

# City of Freeport

NOTICE OF PUBLIC MEETING  
THE FREEPORT CITY COUNCIL

MONDAY, SEPTEMBER 20TH, 2010, 6:00 P.M.

MUNICIPAL COURT ROOM

FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.

## AGENDA

### FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the September 7th, 2010 Council Minutes. Pg. 910-917
5. Attending citizens and their business.
6. Recognition of Heroic Actions from Freeport Police Officers: Assistant Chief Gus Flores, Officer David Fernandez, Officer Marcos Salinas, Officer Chris Bryant, and Fire Fighter Jessica Vandergriff .
7. Presentation from the Freeport Lion Host donating \$12,000 to the Freeport Police Department for the purchase of a narcotic dog.
8. Presentation of Texas Parks & Wildlife Trail Grant for the wetlands area on Hwy 36.
9. **Public Hearing:** Angela Sunley with the General Land Office/Beach/Dune Team Leader discusses the Freeport Beach/Dune Plan. Pg. 918
10. **Public Hearing:** Bruce Spitzengel, President of GrantWorks, Inc., discusses the Texas Community Development Block Grant (TxCDBG) Funds, non-housing Disaster Recovery Supplemental (DRS) Program. A requirement of the grant fund, application to rehabilitate the City's Central Lift Station. Pg. 919
11. Consideration of authorizing the City Manager to complete a pedestrian sidewalk mobility project on Skinner from Ave. J. to 1702 Skinner, Freeport Oaks Apartments. Pg. 920
12. Consideration of approving Resolution No. 2010-2244 appointing a representative for the Brazosport Water Authority. Pg. 921
13. Consideration of approving Resolution No. 2010-2245 approving the purchase of the Snow Building in Angleton, 500 North Chenango, Angleton, Texas by the Brazoria County Appraisal District. Pg. 922-928

14. Consideration of Ordinance No. 2010-2259 adopting a tax rate for fiscal year 2010-2011 for the City of Freeport. Pg. 929-937
15. Consideration of Ordinance No. 2010-2260 amending the budget for fiscal year 2009-2010. Pg. 938-942
16. Consideration of setting a date for a Joint Public Hearing with the Planning Commission to discuss amending Section 155.023 Supplementary District Regulation and Exception (I) Parking and off-street loading areas and restoring item (10) back in the Code of Ordinances as originally written. Pg. 943-945
17. Consideration of a request from the Fraternity of Eagles Aerie # 3111, to conduct a Turkey Shoot every Sunday from Noon to 4:00 p.m. beginning October 3rd and ending December 19th, 2010. Pg. 946
18. Consideration of voting for Board of Trustee Members to serve a six-year term on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees. Pg. 947-951
19. Consideration of designating a city elected official and an alternate to the Houston Galveston Area Council General 2011 Assembly. Pg. 952
20. Consideration of contracting Kennemer, Masters & Lunsford, LLC, to perform the financial statement audit for year ending September 30, 2010. Pg. 953-962
21. Consideration of the approval of any action to be taken as a result of closed Executive Session

Work Session:

- A. Discussion regarding an increase to city wrecker fees and services. Pg. 963-975

Executive Session:

Section 551.071, Government Code

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

Allan R. Lawson - Appeal Case No. # 1336263-1-1

Section 551.074, Government Code

Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee, to wit:

City Manager

Adjourn

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

This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code). In compliance with the American with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours to the meetings. Please contact the City Secretary office at 979-233-3526.

I, Delia Muñoz, City Secretary, for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 W. 2<sup>nd</sup> Street, Freeport, Texas, September 17th, 2010 at or before 5:00 p.m.

Delia Munoz  
City Secretary  
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport, Texas

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Tuesday, September 7th, 2010 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda item:

City Council: Larry L. McDonald  
Michelle Kent  
Fred Bolton  
Nicole Mireles  
Norma M. Garcia

Staff: Jeff Pynes, City Manager  
Wallace Shaw, City Attorney  
Delia Munoz, City Secretary  
Nat Hickey, Property Manager  
Tyrone Morrow, Chief of Police  
Gary Pohl, Marshal  
Larry Parks, Parks Director  
Bob Welch, Finance Director  
Gilbert Arispe, Administrative Asst.

Visitors: Rosa McDonald Eric Hayes  
Lila Diehl Clan Cameron  
Carlene Wood Lila Lloyd  
Dorothy Pirrung Jim Pirrung  
Dave Knuckey Sam Reyna  
Jim Barnett Sandra Barnett  
Glenda Fansher Joyce Adkins  
John Stanford Jerry Meeks  
Loren Hayes Louie Jones  
Manning Rollerson Marjorie Clark  
Sandra Barbree Sandra Leavey

Call to order.

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

Public Hearing (2nd) Proposing a tax rate in excess of the effective rate for the 2010-2011 tax year.

Mayor McDonald opened the 2nd Public Hearing at 6:00 p.m., proposing a tax rate in excess of the effective rate for the 2010-2011 tax year.

Joyce Adkins of 102 N. Ave. C., asked why a tax rate was being set before approving the budget. Bob Welch, Finance Director responded that this was a Public Hearing on the tax rate. Mayor McDonald said this was a Public Hearing on proposing a tax rate, not passing a budget. Mayor McDonald announced that Council will meet on September 20th, 2010 at 6:00 p.m. to vote on the tax rate at this same location.

There being no further comments or questions, Mayor McDonald closed the Public Hearing at 6:02 p.m.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Garcia, with all present voting "aye", Council adjourned the meeting at 6:02 p.m.

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Larry L. McDonald  
Mayor

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Delia Munoz  
City Secretary

State of Texas

County of Brazoria

City of Freeport, Texas

BE IT REMEMBERED, that the City Council of the City of Freeport met on Tuesday, September 7th, 2010 at 6:15 p.m., at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council:                      Larry L. McDonald  
   Michelle Kent  
   Fred Bolton  
   Nicole Mireles  
   Norma Garcia

Staff:                                      Jeff Pynes, City Manager  
   Gilbert Arispe, Administrative Asst.  
   Wallace Shaw, City Attorney  
   Delia Munoz, City Secretary  
   Nat Hickey, Property Manager  
   Tyrone Morrow, Police Chief  
   Gary Pohl, Marshal  
   Larry Fansher, Parks Director  
   Bob Welch, Finance Director

Planning Commission:              Diane Williams  
   Edward Garcia  
   Tobey Davenport  
   Reuben Cuellar

Visitors:	Rosa McDonald	Eric Hayes
	Lila Diehl	Clan Cameron
	Carlene Wood	Lila Lloyd
	Dorothy Pirrung	Jim Pirrung
	Dave Knuckey	Sam Reyna
	Jim Barnett	Sandra Barnett
	Glenda Fansher	Joyce Adkins
	John Stanford	Jerry Meeks
	Loren Hayes	Louie Jones
	Manning Rollerson	Marjorie Clark
	Sandra Barbree	Sandra Leavey

Call to order.

Mayor McDonald called the meeting to order at 6:15 p.m.

Invocation.

Wallace Shaw, City Attorney offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of approving the August 26th, 2010 Council Minutes.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved the August 26th, 2010 Council Minutes.

Attending citizens and their business.

Loren Hayes asked Council to display the American Flag on main streets of the City. poles that have lights, and that they display them all year long.

Joyce Adkins commented that Council has no city planning in place nor a master plan, Council should not be approving any thing until they have something in place. She is not against churches, but they are situated in commercial building on every other block. It could be a problem for clubs and restaurants to sell alcohol.

Manning Rollerson spoke on issues still existing at Villa Brazos Apartment. He thanked Council for their help in the past, but they are still people living in bad conditions at the apartments and some do not have air condition.

Mayor McDonald introduced Mr. Brian Davis, the new Fire Chief.

He commended the Main Street Committee and all the volunteers for a "successful event" of the 6th Annual Summertime Blues festival.

Joint Public Hearing: The City Council and the Planning Commission of said City will conduct a joint public hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance (and map) of said City, codified as Chapter 155 of the Code of Ordinances of said City, granting to Capitol Telecom a specific use permit to erect and operate a 120 foot communication antennae on a 50 ft. by 50 ft. parcel of land out of Lot 1, Freeport Properties Subdivision, known as 1744 W. 4th Street, within the corporate limits of said City.

Mayor McDonald opened the Public Hearing at 6:25 p.m.

Louie Jones, owner of Latigo Land Company, 1744 W. 4<sup>th</sup> Street asked Council to grant Capital Telecom a specific use permit to erect and operate a 120 foot communication antenna on a 50 ft. by 50 ft. parcel of land. Mr. Jones said this was another small business for the City of Freeport; it would bring in tax money and would not interfere with other existing business.

Councilman Bolton asked what kind of study was done on being an optimum location of the tower. A designer with Capital Telecom said the first optimum location was prohibited by a church. This was the seconded optimum location.

Councilwoman Mireles asked if there any future plans to add to the tower. Mr. Jones said no.

Loren Hayes's concern is Life Flight lands at the Brazosport High School and asked if the antenna tower had lights. Mr. Jones said that FFA did not require lights, but it could be provided.

Diane Williams, Chairperson for the Planning Commission said they discussed the proposed communication tower and recommended the specific use permit be issued.

Sandra Barnett stated that an antenna in place would detract a potential business developer. She suggested the tower be installed outside the city limits.

Larry and Glenda Fansher of 1630 W. 10th, expressed their opposition to the cell phone tower. The City with federal funding has spent millions of dollars to enhance the State's thorough fare along Hwy. 288 and Brazosport Independent School District has spent millions of dollars upgrading its school.

Eric Hayes and Clan Cameron opposed the proposed communication tower.

There being no further comments or questions, Mayor McDonald closed the Public Hearing at 7:10 p.m.

Joint Public Hearing: The City Council and the Planning Commission of said City will conduct a joint public hearing to consider granting to Abundant Life Church a specific use permit to operate a church on Lot 10 & SW/2 Lot 11, Block 600, Velasco Townsite, known locally as 606 North Gulf Boulevard, within the corporate limits of said City.

Mayor McDonald opened the Joint Public Hearing at 7:11 p.m.

Eric Hayes opposed Council granting a specific use permit to Abundant Life Church. He felt they should not be situated in commercial businesses.

Joyce Adkins said the church would have parking problems.

There being no further comments or questions, Mayor McDonald closed the Public Hearing at 7:12 p.m.



Public Hearing: Proposed budget for the fiscal year 2010-2011.

Mayor McDonald opened the Public Hearing at 7:13 p.m.

Mr. Pynes reviewed the Council's recommendation on the proposed budget. He reduced the budgets of some departments, festivals and its contingency fund to avoid job cuts.

Mr. Pirrung asked if maintenance was cut back at the Golf Course. Mayor McDonald said no.

Councilwoman Mireles stated the Visitors Information Center was getting a part time employee.

There being no further comments or questions, Mayor McDonald closed the Public Hearing at 7:19 p.m.

Consideration of approving Ordinance No. 2010-2257 adopting a budget for fiscal year 2010-2011 for the City of Freeport.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved Ordinance No. 2010-2257 adopting a budget for fiscal year 2010-2011 for the City of Freeport.

Consideration of approving the advertising and resetting a bid date for mowing services.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved setting October 4th, 2010, a bid date for mowing services.

Consideration of untabling and adopting or rejecting Resolution No. 2010-2243 approving an amendment to the Urban Renewal Plan of said City.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved to untable Resolution No. 2010-2243.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously rejected Resolution No. 2010-2243 an amendment to the Urban Renewal Plan of said City.

Consideration of approving Resolution No. 2010-2244 appointing a representative for the Brazosport Water Authority to serve a two year term.

This item was reagendaed.

Consideration of approving Ordinance No. 2010-2258 enacting and adopting a supplement (S-14) to the Code of Ordinances of the City of Freeport.

On a motion by Councilwoman Kent, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Ordinance No. 2010-2258 enacting and adopting a supplement (S-14) to the Code of Ordinance of the City of Freeport.

Consideration of the approval of designating a city representative and an alternate to the Houston Galveston Area Council General Assembly.

On a motion by Mayor McDonald, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved designating Jeff Pynes to the General Assembly of the Houston-Galveston Area Council for the year 2011 and Gilbert Arispe as alternate.

Consideration of selling the City's interest on Block 7, Lot 15, Freeport Townsite, known as 814 E. 8th Street, Tax Id. 4200-0129-000.

On a motion by Councilwoman Mireles, seconded by Councilwoman Garcia, with all present voting 2 to 3, motion failed to sell the City's interest on Block 7, Lot 15, Freeport Townsite, known as 814 E. 8th Street, Tax Id. 4200-0129-000. Mayor McDonald, Councilwoman Kent, and Councilman Bolton opposed.

Consideration of extending the Texas Gulf Bank, N.A. 200 West 2nd Street, Freeport Texas, lease agreement for a period of five (5) years beginning September 1, 2010 and ending August 31st, 2015.

This item was reagendaed.

Consideration of authoring the Mayor to sign an Interlocal Agreement between Brazoria County and the City of Freeport for road construction.

On a motion by Councilwoman Garcia, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved authorizing the Mayor to sign an Interlocal Agreement between Brazoria County and the City of Freeport for road construction.

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

Executive Session:

Section 551.074, Government Code

Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee, to wit:

City Manager  
(no action taken)

Section 551.071, Government Code

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

Industrial District Contract  
*(no action taken)*

Adjourn

Mayor McDonald closed the Executive Session and reconvened the formal agenda at 8:05 p.m.

On a motion by Councilwoman Kent, seconded by Councilwoman Garcia, with all present voting “aye”, Council adjourned the meeting at 8:06 p.m.

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Larry L. McDonald  
Mayor

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Delia Munoz  
City Secretary

## Notice of Public Hearing

To all persons in interest, citizens, corporations and firms and their agents and attorneys:

A Public Hearing will be held in the Freeport Police Department, Municipal Courtroom of the City of Freeport, Texas, located therein at 430 North Brazosport Boulevard, Freeport, Texas, beginning at 6:00 p.m., on September 20th, 2010, for the purpose of discussing the Freeport Beach/Dune Plan.

Delia Munoz  
City Secretary  
City of Freeport, Texas

PUBLIC HEARING  
CITY OF FREEPORT  
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TxCDBG) FUNDS  
DISASTER RECOVERY SUPPLEMENTAL (DRS) PROGRAM

The City of Freeport will hold a public hearing at 6:00 p.m. on September 20, 2010, at the City Hall Council Chambers (200 West 2nd Street, Freeport, TX 77515) regarding participation in the Texas Department of Rural Affairs' TxCDBG DRS Non-Housing Program and other available TxCDBG funds. Citizens are encouraged to attend this public hearing to discuss the citizen participation plan, local housing and community development needs, available funding, eligible activities, past use of funds, development of TxCDBG applications, and local efforts to affirmatively further fair housing. Public comments will be accepted in the Office City Secretary's Office at above address from today until September 30, 2010. Persons with disabilities or others who may require auxiliary aids or services to attend this meeting should contact the City Secretary at (979) 233-3526 at least two days before the meeting to make arrangements.

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Larry McDonald  
Mayor

Michelle Kent  
Councilmember  
Ward A

Fred Boillon  
Councilmember  
Ward B

Nicole Mireles  
Councilmember  
Ward C

Norma Moreno Garcia  
Councilmember  
Mayor Pro Tem  
Ward D

Jeff Pynes  
Chief Executive Officer  
City Manager

September 17, 2010

Mayor McDonald  
City Council Representatives

In the 2009 – 2010 budget we made considerable advances and improvements on our pedestrian mobility plan. Our focus has been those areas with a high volume of pedestrian traffic and their direct geographical association with our transit system, our schools, and apartment complexes. In the area of Avenue J and Skinner there is one critical piece of sidewalk infrastructure that I would like to complete. This new project would get a considerable amount of school age children and the general community from walking in a public roadway to get to the installed sidewalks and transit pickup points.

I request permission to complete a project to close an open ditch storm water drainage system with subsurface concrete storm water drainage pipes (as the other adjacent sidewalk areas have been covered). This would allow us to place a sidewalk system connecting from Skinner and Avenue J (which is where the new existing side walk ends) to the Freeport Oaks Apartment complex on Skinner Road.

The project Costs:

- The modifications to the storm water drainage ditch would be completed by the Streets Department. The supplies to complete their portion of the project would cost would be: \$ 24183.52
  - Sidewalk work to be done by a contractor would cost: \$ 9,880.00
- Total Project Cost: \$ 34,063.52

Although the specific project does not have funding allocated in the 2009 – 2010 budget, we do have available funds in the contingency account to complete the project and stay within budget tolerances. The contingency account balance is \$ 429,000.00.

Jeff Pynes  
Chief Executive Officer  
City Manager - Freeport

RESOLUTION NO. 2010-2244

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

WHEREAS, the position on the Board of Directors of the Brazosport Water Authority to which STONEY BURKE was heretofore appointed for the unexpired term, which is required to be filled by the City Council of the City of Freeport, Texas ("the City"), expire in September, 2010; and,

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

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

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified person to be a Director of the Brazosport Water Authority for the term which will expire in September, 2012, and until a successor for such appointee shall have been appointed and qualified, to-wit: STONEY BURKE.

SECTION TWO (2): DUTIES

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

SECTION THREE (3): OATH OF OFFICE

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

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

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

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

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COUNTY OF BRAZORIA §

**APPROVAL OF BRAZORIA COUNTY APPRAISAL DISTRICT**

**RESOLUTION # 2010-2**

**BY CITY OF FREEPORT**

**WHEREAS**, § 6.051, TEX. TAX CODE authorizes the Board of Directors of an appraisal district to purchase real property and improvements as necessary to establish and operate the appraisal office.

**WHEREAS**, the Board of Directors of the Brazoria County Appraisal District have delivered a copy of resolution # 2010-2 setting forth desire to the purchase property situated in Brazoria County, Texas, known as The Snow Building, 500 N. Chenango, Angleton, Texas 77515.

**WHEREAS**, the Board of Directors of the Brazoria County Appraisal District have also delivered information showing the costs of available alternatives to purchase the property situated in Brazoria County, Texas, known as The Snow Building, 500 N. Chenango, Angleton, Texas 77515.

**WHEREAS**, § 6.051, TEX. TAX CODE requires that an appraisal district's purchase of such real property and improvements must be approved by three-fourths (3/4) of the taxing units entitled to vote on the appointment of board members.

**WHEREAS**, the referenced provisions of the Texas Property Tax Code authorize the following action:

**NOW, THEREFORE, BE IT RESOLVED:**

**THAT** the Brazoria County Appraisal District's proposal to acquire the real property and improvements situated in Brazoria County, Texas, known as The Snow Building, 500 N. Chenango, Angleton, Texas 77515 is hereby **APPROVED**.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
**PRESIDING OFFICER**

**ATTEST:**

\_\_\_\_\_



# BRAZORIA COUNTY APPRAISAL DISTRICT

## MEMBERS OF THE BOARD

Ro'Vin Garrett  
William Hasse  
Jesse Hibbetts  
Rubye Jo Knight  
Glenn Salyer  
Patricia Taylor

## CHIEF APPRAISER

Cheryl Evans  
500 North Chenango  
Angleton, Texas 77515  
979-849-7792  
Fax 979-849-7984

September 14, 2010

Honorable Larry McDonald Sr.  
Mayor of Freeport  
200 W. 2nd  
Freeport, TX 77541

Dear Honorable Larry McDonald Sr.,

The Brazoria County Appraisal District has entered into an option contract for the purchase of the Snow Building in Angleton, where we are currently housed. The district has occupied the first and second floors of the building for more than 27 years. Section 6.051 of the Texas Property Tax Code gives the board the responsibility to maintain housing for the district, but makes the decision as to whether to act on a purchase the responsibility of the taxing jurisdictions.

The district board of directors has provided the attached feasibility study considering five options for housing the district. After analysis of all considerations, it is the opinion of district administration and the board of directors that the purchase of the Snow Building is the most viable option.

During the due diligence phase of the earnest money contract, the district board of directors had physical inspections of the property conducted by licensed professionals, including, structural, mechanical, electrical and plumbing systems. Also compliancy studies were completed regarding accessibility issues and asbestos contamination. Finally, a survey of the property was conducted. All inspections and/or reports appear to be consistent and typical for a 27 year old building.

Therefore, on September 14, 2010, the Brazoria County Appraisal District Board of Directors passed the attached resolution to proceed with the purchase of the Snow Building and seek the approval of the taxing jurisdictions, pursuant to Section 6.051 of the Texas Property Tax Code, copy attached. It is the opinion of the Brazoria County Board of Directors that it would be a benefit to the district and tax payers of Brazoria County if the Snow Building is purchased. It does not appear at this time that purchasing the building would have any actual impact on the annual budget required to house the district.

**Your consideration in this matter is required.** We ask that you place the attached Resolution on the agenda for your next meeting and that you file the completed Resolution with the Chief Appraiser.

According to Section 6.051 (b) of the Texas Property Tax Code, "On or before the thirtieth day after the date the presiding officer receives notice of the proposal, the governing body of the taxing unit, by resolution, may approve or disapprove the proposal. If a governing body fails to act on or before the thirtieth day or fails to file its resolution with the Chief Appraiser, on or before the tenth day after that thirtieth day, the proposal is treated as if it were disapproved by the governing body."

Thank you for your consideration in this matter. If you have any questions, please contact me.

Respectfully,

A handwritten signature in black ink that reads "Cheryl Evans". The signature is written in a cursive, flowing style.

Cheryl Evans  
Chief Appraiser  
Brazoria County Appraisal District

Enclosures:

Resolution adopted by Board of Directors of the Brazoria County Appraisal District on  
September 14, 2010  
Feasibility Study  
Copy of Section 6.0501 of the Texas Property Tax Code  
Proposed Resolution to be acted on by Taxing Unit



# Housing Proposal for Brazoria County Appraisal District

September 2010

*In compliance with Section 6.051(b) of the Texas Property Tax Code, Brazoria County Appraisal District is seeking approval by the taxing jurisdictions on the proposed resolution to purchase real property for the purpose of housing the district office.*

*The attached analysis is offered as information only to be considered by each jurisdiction as alternative options to the purchase outlined in the resolution adopted July 13, 2010 by the Brazoria County Board of Directors.*

## OPTIONS AND CONSIDERATIONS

- I     **OPTION: MAINTAIN CURRENT LEASE**
  - A     BCAD leases 15,781 square feet in the Snow Building or 67% of the total building
  - B     Total lease and payment cost \$239,904 annually
    - 1) current base lease - \$179,904 annually
    - 2) additional expenses - \$60,000 annually
  - C     Assuming no changes in the lease the total cost for 15 years - \$3,598,560
  - D     Current leased square footage will require additional cost for storage
  - E     Current leased square footage limits expansion
  - F     Possibility that the building could be sold
  
- II    **OPTION: PURCHASE VACANT LAND AND CONSTRUCT NEW BUILDING**
  - A     Minimum of one acre needed
  - B     Construction of 24,000 square foot building
  - C     Cost to purchase 1-3 acre tract estimated at \$350,000 to \$500,000
  - D     Construction costs estimated to range from \$2,500,000 to \$3,800,000
  
- III   **OPTION: NEGOTIATE NEW LEASE AT DIFFERENT LOCATION**
  - A     Seek 16,000 – 24,000 square foot building to be leased at typical market rents of \$1.20 to 1.50 per square foot per month or \$432,000 annually.
  - B     Requires additional cost of build-out on most leases
  - C     Additional costs incurred for relocation of telephones, computers, etc.
  - D     Loss of district funded upgrades to Snow Building
  - E     Significant cost incurred for packing and transportation of government records
  
- IV    **OPTION: PURCHASE AN EXISTING COMMERCIAL SITE**
  - A     Seek 20,000 – 24,000 square foot building
    - 1) 1524 E. Mulberry (former Wal-mart) sold 2006 at \$995,000 w/build-out cost of approximately \$2,464,000 (total estimated cost \$3,459,000 per CoStar)
  - B     Renovation/modification costs in compliance with Texas Government Code Section 2166.001, IAAO Standard on Facilities (2003) and Americans with Disabilities Act Accessibility Guidelines (ADAAG)
  - C     Additional costs incurred for relocation of telephones, computers, etc.
  - D     Loss of district funded upgrades to Snow Building
  - E     Significant cost incurred for packing and transportation of government records

- V **OPTION: PURCHASE SNOW PROPERTY (Preferred – currently leased by BCAD)**
- A Description – three story 24,849 square foot office building with approximately 17,000 square foot of parking
- B Renovation/modification minimal in compliance with Texas Government Code Section 2166.001 and Americans with Disabilities Act Accessibility Guidelines (ADAAG) with current use continued
- C Cost of ownership \$1,400,000 (see addendum 1 for breakdown and financing options)
- D Increased expenses for maintenance, etc.
  - 1) utilities – estimated at \$17,000 per year
  - 2) insurance – estimated at \$14,000 per year
  - 3) maintenance – estimated at \$21,000 per year
  - 4) contingency fund - \$5,000 per year
- E Snow Building appraisals:
  - a appraised value
    - 1) 2001 fee appraisal approximately \$1,300,000
    - 2) 2009 fee appraisal approximately \$1,400,000

To summarize: the research conducted by the Brazoria County Appraisal District Board of Directors and thru due diligence on the part of the Brazoria County Appraisal District, Option V appears to be the most economically attractive: Option I clearly indicates that the building has been paid for already - in a 15 year lease period the district spends approximately \$3,598,560; Option II would be the most time restrictive and would incur costs exceeding \$3,000,000; Option III would be limited to market availability and would incur additional costs with build-out and relocation costs; and Option IV is limited to market availability and would incur relocation costs.

**In conclusion, the inspections of the Snow Building validate that the quality of construction is above average and any required repairs would be typical for the maintenance of a 27 year old building. To continue the current lease will require \$239,904 of the district's annual budget; however purchasing the building would require an estimated \$226,783 annually – approximately \$13,121 savings in housing the appraisal district.**

**PROJECTED ANNUAL COSTS:**

LEASING		OWNING		SAVINGS
\$179,904		\$106,283		
<u>+\$ 60,000</u> (expenses)		<u>+\$120,500</u> (expenses)		
\$239,904	-	\$226,783	=	\$13,121

**§ 6.051 PROPERTY TAX CODE § 6.051. Ownership or Lease of Real Property**

(a) The board of directors of an appraisal district may purchase or lease real property and may construct improvements as necessary to establish and operate the appraisal office or a branch appraisal office.

(b) The acquisition or conveyance of real property or the construction or renovation of a building or other improvement by an appraisal district must be approved by the governing bodies of three-fourths of the taxing units entitled to vote on the appointment of board members. The board of directors by resolution may propose a property transaction or other action for which this subsection requires approval of the taxing units. The chief appraiser shall notify the presiding officer of each governing body entitled to vote on the approval of the proposal by delivering a copy of the board's resolution, together with information showing the costs of other available alternatives to the proposal. On or before the 30th day after the date the presiding officer receives notice of the proposal, the governing body of a taxing unit by resolution may approve or disapprove the proposal. If a governing body fails to act on or before that 30th day or fails to file its resolution with the chief appraiser on or before the 10th day after that 30th day, the proposal is treated as if it were disapproved by the governing body.

(c) The board of directors may convey real property owned by the district, and the proceeds shall be credited to each taxing unit that participates in the district in proportion to the unit's allocation of the appraisal district budget in the year in which the transaction occurs. A conveyance must be approved as provided by Subsection (b) of this section, and any proceeds shall be apportioned by an amendment to the annual budget made as provided by Subsection (c) of Section 6.06 of this code.

(d) An acquisition of real property by an appraisal district before January 1, 1988, may be validated before March 1, 1988, in the manner provided by Subsection (b) of this section for the acquisition of real property.

Added by Acts 1987, 70th Leg., ch. 55, § 2, eff. Jan. 1, 1988.

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

**RESOLUTION NO. 2010-2  
OF THE BRAZORIA COUNTY APPRAISAL DISTRICT**

**WHEREAS**, Section 6.051 TEX TAX CODE authorizes the Board of Directors of an Appraisal District to purchase or lease real property and construct or renovate a building or other improvements as necessary to establish and operate the appraisal office.

**WHEREAS**, pursuant to resolution #2010-1, the Board of Directors of the Brazoria County Appraisal District authorized the district to execute an Earnest Money Contract for the purchase of the Snow Building located at 500 N. Chenango, Angleton, Texas 77515 from Snow & Brooks Properties, a Texas general partnership, for the purchase price not to exceed \$1,400,000.00.

**WHEREAS**, the Board of Directors of the Brazoria County Appraisal District desires to purchase said real property for the purpose of housing its appraisal office thereon;

**WHEREAS**, the referenced provisions of the Texas Property Tax Code authorized the following action:

**NOW THEREFORE, BE IT RESOLVED** by the Board of Directors of the Central Appraisal District of Brazoria County:

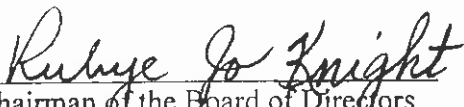
**RESOLVED**, that the Brazoria County Appraisal District is authorized to purchase the Snow Building located at 500 N. Chenango St., Angleton, Texas 77515. The total cost of such land purchase and building on the property shall not exceed \$1,400,000.00.

**RESOLVED**, the Board of Directors of the Brazoria County Appraisal District shall notify the presiding officer of each taxing unit entitled to vote on the approval of the proposal by delivering a copy of the Board's Resolution, together with information showing the cost of other available alternatives to the proposal.

**RESOLVED**, that this Resolution is for the purpose of obtaining the required approval of each taxing unit entitled to vote on the approval of the proposal.

**RESOLVED**, that the Chief Appraiser is authorized to execute the necessary documents, agreements, or contracts to carry out the terms and conditions of this resolution.

**PASSED, APPROVED AND ADOPTED** this 14<sup>th</sup> day of September, 2010.

  
Chairman of the Board of Directors  
Brazoria County Appraisal District

ATTEST:

  
Secretary of the Board of Directors  
Brazoria County Appraisal District

(SEAL)

ORDINANCE NO. 2010-2259

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 2010 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 2010 tax year on the 19th day of July, 2010.

(2) The original of the proposed budget for the City's Fiscal Year 2010-2011 was filed by the City Manager of the City with the City Secretary on the 28th day of July, 2010.

(3) The Assessor and Collector of Taxes calculated and on the 29th day of July, 2010, caused to be published in the Brazosport Facts on the 31st day of July, 2010, a notice of the effective and roll back tax rates for such tax year, being 0.678416 and 0.726241, respectively, per \$100.00 valuation.

(4) On the 21<sup>st</sup> day of August, 2010, there was published in the Brazosport Facts a notice that on the 7th day of September, 2010, beginning at 6:00 o'clock, p.m., a public hearing would be held on the proposed budget for the 2010-2011 fiscal year.

(5) A public hearing on such proposed budget was held on the 7th day of September, 2010, 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. 2010-2257, read, passed and adopted on the 7th day of September, 2010.

(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 2010-2011 fiscal year.

(8) That the ad valorem tax for the 2010 tax year, herein-below levied, will 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 on the 18th day of August, 2010, notice that on the 26th day of August, 2010, and again on the 7th day of September, 2010, each beginning at 6:00 p.m., the City Council would conduct a public hearing at which there would be discussed a proposal to adopt for the 2010 tax year a tax rate that will exceed the lower of the rollback rate or the effective tax rate.

(11) That on the 26th day of August, 2010, and again, on the 7th day of September, 2010, at meetings at which such hearings were the only item on the agenda and each of which began at 6:00 p.m., the City Council conducted public hearings at which there was discussed a proposal to adopt for the 2010 tax year a tax rate that will exceed the lower of the rollback rate or the effective tax rate, and at the end of each hearing it was announced that a meeting to vote on such tax rate would be held on the 20th day of September, 2010, beginning at 6:00 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building of the City of Freeport, Texas, located therein at 430 Brazosport Boulevard.

(12) That the meeting at which this ordinance is being adopted is the meeting announced at the end of each of the hearings mentioned above, it began at 6:00 p.m. and it is being held on the 20th day of September, 2010, in the Municipal Courtroom of the Police and Courts Building of the City of Freeport, Texas, located therein at 430 Brazosport Boulevard, it began at 6:00 o'clock, p.m.; that prior to the adoption of such ordinance the following motion was made:

"I move that property taxes be increased by the adoption of an ordinance levying ad valorem taxes for the City for the 2010 tax year at a total tax rate of \$0.708266";

and that, after receiving a second, by a record vote such motion was duly adopted, the record vote being:

Mayor Larry McDonald, Sr., Councilwomen Michelle Kent, Nicole Mireles and Norma Moreno Garcia and Councilman Fred Bolton voted in favor of such motion and no one voted against such motion.

(13) That all of the notices mentioned above were given in the manner and form and at the time required by the Tax Code.

(14) That the rate that, if applied to the total taxable value, will impose the total amount published under Section 26.04(e) (3) (c) of the Tax Code, there being no additional sales and use tax revenue that will be used to pay debt service, is \$0.161081.

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 \$0.161081 for the tax year 2010.

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 \$0.547185 for the tax year 2010.

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

THE TAX RATE WILL BE EFFECTIVELY RAISED 4.4 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$44.00.

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 4.4 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$44.00.

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

Ad valorem taxes for the tax year 2010 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 \_\_\_\_\_, 2010.

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

ATTEST:

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

APPROVED AS TO FORM ONLY:

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

C\Freeport.Tax\2010 Tax-Ord

# Notice of Tax Revenue Increase

The CITY OF FREEPORT conducted public hearings on August 26, 2010 and September 7, 2010 on a proposal to increase the total tax revenues of the CITY OF FREEPORT from properties on the tax roll in the preceding year by 4.40 percent.

The total tax revenue proposed to be raised last year at last year's tax rate of \$0.708266 for each \$100 of taxable value was \$2,433,805.

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.708266 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is \$2,517,016.

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.708266 for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is \$2,544,620.

The City Council of CITY OF FREEPORT is scheduled to vote on the tax rate that will result in that tax increase at a public meeting to be held on September 20, 2010 at the Municipal Courtroom, Freeport Police Department, 430 N Brazosport Blvd in Freeport, Texas at 6:00 pm.

Chronology Order:

On **August 16th**, 2010 Councilwoman Garcia motioned: "I move to propose a tax rate of \$.708266, which is a 4.4% tax increase above the effective tax rate, and to consider adoption of this rate at a future meeting".

Councilwoman Mireles seconded the motion.

The record vote:	For: Mayor L. McDonald	Against _____
	Michelle Kent	_____
	Fred Bolton	_____
	Nicole Mireles	_____
	Norma Garcia	_____

On **August 26<sup>th</sup>**, 2010 Council held (1<sup>st</sup>) Public Hearing on the proposed tax rate.

On **September 7<sup>th</sup>**, 2010 Council held (2<sup>nd</sup>) Public Hearing on the proposed tax rate.

On **September 20<sup>th</sup>**, Council Votes to Approve the Tax Rate.



ORDINANCE NO. 2010-2260

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACTS; AMENDING THE BUDGET FOR THE FISCAL YEAR 2009-2010; 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. 2009-2224, read, passed and adopted on the 24th day of August, 2009, (hereinafter sometimes "the Budget"); and,

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

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

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

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

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

SECTION ONE (1): FINDINGS OF FACT

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

- (1) The amendments and revisions set forth in the Budget were the result of numerous public workshop meetings called and conducted in the manner required by the Texas Open Meetings Act, codified as Chapter 551, Government Code.
- (2) A public hearing was held on the Budget on September 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 2009-2010 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.

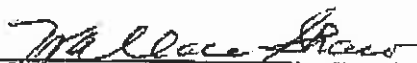
READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2010.

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

ATTEST:

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

APPROVED AS TO FORM ONLY:

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

C:\Freeport.Bud\2009-2010 Bud-3Ann-Ord

## APPENDIX A - PAGE 1



## Council

## MEMORANDUM

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

To: Mayor and Council  
From: Bob Welch  
Re: Request for Amendment of Budgeted Funds # 3  
Date: September 20, 2010

We are requesting the following amendments to the 2009-2010 Budget:

BUDGET AMENDMENTS	ACCT#	FUND-DESCRIPTION	AMOUNT	BALANCE
1 TRANSFER TO AMBULANCE TRANSFER FROM GENERAL FUND TO REVERSE BUDGETED TRANSFER FROM GENERAL FUND TO AMBULANCE FUND	10-700-020 20-710-010	TRANSFER TO AMBULANCE FUND TRANSFER-GENERAL FUND	171,790	171,790
2 TRANSFER FROM GENERAL FUND TRANSFER TO GOLF FUND RECORD TRANSFER FROM GENERAL FUND TO GOLF FUND TO COVER UNEXPECTED LOSSES FOR THE CURRENT BUDGET YEAR	15-710-010 10-700-015	TRANSFER FROM GENERAL FUND TRANSFER TO GOLF FUND	184,851	184,851
3 DONATIONS - MUSEUM FUNDRAISER RECORD DONATIONS TO MUSEUM FUND FROM UNION PACIFIC RAILROAD	10-578-483	DONATIONS - MUSEUM		5,000
4 TRANSFER FROM GENERAL FUND TRANSFER TO DEBT SERVICE FUND RECORD TRANSFER FROM GENERAL FUND TO DEBT SERVICE FUND 65 TO COVER DEFICIT IN FUND BALANCE	65-710-010 10-700-065	TRANSFER FROM GENERAL FUND TRANSFER TO FUND 65	77,147	77,147

## SUMMARY EFFECT ON GOVERNMENTAL FUNDS:

BUDGET ADJUSTMENTS	ACCT#	CURRENT BUDGET	BUDGET AMEND	AMENDED BUDGET
TRANSFER TO AMBULANCE	10-700-020	171,790	-171,790	0
TRANSFER FROM GENERAL FUND	20-710-010	-171,790	171,790	0
TRANSFER FROM GENERAL FUND	15-710-010	0	-184,851	-184,851
TRANSFER TO GOLF FUND	10-700-015	0	184,851	184,851
DONATIONS - MUSEUM FUNDRAISER	10-578-483	-8,173	-5,000	-13,173
TRANSFER FROM GENERAL FUND	65-710-010	0	-77,147	-77,147
TRANSFER TO DEBT SERVICE FUND 65	10-700-065	0	77,147	77,147
<b>Net effect on Fund Balance:</b>			<b>DECREASE</b>	<b>\$85,208</b>

Exhibit "A"

**Delia Munoz**

**From:** Building Permits [building@freeport.tx.us]  
**Sent:** Wednesday, September 08, 2010 2:20 PM  
**To:** delia munoz  
**Subject:** City Council Agenda

Delia,

On May 10, 2010, the Planning Commission made a recommendation to City Council to call a Joint Public Hearing to put Ordinance 155.023 (I) (10) back in the Code of Ordinance book as originally written. Could you please put this on the next Council agenda.

Thank you,

Melissa Farmer

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(8) Parking ratio abbreviations in the permitted use, temporary use and specific use schedules refer to the off-street parking requirements

applicable to the corresponding uses. Interpretation of off-street parking requirements is as follows:

Parking Ratio	Interpretation of Off-Street Parking Requirements
none	Off-street parking not required
1/100	1 space for each 100 square feet of gross floor space
1/unit	1 space for each dwelling unit
1/guest room	1 space for each guest room
1/3 seats	1 space for each three seats within the largest auditorium (20 inches shall equal 1 seat of benches as provided)
1/3 beds	1 space for each 3 beds
1/1.5 emp	1 space for 1.5 employees
5/alley	5 spaces for each bowling lane
10/wash lane	10 spaces for each washing lane

(9) *Townhouses.* 2.5 off-street parking spaces for each townhouse

(10) *Paving.* Any off-street vehicular parking area, service drive or driveway shall be surfaced with a concrete, asphalt or asphaltic concrete pavement or with a pavement of gravel, cinder, shell, limestone or other similar loose material. All such surfaces shall be constructed so that drainage will not be impaired.

(J) *Projections into required yards.* Open and unenclosed building projections such as outside stairways and fire escapes, balconies, terraces or porches, awnings, eave and roof extensions, and ornamental features may project into the required yards for a distance not to exceed 4 feet. In no case shall such projections be located closer than 3 feet from any lot line.

(K) *Site plan.*

(1) A site plan is a plan of development drawn to scale indicating:

(a) The location and arrangement of buildings on subject property;

(b) Building setbacks or yards;

(c) Landscaping and/or walls and fences for screening purposes; and

(d) Off-street parking and loading areas and design of ingress and egress to and from abutting streets.

(2) Where a site plan is required, a Certificate of Occupancy and Compliance shall not be issued until a site plan of development has been approved by the Building Official.

(3) For any specific use permit application or whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a street or officially approved place, a site plan shall be submitted to and reviewed by the City Planning Commission prior to being approved by the Building Official for the purpose of issuing a Certificate of Occupancy and Compliance.

(7) Any lighting used to illuminate any off-street parking area shall be so arranged as to direct the light away from the adjoining premises of any Residential Districts.

(8) Parking ratio abbreviations in the permitted use, temporary use and specific use schedules refer to the off-street parking requirements applicable to the corresponding uses. Interpretation of off-street parking requirements is as follows:

Parking Ratio	Interpretation of Off-Street Parking Requirements
none	Off-street parking not required
1/100	1 space for each 100 square feet of gross floor space
1/unit	1 space for each dwelling unit
1/guest room	1 space for each guest room
1/3 seats	1 space for each three seats within the largest auditorium (20 inches shall equal 1 seat of benches as provided)
1/3 beds	1 space for each 3 beds
1/1.5 emp	1 space for 1.5 employees
5/alley	5 spaces for each bowling lane
10/wash lane	10 spaces for each washing lane

(9) *Townhouses.* 2.5 off-street parking spaces for each townhouse

(J) *Projections into required yards.* Open and unenclosed building projections such as outside stairways and fire escapes, balconies, terraces or porches, awnings, eave and roof extensions, and ornamental features may project into the required yards for a distance not to exceed 4 feet. In no case shall such projections be located closer than 3 feet from any lot line.

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Fraternal Order Eagles # 3111  
6818 Hwy. 332 E.  
Freeport, TX 77541  
979-239-2582

To: Freeport City Council

RE: Fraternal Order Eagles # 3111 Annual Turkey Shoot

Dear Freeport City Council;

The Fraternity of Eagles Aerie # 3111 would like to request to be placed on the next City Council meeting to discuss our Annual Turkey shoot. We would like to be allowed to conduct the shoot every Sunday from Noon to 4:00 p.m. beginning October 3, 2010 and ending December 19, 2010.

Sincerely Yours,

A handwritten signature in cursive script that reads "Alonzo Martinez". The signature is written in black ink and is positioned below the "Sincerely Yours," text.

Alonzo Martinez  
Member Fraternal Order Eagles # 3111  
979-238-3508  
979-201-3371

# **OFFICIAL BALLOT**

## **Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election**

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2010. Ballots received after September 30, 2010, cannot be counted. The ballot must be properly signed and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P. O. Box 149194, Austin, Texas 78714-9194.

The names of the officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees.

Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name. You can only vote for one candidate for each place.

**PLACE 6**

- Peter Canney.** Mayor pro tem for Navasota (Region 14). Mr. Canney is serving his second term as a Councilmember and Mayor Pro Tem. He is a board member of the Grimes County Crimestoppers and the Board Treasurer of The Arts Council of Brazos Valley. He attended undergraduate school at Colorado State University to become a biologist and graduate school at Cornell University. After working as a scientist and a biotechnology recruiter, he formed his own recruiting and human resources consulting firm.
- Mary Gauer.** (Incumbent). Ms. Gauer has served on the TML Intergovernmental Risk Pool Board of Trustees since 1998. She served as a member of the Harker Heights City Council from 1991 to 1998, and Mayor from 1998 to 2004. Ms. Gauer serves as an elected citizen member of the Executive Committee of the Central Texas COG. She is Past-President of the TML Association of Mayors, Councilmembers, and Commissioners, and of the Small Cities Advisory Council.
- Sheyi I. Ipaye.** City Manager for the City of Forest Hill (Region 8). He formerly served as City Manager for Palestine, City Manager for Glenn Heights, Community Services Officer for Iberia Bank in New Orleans, and Community Development Officer and Manager for Community Investment for the Federal Home Loan Bank of Dallas. Mr. Spaye has a Bachelor's Degree in Government and Business and a Master's Degree in Urban Planning and Development.
- Michael S. Nyren.** Risk Manager for Capital Metropolitan Transportation Authority in Austin for 15 years (Region 10). Mr. Nyren has 28 years of experience in insurance, safety, and risk management, and currently holds an All Lines Texas Adjuster's License. He has earned the Insurance Institute of America's designation of Associate in Risk Management (ARM) and Associate in Risk Management for Public Entities (ARM-P). Mr. Nyren serves on the board of the Risk and Insurance Management Society, Central Texas Chapter.
- Frank Seffrood.** Councilmember for City of Copperas Cove (Region 9). Mr. Seffrood has served as a Copperas Cove councilmember since July, 2008, and was elected Mayor Pro Tem in July, 2009. He retired from the U.S. Army in 1979 with 22 years of service. He holds a B.S. degree in Information Systems and taught in the Computer Science Department of Central Texas College for five years. He recently retired from the U.S. Postal Service where he was employed since 1986.

**WRITE IN CANDIDATE:**

---

**PLACE 7**

- Kevin Caddell.** (Incumbent). Mayor for the City of Dalhart (Region 2). Mr. Caddell served as a Dalhart City Councilmember for 10 years, and as Mayor since 2005. Served on the Panhandle Regional Planning Commission Board. Past President of TML Region 2 and incoming Regional Director for TML Region 2. Graduate of Texas Tech University. Owns and operates Furniture Fashions, a retail furniture and appliance outlet in Dalhart, and has other real estate and farming interests in the Dalhart area.
- Kevin Carruth.** City Manager for Paris (Region 15). Mr. Carruth has 20 years of experience in local government and has served as City Manager for Brownwood, Daingerfield, Hillsboro, and Prosper. He also served as Senior Program Analyst and Emergency Management Coordinator for Harris County Housing and Community Development Agency and as an elected official on the Board of Directors for Fort Bend M.U.D. #41. He is an ICMA Credentialed Manager and active in the Texas City Management Association.
- John Mitchiner.** Board of Directors of Galveston County W.C.I.D. #1 (Region 14) since 2004. Mr. Mitchiner served as Mayor for Dickinson from 1994 to 1999, as President for the Galveston County Mayors and Councilmen Assoc., as a Director for the North Galveston County Chamber of Commerce, and as President of the Mainland Association of Life Underwriters. He is a member of the Association of Water Board Directors – Texas, a member of Texas EquuSearch, and a Board Member of the Bay Area Harbour Playhouse.
- Lawanna Williams.** Assistant Finance Director for Kilgore (Region 15). Ms. Williams has been employed by Kilgore since September of 1987. Prior to 1987, Ms. Williams worked six years in the banking industry. Member of the East Texas Municipal Clerks Association, the Government Finance Officers Association of Texas, and the East Texas City Management Association. Serves as secretary/treasurer of the Outreach Community Development Corp. and is a member and past President of the Kilgore Oilpatch Kiwanis Club.

**WRITE IN CANDIDATE:**

---

**PLACE 8**

- Larry Melton (Incumbent).** Mayor for Odessa (Region 4) since 2001. Mr. Melton also served three years as a councilmember. He is the Chief Executive Officer of a regional public accounting firm, Johnson, Miller and Company, where he is responsible for all administrative and human resources areas of the firm. Previously, Mr. Melton was in the banking business for approximately 30 years. He is active in the United Way of Odessa and Odessa Chamber of Commerce. In 1993, he was honored as Odessa's outstanding citizen.
  
- Gilbert Perales.** Deputy City Manager for the City of Arlington (Region 8). From 1978 to 1980, Mr. Perales worked in the San Antonio City Manager's Office and in the Department of Economic Development. From 1980 to 1985, he served as City Manager for the City of Carrizo Springs. From 1985 to 2001, Mr. Perales worked for the City of Dallas as Assistant to the City Manager and, later, as Assistant Director in the Department of Convention and Events Services. From 2001 to 2007, he was Assistant City Manager for Irving.

**WRITE IN CANDIDATE:**

---

**PLACE 9**

- Andres Garza.** (Incumbent). City Manager for the City of Wharton (Region 14). Mr. Garza has served on the TML Intergovernmental Risk Pool Board of Trustees since 1984, serving as chairman from 1994-1996. He has served as Wharton City Manager since 1994. Mr. Garza has been in public service for over 33 years of which 30 have been as a City Manager. He serves on the TML Small City's Advisory Council, has a BBA degree from Southwest Texas State University, and is a member of TCMA and ICMA.

**WRITE IN CANDIDATE:**

---

# BALLOT MUST BE SIGNED TO BE COUNTED

## Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness by hand, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name of Authorized Official

\_\_\_\_\_  
Printed name of Political Entity

**DESIGNATION OF REPRESENTATIVE AND ALTERNATE  
HOUSTON-GALVESTON AREA COUNCIL  
2011 GENERAL ASSEMBLY**

\*\*\*\*\*

**BE IT RESOLVED**, by the Mayor and City Council of \_\_\_\_\_, Texas,  
that \_\_\_\_\_ be, and is hereby designated as its Representative  
to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2011.

**FURTHER**, that the Official Alternate authorized to serve as the voting representative should  
the hereinabove named representative become ineligible, or should he/she resign, is  
\_\_\_\_\_.

**THAT** the Executive Director of the Houston-Galveston Area Council be notified of the  
designation of the hereinabove named representative and alternate.

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

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

# KENNEMER, MASTERS & LUNSFORD

CERTIFIED PUBLIC ACCOUNTANTS  
Limited Liability Company

Lake Jackson Office:  
8 West Way Court  
Lake Jackson, Texas 77566  
(979) 297-4075 Fax: (979) 297-6548  
(800) 399-4075

Houston Office:  
12000 Westheimer, Suite 105  
Houston, Texas 77077  
(281) 752-0200 Fax: (281) 752-0204

## Engagement Letter

July 15, 2010

To the Honorable Mayor and  
Members of City Council  
City of Freeport  
Freeport, Texas 77541

We are pleased to confirm our understanding of the services we are to provide the City of Freeport (the "City") for the year ended September 30, 2010. We will audit the financial statements of the governmental activities, the business-type activities, discretely presented component unit, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of the City as of and for the year ended September 30, 2010. Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to accompany the City's basic financial statements. As part of our engagement, we will apply certain limited procedures to the City's RSI. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter. Unless we encounter problems with the presentation of the RSI or with procedures relating to it, we will disclaim an opinion on it. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis.
2. Schedule of Revenue, Expenditure, and Changes in Fund Balances – Budget and Actual – General Fund and Major Special Revenue Funds.
3. Texas Municipal Retirement System Schedule of Funding Progress – Last Three Years.
4. Texas Statewide Emergency Services Personnel Retirement Fund Schedule of Funding Progress – Last Three Years.

Supplementary information other than RSI also accompanies the City's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and will provide an opinion on it in relation to the basic financial statements:

1. Combining and Individual Fund Statements and Schedules.



To the Honorable Mayor and  
Members of City Council  
City of Freeport  
Engagement Letter  
July 15, 2010  
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#### Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the basic financial statements taken as a whole. Our audit will be conducted in accordance with generally accepted auditing standards established by the Auditing Standards Board (United States) and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the City and other procedures we consider necessary to enable us to express such opinions. If our opinions on the financial statements are other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and compliance will include a statement that the report is intended solely for the information and use of management, the body (City Council) charged with governance, others within the entity, and specific legislative or regulatory bodies and is not intended to be and should not be used by anyone other than these specified parties. If during our audit we become aware that the City is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

#### Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will prepare a draft of your financial statements and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the management representation letter that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any nonaudit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

To the Honorable Mayor and  
Members of City Council  
City of Freeport  
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Management Responsibilities - Continued

Management is responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City and the respective changes in financial position in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous audits or other engagements or studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits or other engagements or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions. With regard to using the auditor's report, you understand that you must obtain our prior written consent to reproduce or use our report in bond offering official statements or other documents. With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

To the Honorable Mayor and  
Members of City Council  
City of Freeport  
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#### Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

#### Audit Procedures—Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

To the Honorable Mayor and  
Members of City Council  
City of Freeport  
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Audit Procedures—Internal Controls - Continued

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Audit Administration, Fees, and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing. We will provide copies of our reports to the City; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Kennemer, Masters & Lunsford, LLC and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a federal or state agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities.

To the Honorable Mayor and  
Members of City Council  
City of Freeport  
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Audit Administration, Fees, and Other - Continued

We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Kennemer, Masters & Lunsford, LLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the federal or state agency. If we are aware that a federal or state awarding agency or auditee is contesting an audit finding, we will contact the parties contesting the audit finding for guidance prior to destroying the audit documentation.

We will coordinate the beginning dates for the audit fieldwork with appropriate City personnel later in the year (initial planning, interim, and year-end audit fieldwork). Based upon approximate fieldwork dates, we plan to issue a draft copy of our reports no later than February 15, 2011 and final reports by February 28, 2011. Tommy E. Masters, CPA is the engagement partner and is responsible for supervising the engagement and signing the report.


Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we estimate our fee to be \$ 24,910. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 120 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

*Government Auditing Standards* require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2008 peer review report accompanies this letter. Further as a supplement to this letter, we are enclosing an explanation of certain of our Firm's Client Service Concepts. We have found that such explanation helps avoid misunderstandings and enhances our ability to work closely with our clients.

To the Honorable Mayor and  
Members of City Council  
City of Freeport  
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July 15, 2010  
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We appreciate the opportunity to be of service to the City and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,  
Kennemer, Masters & Lunsford, LLC

By: 

\*\*\*\*\*

RESPONSE:  
This letter correctly sets forth the understanding of the City of Freeport.

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

Title: \_\_\_\_\_

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

# Robert D. Goldstein, CPA

2603 Augusta Drive • Suite 1100 • Houston, TX 77057-5639  
(713) 787-9927 • Fax (713) 789-7082 • e-mail RDGTexas@aol.com  
Member of the TSCPA and the AICPA Center for Audit Quality

July 9, 2008

To the Members  
Kennemer, Masters & Lunsford, LLC

I have reviewed the system of quality control for the accounting and auditing practice of Kennemer, Masters & Lunsford, LLC (the firm) in effect for the year ended March 31, 2008. A system of quality control encompasses the firm's organizational structure, the policies adopted and procedures established to provide it with reasonable assurance of complying with professional standards. The elements of quality control are described in the Statements on Quality Control Standards issued by the American Institute of Certified Public Accountants (AICPA). The firm is responsible for designing a system of quality control and complying with it to provide the firm reasonable assurance of conforming with professional standards in all material respects. My responsibility is to express an opinion on the design of the system of quality control and the firm's compliance with its system of quality control based on my review.

My review was conducted in accordance with standards established by the Peer Review Board of the AICPA. During my review, I read required representations from the firm, interviewed firm personnel and obtained an understanding of the nature of the firm's accounting and auditing practice, and the design of the firm's system of quality control sufficient to assess the risks implicit in its practice. Based on my assessments, I selected engagements and administrative files to test for conformity with professional standards, and with the firm's system of quality control. The engagements selected represented a reasonable cross-section of the firm's accounting and auditing practice with emphasis on higher-risk engagements. The engagements selected included, among others, engagements performed under *Government Auditing Standards*. Prior to concluding the review, I reassessed the adequacy of the scope of the peer review procedures and met with firm management to discuss the results of my review. I believe that the procedures I performed provide a reasonable basis for my opinion.

In performing my review, I obtained an understanding of the system of quality control for the firm's accounting and auditing practice. In addition, I tested compliance with the firm's quality control policies and procedures to the extent I considered appropriate. These tests covered the application of the firm's policies and procedures on selected engagements. My review was based on selected tests and therefore it would not necessarily detect all weaknesses in the system of quality control or all instances of noncompliance with it. There are inherent limitations in the effectiveness of any system of quality control and therefore noncompliance with the system of quality control may occur and not be detected. Projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or because the degree of compliance with the policies or procedures may deteriorate.

In my opinion, the system of quality control for the accounting and auditing practice of Kennemer, Masters & Lunsford, LLC in effect for the year ended March 31, 2008, has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA and was complied with during the year then ended to provide the firm with reasonable assurance of conforming with professional standards.

As is customary in a system review, I have issued a letter under this date that sets forth comments that were not considered to be of sufficient significance to affect the opinion expressed in this report.

Robert D. Goldstein, CPA

# Robert D. Goldstein, CPA

2603 Augusta Drive • Suite 1100 • Houston, TX 77057-5639  
(713) 787-9927 • Fax (713) 789-7082 • e-mail RDGTexas@aol.com  
Member of the TSCPA and the AICPA Center for Audit Quality

July 9, 2008

To the Members  
Kennemer, Masters & Lunsford, LLC

I have reviewed the system of quality control for the accounting and auditing practice of Kennemer, Masters & Lunsford, LLC (the firm) in effect for the year ended March 31, 2008, and have issued my report thereon dated July 9, 2008. That report should be read in conjunction with the comments in this letter, which were considered in determining my opinion. The matters described below were not considered to be of sufficient significance to affect the opinion expressed in that report.

Comment—The the firm's quality control policies and procedures require all professional personnel to obtain suitable continuing professional education (CPE) related to their accounting and auditing assignments. Although the firm's personnel received sufficient CPE to comply with professional and regulatory requirements, I noted that there was insufficient CPE specifically covering certain emerging auditing standards. As a result, unfamiliarity with the professional standards for the dating of management representations and auditors' reports resulted in several instances, including audits performed under *Government Auditing Standards*, where written management representations were misdated or obtained at the wrong point in time or where auditors' reports were misdated. These matters were not of such significance as to result in the issuance of misleading or unsupported auditors' reports.

Recommendation—The firm should comply more completely with its quality control policies and procedures for personnel management and CPE. The firm should initiate a plan to ensure that accounting and auditing personnel will obtain ongoing CPE in emerging accounting and auditing issues. The firm should monitor that the topics covered are those that will ensure the firm's personnel will be cognizant of current professional standards.

Comment—The firm's quality control policies and procedures require an impartial pre-issuance review of significant audit engagements by a suitable second person as well as annual inspections of the firm's accounting and auditing practice. My review disclosed that, although the internal inspection the firm conducted in the previous year identified instances where intended pre-issuance reviews were being performed after the issuance of audit reports, the firm did not follow up with corrective actions to avoid recurrences. Consequently, I noted an audit engagement of a not-for-profit entity that was deemed substandard. In that instance, some of the initial pre-issuance engagement review was performed by a staff person with limited experience, and not by the account partner as required by the firm and, furthermore, the second person pre-issuance review did not occur. As a result, management representations were obtained significantly prior to the completion of the audit and a material real estate asset was depreciated over a tax-basis life that was not demonstrated to be consistent with generally accepted accounting principles. In addition, the firm's audit documentation omitted evidence regarding several matters that are required by professional standards. The firm plans to obtain revised written management representations, review the propriety of depreciation lives and add additional documentation to its audit files. In addition, the firm plans to reassign responsibilities for future audit engagements.



Kennemer, Masters & Lunsford, LLC  
Page Two

Recommendation—The firm should comply with its policies and procedures for the initial pre-issuance review of audits by the account partner as well as an impartial pre-issuance review of significant audit engagements by a suitable second person. The firm should also ensure that findings discovered during annual inspections or during other monitoring procedures, will be corrected in a timely manner.

*Robert P. Goldstein, CPA*

September 24, 2008

George R. Lunsford, CPA  
Kennemer, Masters & Lunsford, CPAs, LLC  
8 W Way Ct  
Lake Jackson, TX 77566-5242

Dear Mr. Lunsford:

It is my pleasure to notify you that on September 22, 2008 the Texas Society of CPAs 2008-09 Peer Review Committee accepted the report on the most recent peer review of your firm, the related letter of comments, and your firm's response thereto. The due date for your next review is September 30, 2011. This is the date by which all review documents should be completed and submitted to the administering entity.

As you know, the reviewer's opinion was unmodified. The Committee asked me to convey its congratulations to the firm.

Sincerely,



Jerry L. Cross, CPA  
Director, Peer Review

cc: Robert Dale Goldstein, CPA

Firm Number: 10084266

Review Number: 264003

# **KENNEMER, MASTERS & LUNSFORD, LLC**

## **CLIENT SERVICE CONCEPTS**

### **An Open Letter to Our Clients:**

The following is a discussion of certain of our Firm's Client Service Concepts. We have found that explanation of these concepts helps to clarify our services, and enhances our ability to work more closely with you. Moreover, although certain of these concepts may involve services you have not engaged us to perform, this discussion may help to clarify future engagements.

### **Accounting and Auditing**

#### **Responsibilities**

We will use our skills as accountants and auditors on your behalf and are responsible for performing such work with due professional care within the framework of our professional standards. However, as management of the City, you are necessarily more familiar with its operations, its personnel and the reality underlying its books and records. Accordingly, your management will remain primarily responsible for the data and information contained in the financial statements, as well as for the evaluation of the capability and integrity of the City's personnel and the maintenance of adequate accounting records and internal controls for safe-guarding the City's assets. As we near completion of our audit work, we will ask you to carefully review the financial statements and confirm to us in writing the important representations they contain, which we will rely upon. Therefore, if there is anything in those statements that is not completely clear to you, please be sure to question us until you are satisfied.

#### **Issuance of Reports**

When we report upon your financial statements or other financial data, our exercise of professional due care includes important processes wherein we review our own work. When our work has been completed, our findings will be presented to you in a formal report. Accordingly, although we may sometimes make a pencil or draft copy of our report available to you as a courtesy, those findings are not to be relied upon or disseminated until our completed formal report is issued.

#### **Other Information in Documents Containing Financial Statements**

The inclusion of our reports in documents containing information in addition to the financial statements and our reports thereon (e.g., regulatory filings, offering circulars, etc.) may require us to perform additional procedures to fulfill our professional or legal responsibilities. Accordingly, our reports should not be used for any such purposes without our consent. In addition, to avoid unnecessary delay or misunderstanding, it is important that you give us timely notice of your intention to issue any such document.

## Concepts Which Pertain To All Services

### Timeliness

We not only aim to perform our work in keeping with the highest professional standards, but we also expect our work to be conducted efficiently and completed on time. We plan our engagements to make sure we do this, but because of circumstances beyond our control, and often beyond yours as well, this is not always possible. When situations arise when it appears there will be delays or we must do additional work, our people are instructed to inform you promptly. We believe you should be made aware of any matter that may impact our service or fees and given the opportunity to help resolve any problems which arise.

### Supervision of Your Personnel

When called for by our engagement, we would be pleased to provide your personnel with appropriate guidance and assistance. For example, we might provide certain record keeping or financial reporting instructions to your accounting staff. However, we are sure you understand that we cannot be responsible for the day-to-day supervision of your personnel or for ensuring that such personnel fulfill their assigned responsibilities. You, or someone on your staff, must exercise this responsibility.

### Independence

One last point: to provide you with proper, unbiased and objective service, our professionals should be independent of your organization. This not only means that our people should not have any investment or other business dealings with your organization or personnel, but also, that they cannot accept gifts or other personal payments from you in appreciation for their services.

Naturally, they are not to accept any commissions or other payments from any suppliers or other parties with whom you do business for having referred them to you. These rules are very important and we not only ask your cooperation in applying them, but request you to advise us if you observe anything that might indicate that these policies are not being followed.

We intend the name "Kennemer, Masters & Lunsford, LLC" to stand for outstanding client service. We want you to be so pleased by our service that you will recommend us to your friends and business associates. If, however, any of our people do not adhere to the foregoing service concepts, or if our service does not please you for any other reason, please let us know. Feel free to call your account officer or managing officer.

We would be pleased to answer any questions you might have about this discussion, or any other aspects of our client services.

Sincerely,



The Shareholders/Partners of  
Kennemer, Masters & Lunsford, LLC

**September 2, 2010**

**To: Delia Munoz, City of Freeport**

**From: Beverly Vowell, Campbell's Towing**

**Ref: City Council Agenda for September 20, 2010**

**Please add me to the agenda to discuss an increase in our city rotation fees and services. Thank you for your time.**

**Sincerely,**

A handwritten signature in black ink that reads "Beverly Vowell". The signature is written in a cursive, flowing style.

**Beverly Vowell  
Campbell's Towing**

## CHAPTER 121: AUTOMOBILE WRECKERS

Section

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- 121.01 Definitions
- 121.02 Wrecker business; general requirements
- 121.03 Storage facilities; general requirements
- 121.04 Municipal control
- 121.05 Nonconsent towing

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- 121.20 Invitation to scene of accident required; exception
- 121.21 Following vehicles in response to accident report prohibited
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## **GENERAL PROVISIONS**

### **§ 121.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**STATE LAW.** The Texas Tow Truck Act and Administrative Rules (TEX. REV. CIV. STAT., Art. 6687-9b) and the Texas Vehicle Storage Facility Act and Administrative Rules (TEX. REV. CIV. STAT., Art. 6687-9a) and all administrative regulations adopted pursuant thereto, including the definitions contained in the statutes and regulations unless otherwise defined differently in this section for local application needs.

**VEHICLE STORAGE FACILITY.** A garage, parking lot, or any type of facility owned and/or operated by a person other than a governmental entity with the capacity to store or park ten or more vehicles at any given time and complying with current state and local vehicle storage facility requirements.

**WRECKER BUSINESS.** A person, corporation, partnership or other entity engaging for profit in commercial tow truck activities within the city. (Ord. 1732, passed 12-7-92)

**§ 121.02 WRECKER BUSINESS; GENERAL REQUIREMENTS.**

(A) Each wrecker business operating within the city must register with the Chief of Police and provide proof that such business meets all state law requirements for such business.

(B) Each wrecker business operating within the city must continue to satisfy and meet all state law requirements, including but not limited to maintaining equipment and operations in accordance with all of the requirements thereof.

(C) Each wrecker business operating within the city must maintain a storefront operation for the business within the city.

(D) Each wrecker business operating in the city is required to have a minimum of ten vehicle storage spaces solely dedicated to the wrecker business in a state approved vehicle storage facility within the incorporated limits of the city and which spaces are dedicated solely to use in conducting a nonconsent tow business within the city.

(E) Each wrecker business operating within the city shall be required to have available at all times within the city at least one state permitted tow-truck vehicles which complies with all state law requirements. (Ord. 1732, passed 12-7-92) Penalty, see § 10.99

**§ 121.03 STORAGE FACILITIES; GENERAL REQUIREMENTS.**

(A) All vehicle storage facilities with the city must register with the Chief of Police and provide proof that such facility meets all state law requirements applicable to such facility.

(B) Each vehicle storage facility within the city must continue to satisfy and meet all state law requirements, including but not limited to maintaining equipment and operations in accordance with all of the requirements thereof.

(C) Each vehicle storage facility within the city must be surrounded by a solid fence of wood, iron, concrete, masonry, or chain link fencing with slats to enhance security and the visual effects of such facility. The plans for such fence must be approved by the Building Official prior to construction and such fence must continue to be maintained in good repair for security and visual screening purposes. All existing vehicle storage facilities within the city shall meet these fencing requirements within 90 days of the effective date of this chapter. (Ord. 1732, passed 12-7-92) Penalty, see § 10.99

**§ 121.04 MUNICIPAL CONTROL.**

(A) The Chief of Police and City Manager or their designated representatives shall have the right of inspection of all vehicle storage facilities within the city and the facility's storage and other pertinent documentation and records pertaining to the storage of nonconsent tow vehicle traffic in and out of the storage facility. Failure to provide access to above shall constitute a misdemeanor.

(B) The Chief of Police and City Manager or their designated representatives shall have the right of inspection of all facilities and equipment of all wrecker businesses in the city and all business documentation and records relevant to the conduct of such business within the city. Failure to provide access to above shall constitute a misdemeanor.

(C) Police, Fire, Ambulance, and/or Emergency Management personnel at an accident/incident scene shall have control over all responding wrecker business activity at such location. Failure by anyone associated with a responding wrecker service to follow directions given by the aforementioned city representatives shall constitute a misdemeanor. (Ord. 1732, passed 12-7-92) Penalty, see § 10.99

**§ 121.05 NONCONSENT TOWING.**

(A) The Chief of Police shall maintain in alphabetical order a master list, ("the rotation list"), containing the names of all wrecker businesses operating within the city which have registered with the Chief of Police and which desire to engage in the nonconsent tow business within the city. Where the same person owns an interest (whether in whole or in part) in more than one wrecker company, they shall not be listed consecutively.

(B) Each wrecker business engaging in nonconsent tow business within the city shall be responsible for the following:

(1) Continually meeting all state and local regulations and requirements;

(2) Providing the Chief of Police or his designated representative with current business information as requested and in such form as may be requested;

(3) Provide accurate and timely information to the City Police Department regarding the current ability of such business to handle nonconsent tow business;

(4) Providing response equipment fully capable of handling accident/incident scene vehicles;

(5) Providing personnel and equipment required to properly clean and remove accident/incident debris from the roadway site;

(6) Providing for professional handling of accident/incident scene vehicles, the security of contents thereof and for the courteous and professional attendance of subject vehicle owner/occupant/passenger concerns, inquiries and/or requests;

(7) Providing the Chief of Police or his designated representative with current information as to the location of the ten nonconsent vehicle storage facility spaces dedicated to the support of such wrecker business;

(8) Insure all wrecker business personnel fully comply with directions and/or requests of accident/incident scene law enforcement, fire response, and/or other emergency response personnel; and

(9) Not charging more than \$85 for a nonconsent wrecker tow or more than \$20 per day for vehicle storage without proper authorization from the Chief of Police for unusual accident/incident scene conditions.

(C) Each vehicle storage facility used for nonconsent tow vehicle storage shall be responsible for the following:

(1) Continually meeting all state and local regulations and requirements;

(2) Providing the Chief of Police or his designated representative with current business information as requested and in such form as may be requested;

(3) Provide for courteous and professional handling of all nonconsent tow vehicle's owner/occupant/passenger concerns, inquiries and/or requests; and

(4) Not charge a fee for a nonconsent tow vehicle storage daily rate, or fraction thereof, of more than \$20 without proper authorization from the Chief of Police for unusual storage requests or from the owner/occupant/passenger if the fee is understood and agreed to by all parties in advance of incurring the charges.

(D) The Chief has the right to suspend and/or remove any wrecker business from the rotation list for failing to provide the proper level of support to the Police Department. Reasons for suspensions could involve problems such as a wrecker business failing to respond in a timely manner without reasonable justification for the delay (including advance notice of being out of service or being unavailable for service); failing to follow directions given by fire, police, or accident scene personnel; failure to properly clear debris from accident scenes; responding to an



accident/incident location without being dispatched by the Police Department and actively soliciting accident/incident scene business; failure to satisfactorily perform at an accident/incident location and other matters perceived to be counterproductive to the efficient handling of an accident/incident site; and failure to use a vehicle storage facility meeting the requirements of division (C) of this section. Indefinite suspension or removal for prolonged periods of time from the rotation list is at the discretion of the Chief of Police and could result from repeated violations of one or more of the provisions of this chapter and/or such things as failure to maintain proper licenses, insurance, facilities; causing additional problems at accident/incident scenes, and/or otherwise failing to demonstrate a responsible approach to the support of the city's nonconsent tow truck needs. The City Manager shall have the right to review and uphold, amend, and/or rescind any actions of the Chief of Police taken under this division (D). The City Council shall have the right to review and uphold, amend, and/or rescind any action taken by the City Manager under this division (D).

(E) In the event the owner or operator of a vehicle involved in an accident/incident is physically unable to designate for the investigating officer a wrecker business to tow such vehicle, or in the event that such owner has no preference as to a wrecker business, or in the event that the owner or operator of such vehicle (whether or not such vehicle has been involved in an accident/incident) is arrested and in the opinion of the arresting officer such vehicle cannot or should not be released to another person designated by such owner or operator, then the investigating or arresting officer, as the case may be, shall communicate such fact to the police dispatcher. On receiving such communication, the police dispatcher shall call the wrecker business next in line on the rotation list to tow such vehicle to a vehicle storage facility within the corporate limits of the city which meets all of the requirements of this chapter. Provided, however, where the wrecker business so called does not arrive at the location given to it by the police dispatcher within 15 minutes after receiving such call, the police dispatcher shall cancel such call and call the wrecker business next in line on the list to tow such vehicle.

(F) The police dispatcher shall have the right to call any wrecker business within or without the city not on the rotation list should all the wrecker businesses on the rotation list be overloaded or otherwise unable to meet the need for commercial towing services in a timely manner.  
(Ord. 1732, passed 12-7-92; Am. Ord. 2006-2113, passed 2-6-06) Penalty, see § 10.99

### **ROTATION WRECKER BUSINESS**

#### **§ 121.20 INVITATION TO SCENE OF ACCIDENT REQUIRED; EXCEPTION.**

No person shall drive a wrecker to or near the scene or site of an accident or collision on the streets of the city, unless such person has been called to the scene by the Police Department of the city, provided that when it is necessary to prevent death or bodily injury to any person involved in an accident or collision, the prohibition of this section shall be inapplicable.

('68 Code, § 7-2) (Ord. 1060, passed 1-22-62)  
Penalty, see § 10.99

#### **§ 121.21 FOLLOWING VEHICLES IN RESPONSE TO ACCIDENT REPORT PROHIBITED.**

No person shall follow in a wrecker any ambulance or police car which is traveling on a public street in response to a report of an automobile collision or accident.

('68 Code, § 7-3) (Ord. 1060, passed 1-22-62)  
Penalty, see § 10.99

#### **§ 121.22 SOLICITING BUSINESS PROHIBITED.**

No person shall solicit in any manner, directly or indirectly, on the streets of the city, the business of towing any vehicle which is wrecked or disabled on a public street, regardless of whether the solicitation is for the purpose of soliciting the business of towing,

removing, repairing, wrecking, storing, trading, or purchasing the vehicle. Proof of the presence of any person engaged in the wrecker business or the presence of any wrecker or motor vehicle owned or operated by any person engaged in the wrecker business, either as owner, operator, employee, or agent, on any public street in the city, at or near the scene or site of a wreck, accident, or collision within one hour after the happening of a wreck, accident, or collision, unless such wrecker was lawfully summoned to such scene, shall be prima facie evidence of a solicitation in violation of this section. ('68 Code, § 7-4) (Ord. 1060, passed 1-22-62) Penalty, see § 10.99

### § 121.23 POLICE INFLUENCING CHOICE OF WRECKER PROHIBITED.

No police officer investigating or present at the scene or site of any wreck, accident, or collision on a public street shall, directly or indirectly, either by word, gesture, sign, or otherwise, recommend to any person the name of any particular person engaged in the wrecker service or repair business; nor shall any such police officer influence or attempt to influence in any manner the decision of any person in choosing or selecting a wrecker or repair service; provided, however, that this section shall not apply to any accident occurring on any bridge within the city limits, instead such accidents shall be governed by the provisions of §§ 121.25(B)(3), 121.26, 121.28. ('68 Code, § 7-6) (Ord. 1060, passed 1-22-62; Am. Ord. 1060-B, passed 2-2-76) Penalty, see § 10.99

### § 121.24 IMPOUNDMENT OF WRECKED VEHICLE.

Any police officer, in the exercise of his discretion as a police officer, may direct that any vehicle (whether towed by a wrecker selected by the owner of the vehicle or from the wrecker rotation list) shall be taken by the driver of the wrecker towing the vehicle directly to a bonded storage enclosure and there held by the city for inspection or investigation to determine the cause or reason for the accident such vehicle was involved in or such vehicle's disability or for any lawful purpose. ('68 Code, § 7-7) (Ord. 1060, passed 1-22-62)

### § 121.25 WRECKER SELECTION FORM; CONTENTS AND USE.

(A) *Contents.* The Chief of Police shall cause a wrecker selection form to be prepared which shall:

(1) Contain a statement by the owner of the disabled vehicle designating in blank spaces therein the wrecker company (one authorized under this chapter to engage in the wrecker business) which he desires to remove the disabled vehicle and the place to which he desires the vehicle removed;

(2) Contain a statement authorizing any police officer to call the designated wrecker company to remove the disabled vehicle;

(3) Contain a statement in the alternative that the owner has no preference as to a wrecker company and authorizes any police officer to call the wrecker company next in line on the wrecker rotation list maintained at police headquarters and a statement that he desires the vehicle to be removed to the place designated by him in a blank space therein; and

(4) Provide space for signature of the owner of the vehicle. ('68 Code, § 7-8)

(B) *Use.*

(1) When a police officer investigating an accident determines that any vehicle which has been involved in a collision or accident upon a public street is unable to proceed safely under his own power, or when the owner thereof is physically unable to drive such vehicle, such officer shall request the owner to designate on a wrecker selection form the wrecker company the owner desires to remove the vehicle. Such designation by the owner shall be indicated on the form and when completed shall be signed by the owner. The police officer shall give a copy of the authorization thus made on the form to the owner and shall retain for record the original thereof. Upon leaving duty on the same day, the police officer shall place such original in a well-bound book in the Police Department provided for that purpose.

(2) When the owner has designated the wrecker company desired, the police officer shall communicate the fact immediately to Police Department headquarters, and it shall be the duty of the officer receiving such information at headquarters to call the designated company to send a wrecker to the scene of the accident or collision.

(3) Provided, however, that the provisions of divisions (B)(1) and (2) of this section shall not apply to any accident occurring on any bridge within the city limits; whenever any police officer investigating any accident determines that the accident has occurred on any bridge within the city limits, the officer may call a wrecker using the wrecker rotation list system specified in this chapter, without first attempting to have the owner designate a wrecker of his preference. This provision is made necessary by the fact that a special hazard is created by an accident on a bridge and it is imperative that the emergency and congestion created thereby be relieved as rapidly as possible.

('68 Code, § 7-9)

(Ord. 1060, passed 1-22-62; Am. Ord. 1060B, passed 2-2-76)

#### **§ 121.26 WRECKER ROTATION LIST; CONTENTS.**

(A) In the event the owner of a disabled vehicle involved in an accident or collision fails to designate a wrecker company, or refuses to designate one, or the accident occurs on any bridge within the city limits, so that the provisions of § 121.25(B)(3) apply, the investigating officer shall communicate that fact immediately to the Police Department headquarters. The Police Department shall keep a master list, known as the wrecker rotation list, in alphabetical order, of all wrecker companies qualifying therefor under the provisions of this chapter.

(B) There shall be one wrecker per wrecker company designated for the wrecker rotation list. Each wrecker company may have a designated secondary or backup wrecker unit available for the rotation list when the regular rotation wrecker is mechanically inoperative, or when deemed necessary

by the Police Department. A temporary rotation permit is not required for the backup wrecker, but it must comply with all provisions of § 121.33.

('68 Code, § 7-10) (Ord. 1060, passed 1-22-62; Am. Ord. 1060B, passed 2-2-76; Am. Ord. 1611, passed 1-20-86)

#### **§ 121.27 QUALIFICATIONS OF WRECKER COMPANIES.**

Only those wrecker companies which have met the following requirements shall be placed on the wrecker rotation list:

(A) Have been issued a wrecker business permit under the provisions of this chapter;

(B) Have applied to be on such list;

(C) Own, lease, or otherwise lawfully possess and operate an automotive repair or storage yard or automotive wrecking and salvage yard, which has been inspected and found to comply with all applicable laws of the state and the ordinances of the city relating to such yards, and stores all vehicles picked up on rotation at such yard. The yard or facility shall have space for ten or more vehicles which may be removed or hauled and stored as a result of the name of the wrecker company appearing on the wrecker rotation list; a minimum ten-foot by 20-foot space shall be allowed for each vehicle;

(D) Each company shall have deposited with the Chief of Police or his designee a garage keeper's legal liability insurance policy, covering fire, theft, and explosion in the minimum amount of \$9,000, such policy covering such garage, wrecker company, or storage facility.

(E) Each wrecker company shall maintain 24-hour wrecker service and shall have an employee available to take telephone calls and release stored vehicles 24 hours per day, seven days per week.

(F) A storage yard under this chapter shall be maintained within the city for the convenience of the public.

('68 Code, § 7-11) (Ord. 1060, passed 1-22-62; Am. Ord. 1611, passed 1-20-86) Penalty, see § 10.99

**§ 121.28 USE OF WRECKER ROTATION LIST.**

(A) On receiving the first communication that the owner of a vehicle involved in an accident or collision has failed or refused to designate a wrecker company, or that the accident occurred on any bridge within the city limits as specified in § 121.25(B)(3), the police officer receiving such communication at police headquarters shall call the first wrecker company on the list to tow the disabled vehicle and remove the same from the public streets of the city.

(B) On each succeeding communication of the failure or refusal of the owner to designate a wrecker company, or upon the occurrence of an accident on any bridge within the city limits, in accordance with the provisions of § 121.25(B)(3), the next company on the list shall be called and so on, calling each wrecker company on the list in rotation; and proper notation of each such call shall be made on the master list.

('68 Code, § 7-12) (Ord. 1060, passed 1-22-62; Am. Ord. 1060B, passed 2-2-76)

**§ 121.29 COMPANIES TO KEEP RECORDS; CONTENTS.**

(A) Every wrecker company qualified for and whose name appears at its request on the wrecker rotation list shall maintain at its garage or storage location within the city, records as to all vehicles moved by it after being notified to do so by personnel of the City Police Department in accordance with the provisions of this chapter. ('68 Code, § 7-13)

(B) (1) The records required to be kept shall contain the following information:

(a) Make, model, and serial number of disabled automobile moved by the company;

(b) Location of disabled vehicle from which it was removed and time of removal;

(c) Total amount charged for towing;

(d) Storage rate per day; and

(e) Description of all personal property within the disabled automobile at the time of its removal.

(2) The described records shall be preserved by the wrecking company for at least three months from and after the date the company came into possession of the disabled automobile.

('68 Code, § 7-14) Penalty, see § 10.99

**§ 121.30 RECORDS TO BE AVAILABLE TO POLICE.**

The records required to be kept by the provisions of § 121.29 shall be made available to the members of the City Police Department by the wrecker company at any reasonable time.

('68 Code, § 7-15) Penalty, see § 10.99

**§ 121.31 IDENTIFICATION OF VEHICLES.**

All wrecker companies operating in the city shall have printed in letters not less than two inches in size the name, address, and telephone number of the owner thereof on each door of such wrecker.

('68 Code, § 7-16) (Ord. 1064, passed 6-4-62) Penalty, see § 10.99

**§ 121.32 ROTATION WRECKER EQUIPMENT REQUIREMENTS.**

Wreckers shall meet the following equipment requirements:

(A) Shall not be less than one ton in capacity as reflected on the manufacturer's certificate, title, or by certification of capacity by a mechanical engineer licensed as a professional engineer in the State of Texas.

(B) Shall be equipped with power booster brakes.

(C) Shall be equipped with a power operated winch, winch line and boom with a tested lifting capacity of not less than 6,000 pounds single-line capacity.

(D) Shall carry as standard equipment at least one each of the following: Tow bar, safety chain, and fire extinguisher. If such wrecker is to be used in collision hauls, it shall also carry a wrecker bar, broom, fuses, axe, refuse container or bag, shovel, dolly, 25-foot chain, and a minimum of 75 feet of cable, each having a 6,000-pound pull, and the collision call wrecker shall have dual rear wheels or rear wheel load capacity of 6,000 pounds. The cable shall be certified as proscribed by the Chief of Police or his designee.

(E) Shall be in such mechanical condition that it can be safely and reliably used as a wrecker.

(F) Shall comply with all applicable motor vehicle equipment laws of the state.

(G) Shall display atop the highest part of the wrecker, one or more revolving amber lights pursuant to TEX. REV. CIV. STAT., Art. 6701d, § 124.

(H) Shall have two white flood lights projecting to the rear of the wrecker, mounted in such a manner as to light up the vehicle being loaded or unloaded and which light shall be extinguished while towing is in progress.

(I) Shall have a small car dolly and a cradle-sling or bar to provide rigid spacing between the wrecker and the towed vehicle and which is capable of lifting the front or rear of a towed vehicle clear of the roadway. A bed-type hauler capable of safely transporting the entire vehicle to be hauled is not required to have a cradle-sling or bar or a small car dolly.

('68 Code, § 7-17) (Ord. 1611, passed 1-20-86) Penalty, see § 10.99

### § 121.33 ROTATION WRECKER REGULATIONS.

(A) Failure of the wrecker business called to respond with an appropriate wrecker at the scene of the collision within 20 minutes of notification, without justification acceptable to the Police Department, shall cause the permit holder to forfeit that call on the next wrecker business upon the

wrecker rotation list. Failure to respond within 20 minutes to two successive rotation list duty calls, without justification acceptable to the Police Department during a six-month period, shall be cause for the wrecker business to be passed over for a 30-day period at wrecker rotation list duty. A wrecker business which has been passed over two times within a one-year period shall be removed from the list for a period of six months upon the next occurrence of failure to respond for wrecker rotation list duty.

(B) A wrecker business desiring to be placed upon the wrecker rotation list shall be required to make written application to the Police Department and shall execute an agreement to hold the city harmless from any and all claims arising from performance of wrecker services in connection with such listing upon a wrecker rotation list.

(C) In the event that a police officer initiates the tow of a vehicle without the knowledge of the owner of the vehicle, the Police Department shall, as soon as possible attempt to determine the owner of such vehicle and notify such person by the fastest available means of the impoundment of the vehicle.

(D) The owner of a vehicle impounded as a result of a police initiated tow may obtain the immediate release of his vehicle by paying the amount of towing and storage charges against the vehicle to the appropriate service. Upon receipt by the storage lot or wrecker company of the cash fee, the Police Department shall require the wrecker business holding the vehicle to release it to the owner. The city shall not be responsible for damages to the towed vehicle or loss of property from such vehicle. Such claims shall be the responsibility of the wrecker business conducting the tow and storage of the vehicle. This section shall not apply to vehicles held by the Police Department under authority of state and federal laws.

(E) On all rotation wrecker calls, a complete written inventory of the towed vehicle contents shall be completed by the Police Department at the scene, or as soon thereafter as possible.

('68 Code, § 7-18) (Ord. 1611, passed 1-20-86)

**WRECKER BUSINESS PERMIT**

**§ 121.50 PERMIT REQUIRED.**

Every person desiring to engage in the wrecker business in the city shall first obtain a permit to engage in such business. It shall be unlawful to engage in the wrecker business within the city without first obtaining a permit.

('68 Code, § 7-27) (Ord. 1060, passed 1-22-62) Penalty, see § 10.99

**§ 121.51 APPLICATION.**

Any person desiring a permit required by the provisions of this subchapter shall file a sworn written application therefor with the Chief of Police, which such application shall contain the following:

(A) The name and address of the applicant.

(B) The number of wreckers proposed to be operated by applicant.

(C) The address and telephone number of the business location from which the applicant will operate such wrecker business, if he secures a permit.

(D) The types of wrecker equipment which he proposes to place in operation.

(E) Whether the applicant has available space for properly accommodating and protecting all disabled motor vehicles to be removed by him from the places where they are found disabled.

(F) Whether the applicant desires his name to appear on the wrecker rotation list.

(G) The name of the true owner of the company concerned.

(H) Such other information as the Chief of Police shall find reasonably necessary to effectuate the purpose of this chapter and to arrive at a fair determination of whether the terms of this chapter have been complied with.

('68 Code, § 7-28) (Ord. 1060, passed 1-22-62)

**§ 121.52 FEE.**

At the time of the application for a permit to be issued under the provisions of this subchapter is filed with the Chief of Police, the applicant therefor shall pay a fee of \$100 for the first wrecker proposed to be operated in the city under such permit and \$25 for each additional wrecker proposed to be operated in the city under such permit. Such fee shall not be refunded to the applicant in the event the permit is refused.

('68 Code, § 7-29) (Ord. 1060, passed 1-22-62; Am. Ord. 2006-2113, passed 2-6-06)

**§ 121.53 LIABILITY INSURANCE REQUIRED.**

No permit shall be issued under the provisions of this subchapter, unless the applicant therefore shall procure and keep in full force and effect a policy or policies of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the state and in the standard form approved by the State Board of Insurance Commissioners, with the insured provisions of the policy or policies including the city as an insured, and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of a wrecker of such company and providing that the amount of recovery on each wrecker shall be in limits of not less than the following sums:

(A) For damages arising out of bodily injury to or death of one person in any one accident - \$10,000.

(B) For damages arising out of bodily injury to or death of two or more persons in any one accident - \$20,000.

(C) For injury to or destruction of property in any one accident - \$5,000.

('68 Code, § 7-30) (Ord. 1060, passed 1-22-62)

**§ 121.54 LOCAL TELEPHONE NUMBER REQUIRED.**

No permit shall be issued under the provisions of this subchapter unless the applicant therefor shall have and maintain a local exchange telephone number for the convenience of the citizens of the city.  
( '68 Code, § 7-31) (Ord. 1060, passed 1-22-62)

**§ 121.55 STORAGE ENCLOSURE REQUIRED.**

(A) No permit shall be issued under the provisions of this subchapter unless the wrecker owner shall have the use of a locked enclosure to store wrecked, disabled, or impounded motor vehicles. Such enclosure shall be of the wire mesh type, at least six feet high with three-stand barbed wire or better at the top. Such enclosure shall have affixed to the fence at the entrance a sign indicating the name, address, and telephone number of the person in charge thereof. Such enclosure, if of the open type, shall be adequately lighted at night. The owner of the enclosure, whether opened or closed in, shall be bonded by some reputable bonding company authorized to do business in the state in an amount of not less than \$1,000 for bonded storage.

(B) The enclosure mentioned in division (A) of this section may be a completely enclosed building.  
( '68 Code, § 7-32) (Ord. 1060, passed 1-22-62)

**§ 121.56 TAX OBLIGATIONS.**

No permit shall be issued under the provisions of this subchapter if any delinquent taxes are due to the city by the applicant therefor upon any wrecker for which such permit is sought, or if the owner thereof has failed to render same for ad valorem taxation.  
( '68 Code, § 7-33) (Ord. 1060, passed 1-22-62)

**§ 121.57 ISSUANCE.**

The Chief of Police shall issue a permit under the provisions of this subchapter to all applicants complying with the provisions of this chapter.  
( '68 Code, § 7-34) (Ord. 1060, passed 1-22-62)

**§ 121.58 REVOCATION.**

The City Council shall revoke any permit issued under the provisions of this subchapter when it finds any of the following:

(A) The permit was procured by fraudulent conduct or false statement of a material fact in the written application; or

(B) The permit holder has violated any applicable provision of this code, state law, or city ordinance, rule, or regulation.  
( '68 Code, § 7-35)

**§ 121.59 PRIVATE PARKING HAULS.**

(A) No wrecker company shall tow a vehicle parked on a private parking lot within the city onto a public street within the city unless the parking lot has signs with two-inch minimum height letters, readable day and night, prominently placed at all entrances, specifying those persons who may park in the lot and prohibiting all others from parking there.

(B) Wherever it becomes necessary under this section for the wrecker company to disassemble parts of a vehicle in order to tow such vehicle, the wrecker company shall reassemble such parts upon reaching his place of business.

(C) No wrecker company shall have the owner of a vehicle, which has been towed from a private parking lot, sign a release from liability, until the owner has inspected the vehicle. Any such release shall contain a notation of such inspection, as well as an enumeration of any damages alleged by the owner to be the responsibility of the wrecker company. The release shall be a full release, except as to specifically enumerated damages.

(D) A wrecker company removing a vehicle from private property shall immediately, upon completion of the tow, notify the Police Department of such removal. Such notification shall include the following:

(1) The physical description and license number or vehicle identification number, if there are no license plates, of the vehicle to be removed.

(2) The name of the wrecker company removing the vehicle.

(3) The location of storage of the vehicle within the city and the telephone number of the lot.

(4) The parking facility from which the vehicle was towed and the person authorizing or directing the vehicle to be towed.  
('68 Code, § 7-36) (Ord. 1611, passed 1-20-86)  
Penalty, see § 10.99

**VEHICLE INSPECTION PERMIT**

**§ 121.70 VEHICLE INSPECTION PERMIT REQUIRED.**

In addition to the business permit required by § 121.50, no person shall operate a wrecker vehicle on the streets of the city unless an inspection permit for such wrecker has been issued for such vehicle by the Chief of Police.  
('68 Code, § 7-46) (Ord. 1060, passed 1-22-62)  
Penalty, see § 10.99

**§ 121.71 APPLICATION TO BUSINESSES OUTSIDE CITY.**

(A) Any wrecker company having its business located outside the city limits may pick up wrecked or disabled automobiles or vehicles inside the city and remove the same from the scene thereof under the direction of the owner of the automobile or vehicle, provided such wrecker company is called and requested to remove the same, without the necessity of securing a permit to do so.

(B) Nothing contained in this section shall be construed in such manner as to authorize any wrecker company to be at or near the scene of an accident

contrary to the other provisions of this chapter, except upon being called thereto.  
('68 Code, § 7-47) (Ord. 1064, passed 6-4-62)

**§ 121.72 MINIMUM REQUIREMENTS.**

No vehicle permit shall be issued under the provisions of this subchapter unless every wrecker proposed to be used by the applicant complies with the following minimum requirements:

(A) Each wrecker shall be not less than ¾-ton in size.

(B) Each wrecker shall be equipped with a power operated winch, winch line, and boom, with a factory rated lifting capacity (or a city tested capacity) of not less than 5,000 pounds - single line capacity.

(C) Each wrecker shall carry as standard equipment towbars, safety chains, a fire extinguisher, wrecking bars, brooms, an axe, fuses, and an emergency flashing red light mounted on top of the cab.  
('68 Code, § 7-48) (Ord. 1060, passed 1-22-62)  
Penalty, see § 10.99

**§ 121.73 CONTENTS OF PERMIT.**

Each vehicle inspection permit required by the provisions of this subchapter shall state that the vehicle for which such permit was issued has been inspected and approved under the direction of the Chief of Police.  
('68 Code, § 7-49) (Ord. 1060, passed 1-22-62)

**§ 121.74 DISPLAY.**

Each vehicle inspection permit issued under the provisions of this subchapter shall be affixed securely to the inside of the windshield of the appropriate wrecker vehicle; and it shall be unlawful for any person to operate any wrecker vehicle which does not have such permit so posted and displayed.  
('68 Code, § 7-50) (Ord. 1060, passed 1-22-62)  
Penalty, see § 10.99



**§ 121.75 TRANSFERABILITY.**

No permit issued under the provisions of this article shall be transferable.

('68 Code, § 7-51) (Ord. 1060, passed 1-22-62)  
Penalty, see § 10.99

**§ 121.76 EXPIRATION.**

Every permit issued under the provisions of this subchapter shall expire at midnight on December 31 of the calendar year in which the same was issued.

('68 Code, § 7-52) (Ord. 1060, passed 1-22-62)

**§ 121.77 REVOCATION OR SUSPENSION.**

Any permit issued under the provisions of this subchapter may be revoked or suspended at any time for the violation of any applicable provision of this code, state law, or city ordinance, rule, or regulation.

('68 Code, § 7-53)