
| BCED                       | 1985-1991  | \$96.98         |
| Brazosport ISD             | 1985-1991  | \$234.74        |
| BRHND                      | 1985-1991  | \$21.05         |
| Brazosport College         | 1985-1991  | \$18.83         |
| Velasco Drainage           | 1985-1991  | \$28.47         |
| City of Freeport           | 1985-1991  | \$198.87        |
| <b>Post Judgment Total</b> |            | <b>\$686.08</b> |

**Proposed Distribution**

**Offer Amount**      **Costs + P & J**  
 \$460.00      \$724.50  
**Net to Distribute \$**      **-\$264.50**

|                    |        |          |
|--------------------|--------|----------|
| BC                 | 10.54% | -\$27.88 |
| BCED               | 8.57%  | -\$22.66 |
| Brazosport ISD     | 23.77% | -\$62.86 |
| BRHND              | 3.12%  | -\$8.24  |
| Brazosport College | 1.66%  | -\$4.38  |
| Velasco Drainage   | 4.34%  | -\$11.49 |
| City of Freeport   | 25.60% | -\$67.72 |



200 West 2nd Street • Freeport, TX 77541-5773  
(979) 233-3526 • Fax: (979) 233-8867 • www.freeport.tx.us

## PROPERTY MANAGEMENT MEMO

September 14, 2009

Jeff Pynes  
City Manager

re: Lots 20-21, Block 631  
613-615 North Avenue A  
Velasco Townsite

Please place the following item on the September 14, 2009, City Council agenda:

Discuss / consider selling lots 20 and 21, block 631, Velasco  
Townsite, owned by the City of Freeport  
Tax ID 8110-2289-000

This property was acquired from HUD on , deed reference vol. 685, page 455, dated  
June 15, 1999.

CAD sheet and proprrty location plat attached.

N C Hickey  
Property

xc J Aguilar

/s

### Brazoria CAD

### Property Search Results > 260889 CITY OF FREEPORT for Year 2009

#### Property

##### Account

Property ID: 260889      Legal Description: VELASCO (FREEPORT), BLOCK 631, LOT 20-21  
 Geographic ID: 8110-2289-000      Agent Code:  
 Type: Real

##### Location

Address: 817 N AVE A      Mapsco:  
 FREEPORT, TX 77541  
 Neighborhood: FREEPORT ORIGINAL      Map ID:  
 Neighborhood CD: CFP.0

*Jesse Aguilar*

##### Owner

Name: CITY OF FREEPORT      Owner ID: 21410  
 Mailing Address: 200 W 2ND ST      % Ownership: 100.0000000000%  
 FREEPORT, TX 77541-5773  
 Exemptions: EX

*Deed 666/455  
6-15-95*

#### Values

(+) Improvement Homesite Value: + \$0  
 (+) Improvement Non-Homesite Value: + \$0  
 (+) Land Homesite Value: + \$0  
 (+) Land Non-Homesite Value: + \$4,690 Ag / Timber Use Value  
 (+) Agricultural Market Valuation: + \$0 \$0  
 (+) Timber Market Valuation: + \$0 \$0

---

(=) Market Value: = \$4,690  
 (-) Ag or Timber Use Value Reduction: - \$0

---

(=) Appraised Value: = \$4,690  
 (-) HS Cap: - \$0

---

(=) Assessed Value: = \$4,690

*HUD - GTR  
Frt - GTR*

#### Taxing Jurisdiction

Owner: CITY OF FREEPORT  
 % Ownership: 100.0000000000%  
 Total Value: \$4,690

| Entity          | Description                            | Tax Rate | Appraised Value | Taxable Value | Estimated Tax |
|-----------------|----------------------------------------|----------|-----------------|---------------|---------------|
| CAD             | BRAZORIA COUNTY APPRAISAL DISTRICT     | 0.000000 | \$4,690         | \$0           | \$0.00        |
| CFP             | CITY OF FREEPORT                       | 0.700000 | \$4,690         | \$0           | \$0.00        |
| DR2             | VELASCO DRAINAGE DISTRICT              | 0.082075 | \$4,690         | \$0           | \$0.00        |
| GBC             | BRAZORIA COUNTY                        | 0.330000 | \$4,690         | \$0           | \$0.00        |
| JBR             | BRAZOSPORT COLLEGE                     | 0.156488 | \$4,690         | \$0           | \$0.00        |
| NAV             | PORT FREEPORT                          | 0.053500 | \$4,690         | \$0           | \$0.00        |
| RDB             | ROAD & BRIDGE FUND                     | 0.060000 | \$4,690         | \$0           | \$0.00        |
| SBR             | BRAZOSPORT INDEPENDENT SCHOOL DISTRICT | 1.192200 | \$4,690         | \$0           | \$0.00        |
| Total Tax Rate: |                                        | 2.574263 |                 |               |               |



Taxes w/Current Exemptions: \$0.00  
 Taxes w/o Exemptions: \$120.73

**Improvement / Building**

No improvements exist for this property.

**Land**

| # | Type | Description  | Acres  | Sqft    | Eff Front | Eff Depth | Market Value | Prod. Value |
|---|------|--------------|--------|---------|-----------|-----------|--------------|-------------|
| 1 | S1   | PRIMARY SITE | 0.1435 | 6250.00 | 0.00      | 0.00      | \$4,690      | \$0         |

**Roll Value History**

| Year | Improvements | Land Market | Ag Valuation | Appraised | HS Cap | Assessed    |
|------|--------------|-------------|--------------|-----------|--------|-------------|
| 2010 |              | N/A         | N/A          | N/A       | N/A    | N/A         |
| 2009 |              | \$0         | \$4,690      | 0         | 4,690  | \$0 \$4,690 |
| 2008 |              | \$0         | \$4,060      | 0         | 4,060  | \$0 \$4,060 |
| 2007 |              | \$0         | \$4,060      | 0         | 4,060  | \$0 \$4,060 |
| 2006 |              | \$0         | \$4,060      | 0         | 4,060  | \$0 \$4,060 |
| 2005 |              | \$0         | \$4,060      | 0         | 4,060  | \$0 \$4,060 |
| 2004 |              | \$0         | \$2,810      | 0         | 2,810  | \$0 \$2,810 |
| 2003 |              | \$0         | \$2,810      | 0         | 2,810  | \$0 \$2,810 |
| 2002 |              | \$0         | \$2,810      | 0         | 2,810  | \$0 \$2,810 |
| 2001 |              | \$0         | \$2,810      | 0         | 2,810  | \$0 \$2,810 |

**Deed History - (Last 3 Deed Transactions)**

| # | Deed Date | Type | Description | Grantor | Grantee | Volume | Page |
|---|-----------|------|-------------|---------|---------|--------|------|
|---|-----------|------|-------------|---------|---------|--------|------|

**Questions Please Call (979) 849-7792**

Website version: 1.2.2.2

Database last updated on: 8/25/2009 8:57 PM

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

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

### Brazoria CAD

Property Search Results > Property ID 260889 CITY OF FREEPORT for Year 2009

| Property Details                       |                                                 |
|----------------------------------------|-------------------------------------------------|
| <b>Account</b>                         |                                                 |
| Property ID:                           | 260889                                          |
| Geo. ID:                               | 8110-2289-000                                   |
| Type:                                  | Real                                            |
| Legal Description:                     | VELASCO (FREEPORT), BLOCK 631, LOT 20-21        |
| <b>Location</b>                        |                                                 |
| Address:                               | 817 N AVE A<br>FREEPORT,<br>TX 77541            |
| Neighborhood:                          | FREEPORT ORIGINAL                               |
| Mapsc0:                                |                                                 |
| Jurisdictions:                         | CAD, CFP,<br>DR2, GBC,<br>JBR, NAV,<br>RDB, SBR |
| <b>Owner</b>                           |                                                 |
| Name:                                  | CITY OF FREEPORT                                |
| Address:                               | 200 W 2ND ST<br>FREEPORT,<br>TX 77541-5773      |
| <b>Property</b>                        |                                                 |
| Appraised Value:                       | \$4,690                                         |
| <input type="checkbox"/> Map Layers    |                                                 |
| <input type="checkbox"/> Radius Search |                                                 |

Map interface showing a street grid with property boundaries. The highlighted property is 260889, located at the intersection of N Front St and N Ave A. Other visible properties include 148049, 148031, and 148813. Street names include N Ave B, N Ave A, N City Park Rd, Old River Rd, Perry, and Quinlan. A 'Zoom' button is visible at the top right of the map area.

Website version: 1.2.2.2

Database last updated on: 8/25/2009 8:57 PM

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

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