

City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, SEPTEMBER 22, 2008 6:30 P.M.
MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 N. BRAZOSPORT BLVD.

AGENDA FORMAL SESSION

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of the approval of the September 8th, 2008 Council Minutes.
Pg. 1306-1310
5. Attending Citizens and Their Business.
6. Consideration of the approval of Ordinance No. 2008-2209 adopting a budget for fiscal year 2008-2009 for the City of Freeport. Pg. 1311-1320
7. Consideration of the approval of Ordinance No. 2008-2210 adopting a tax rate for fiscal year 2008-2009 for the City of Freeport. Pg. 1321-1332
8. Consideration of the approval of authorizing the Mayor to sign an Interlocal Agreement between the City of Freeport , Texas and Ector County, Texas to participate in the Ector County's Cooperative Purchasing Program.
Pg. 1333-1337
9. Consideration of the approval of Ordinance No. 2008-2211 granting a Specific Use Permit of Block 78, Lot 4 Freeport Townsite, known locally as 517 West Second Street, as a Liquor Store to be operated by Emma S. Covarrubias.
Pg. 1338-1343
10. Consideration of the approval of authorizing the Mayor to vote for the Texas Municipal League International Risk Pool Board of Trustees Election.
Pg. 1344-1347
11. Consideration of the approval of designating a City representative and an alternate to the Houston Galveston Area Council 2009 General Assembly.
Pg. 1348-1349B

12. Consideration of the approval of authorizing the Mayor to Sign a Memorandum of Understanding between the signatory agencies of the Southeast Texas Police Chiefs Association and Law Enforcement Entities within Southeast Texas, setting standards for handling, communicating and safety resolving a police pursuit. Pg. 1350-1352
13. Consideration of the approval of authoring the Mayor to sign a 2008-2009 Fiscal Year Interlocal Agreement between Brazoria County and the City of Freeport for street work. Pg. 1353-1361

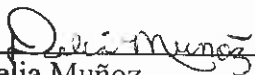
Adjourn

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

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

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

I, Delia Muñoz, City Secretary, City of Freeport, Texas, hereby certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hour a day public access, 200 W. 2nd Street, Freeport, Texas, on September 19, 2008 at or before 5:00 p.m.



Delia Muñoz
City Secretary

State of Texas

Brazoria County

City of Freeport

BE IT REMEMERED, that the City of Freeport, met in a regular meeting on Monday, September 8, 2008 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport, Texas for the purpose of considering the following agenda items:

City Council:

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

Staff:

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

Visitors:

Patrick Gore	Wright Gore, III
Dorothy Pirrung	Jim Pirrung
Larry Shaefer	Judy Shaefer
Susie Wise	Rosa McDonald
Eric Hayes	Lila Diehl
Lila Lloyd	Sandra Leavey
Melanie Oldham	Jerry Meeks
Richard Turner	Juan Zapata
Dan Tarver	Fred Bolton
Yvette Ruiz	Alonzo Martinez
Mingo Marquez	

Call to Order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of the approval of the September 2, 2008 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Saccomanno, with all present voting "aye", Council approved the September 2, 2008 Council minutes.

Attending Citizens and Their Business.

Juan Zapata, 1123 W. 5th Street, member of Freeport Youth Alliance is prepared to work hard to get funding for a skating park. He is asking for guidance and support from Freeport. The area in question is city owned. Chief Pynes helped them find a grant of \$25,000 by the Tony Hawk Foundation.

Richard Turner of Freeport Funeral Home said that he believes present council wants Freeport to return to a small fishing village. He asked how the City Mayor could threaten the City Manager to concrete a private business. Mr. Turner stated that for the last 20 years has waited for Walnut Street to be lowered. His customers can not open the vehicle door because it hits the street. Mayor McDonald commented on this and said that it was the City's responsibility to replace what it removes to its original condition and that was the case at Lupita's Bakery on Gulf Blvd. The City had to remove her parking lot due to a drainage pipe installation. Mayor McDonald said that he alone did not make this decision, but that it was a decision of the majority of the city council.

Melanie Oldham lives in Angleton but works in Freeport. She stated that she has a lot of respect for Gary Beverly. He is great with finance and has been a great help to her. She plans to open a business in Freeport.

Proclamation: Proclaiming Direct Support Professionals Recognition Week.

Mayor McDonald read out the Proclamation proclaiming Direct Support Professional Recognition Week in Freeport.

Public Hearing: Proposed budget for fiscal year 2008-2009.

Mayor McDonald opened the public hearing on the proposed budget for fiscal year 2008-2009 at 6:12 p.m.

Gary Beverly discussed the changes to the budget and answered questions from Council. The salary includes 3% raise to the employees and salary market adjustments.

Councilman Wise asked why the City requires 5 park supervisors. Councilman Wise asked if he had demoted the Public Works Director- Mr. Larry Fansher and if he had changed his salary status. Gary said that he had moved him to the Parks Department but had not changed his salary.

Councilman Wise would like to see the budget re-evaluated, because he saw a lot of wasteful spending. Councilman Wise said that the City could not afford the pay increases on some employees.

Sandra Leavey told Council that she was disappointed with the tone of Council. She stated that Councilman Wise was acting very unprofessional and was very argumentative towards Mr. Beverly. She was confused; "had not this already been discussed" She asked why these issues had not been brought up before. She said that budget workshop was set up for that and that this was not the place to criticize.

Councilman Wise stated that he had not received the budget until late in the budget process.

Councilman Saccomanno felt that Councilman Wise was micromanaging the City Manager and that it was not necessary.

Melanie Oldham said that she had attended many Commissioners Court meeting in Angleton and had not seen a meeting unprofessional like this one. She suggested that personal attacks on Mr. Gary Beverly stop and that maybe a workshop can be scheduled to work out the budget discrepancies.

Wright Gore, III said that there was an article in the July 31, 2008 where the Freeport Police Department was getting more police. He asked if this was included in this budget.

John Stanford expressed serious needs for the Freeport Fire & EMS department, to be able to provide advance life skills to the City. He challenged anyone to find another city that operated on as low a cost as Freeport. He said that if the budget is postponed, it will have a serious effect on the Freeport Fire & EMS. He asked Council to study the competitive salaries posted by the Texas Municipal League.

Mayor McDonald reassured Mr. Stanford and Mr. Pynes that they would get their staff and their raises in this budget.

Fred Bolton asked of the Council were meeting "off campus", because two of the Council members were in the dark on some projects and the other three Council members were very knowledgeable. Mayor McDonald denied such meetings taking place.

There being no further comments from the attendances and staff, Mayor McDonald closed the public hearing at 7:00 p.m.

Consideration of the approval of Ordinance No. 2008-2208 adopting a budget for fiscal year 2008-2009 for the City of Freeport.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting 3 to 2, Council failed to approve Ordinance No. 2008-2208 adopting a budget for fiscal year 2008-2009 for the City of Freeport.

Mayor McDonald, Councilman Wise and Councilman Cameron opposed.

Public Hearing: Consideration of the first public hearing to set a tax rate in excess of the effective rate for the 2008 tax year.

Mayor McDonald opened the public hearing at 7:02 p.m.

Wright Gore, III said that an article on August 28, 2008 newspaper stated that a lot of the entities surrounding us were increasing the tax rates. Freeport is facing a lot of challenges and it needs to attract business. Freeport residents are being bombard by increasing tax rates by all taxing entities. Citizens are paying more for fuel, water, electricity, garbage and making more sacrifices. The City needs to set priorities and lower the tax rate. Mayor McDonald agrees.

Melanie Oldham asked what was going to be cut if the tax rate is lowered.

Gary Beverly reminded Council that the City had an \$85,000 exemption to Senior Citizens and the Disabled.

Mr. Shaw said the effective tax rate is \$ 0.685449 per \$100 of taxable value. The proposed tax rate is \$0.710000 per \$100.

Lila Lloyd said Mayor McDonald, Councilman Cameron, and Councilman Wise came here with their own agenda set. Mr. Gore said that he supported the Marina, when he has opposed it for years and has even sued the City. She said the City keeps losing its tax base. She said that Council was contradicting themselves. Roy Yates of Freeport Welding, a business was not able to get the 1495 off ramp widen, but another local business was able to get the parking lot done.

Members of the public attended the hearing and expressed their views. Their being no further comments, Mayor McDonald closed the public hearing at 7:20 p.m.

Consideration of the approval of appointing a representative to the Brazosport Water Authority.

On a motion by Councilman Cameron, seconded by Mayor McDonald, with all present voting "aye", Council tabled this item to advertise on the Facts.

Mayor McDonald closed the formal session and opened the Executive Session at 7:40 p.m.

Executive Session

A. 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 Manger

Mayor McDonald closed the Executive Session and reconvened the open meeting at 8:10 p.m.

Adjourn

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", the meeting was adjourned at 8:10 p.m.

Delia Munoz
City Secretary

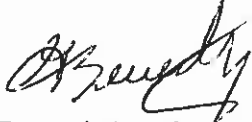
Larry McDonald
Mayor



Council

MEMORANDUM

To: Mayor and City Council

From: Gary Beverly 

Re: Budget / Tax Rate Adoption

Date: September 22, 2008

Included on the agenda(s) are four items related to budget and tax rate:

AGENDA #1:

2. **Public Hearing (2nd)** Proposing a tax rate in excess of the effective rate for the 2008-2009 tax year.
3. Consideration and approval of proposing a tax increase for the 200-2009 tax year.

AGENDA #2:

6. Consideration of the approval of Ordinance No. 2008-2209 adopting a budget for fiscal year 2008-2009 for the City of Freeport.
7. Consideration of the approval of Ordinance No. 2008-2210 adopting a tax rate for fiscal year 2008-2009 for the City of Freeport.

These items have been arranged in this format (2 agendas) from the advise of Ro'vin Garrett, Tax Assessor Collector, in consultation with our City Attorney.

These agenda items have been included to give you an opportunity to provide us with changes you would like to see for the tax rate and in the budget. The attached State tax code 26.05 (attached) and Freeport Home Rule Charter Section 9.10 (attached) govern the deadlines for completion of the budget and tax rate adoption. If you can provide me with changes to the budget at or before the meeting we can adopt the changes and a budget for fiscal year 2008-2009, otherwise the fiscal year 2006-2007 Budget will take effect October 1st. In addition, the effective rate of \$0.685449/\$100 will take effect without an approved tax rate.

If you have any questions, let me know!

SECTION 9.04. PROPOSED EXPENDITURES COMPARED WITH OTHER YEARS.

The City Manager in the preparation of the budget shall place in parallel columns opposite the various items of expenditures: the actual amount of such items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year and the proposed amount for the ensuing fiscal year.

SECTION 9.05. BUDGET A PUBLIC RECORD.

The budget and all supporting schedules shall be filed with the person performing the duties of City Secretary, submitted to the City Council, and shall be a public record. The City Manager shall provide copies for distribution to all interested persons.

SECTION 9.06. NOTICE OF PUBLIC HEARING ON BUDGET.

At the meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause to be published in the official newspaper of the City of Freeport, a notice of the hearing setting forth the time and place thereof at least fifteen (15) days before the date of such hearing.

SECTION 9.07. PUBLIC HEARING ON BUDGET.

At the time and place set forth in the notice required by Section 9.06, or at any time and place to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.

SECTION 9.08. PROCEEDINGS ON BUDGET AFTER PUBLIC HEARING.

After the conclusion of such public hearing, the City Council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law, but where it shall increase the total proposed expenditures, it shall also provide for an increase in the total anticipated revenue at least to equal such proposed expenditures.

SECTION 9.09. VOTE REQUIRED FOR ADOPTION.

The budget shall be adopted by the favorable vote of a majority of the members of the whole City Council.

SECTION 9.10. DATE FOR FINAL ADOPTION.

The budget shall be finally adopted not later than fifteen (15) days prior to the beginning of the fiscal year, and should the City Council fail to so adopt a budget, the then existing budget together with its tax levying ordinance and its appropriation ordinance shall be deemed adopted for the ensuing fiscal year. If delayed by a situation beyond control of the City it shall be acted on as soon as practicable. (Amended 4-86)

SECTION 9.11. EFFECTIVE DATE OF BUDGET; CERTIFICATIONS; COPIES MADE AVAILABLE.

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the person performing the duties of City Secretary, the County Clerk of Brazoria County and the State Controller of Public Accounts at Austin. The final budget shall be printed, mimeographed or otherwise reproduced and copies shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.

C

Effective: September 1, 2007

Vernon's Texas Statutes and Codes Annotated Currentness

Tax Code (Refs & Annos)

Title 1. Property Tax Code

▣ Subtitle D. Appraisal and Assessment (Refs & Annos)

▣ Chapter 26. Assessment (Refs & Annos)

→ § 26.05. Tax Rate

(a) The governing body of each taxing unit, before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the taxing unit, shall adopt a tax rate for the current tax year and shall notify the assessor for the unit of the rate adopted. The tax rate consists of two components, each of which must be approved separately. The components are:

(1) for a taxing unit other than a school district, the rate that, if applied to the total taxable value, will impose the total amount published under Section 26.04(e)(3)(C), less any amount of additional sales and use tax revenue that will be used to pay debt service, or, for a school district, the rate published under Section 44.004(c)(5)(A)(ii)(b), Education Code; and

(2) the rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the unit for the next year.

(b) A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote on the ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be a record vote. A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the effective tax rate must be made in the following form: "I move that property taxes be increased by the adoption of a tax rate of (specify tax rate)." If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the taxing unit must:

(1) include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:

(A) the following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."; and

(B) if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."; and

(2) include on the home page of any Internet website operated by the unit:

(A) the following statement: “(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE”; and

(B) if the tax rate exceeds the effective maintenance and operations rate, the following statement: “THE TAX RATE WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount).”

(c) If the governing body of a taxing unit does not adopt a tax rate before the date required by Subsection (a), the tax rate for the taxing unit for that tax year is the lower of the effective tax rate calculated for that tax year or the tax rate adopted by the taxing unit for the preceding tax year. A tax rate established by this subsection is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this subsection, the governing body of the taxing unit must ratify the applicable tax rate in the manner required by Subsection (b).

(d) The governing body of a taxing unit other than a school district may not adopt a tax rate that exceeds the lower of the rollback tax rate or the effective tax rate calculated as provided by this chapter until the governing body has held two public hearings on the proposed tax rate and has otherwise complied with Section 26.06 and Section 26.065. The governing body of a taxing unit shall reduce a tax rate set by law or by vote of the electorate to the lower of the rollback tax rate or the effective tax rate and may not adopt a higher rate unless it first complies with Section 26.06.

(e) A person who owns taxable property is entitled to an injunction restraining the collection of taxes by a taxing unit in which the property is taxable if the taxing unit has not complied with the requirements of this section and the failure to comply was not in good faith. An action to enjoin the collection of taxes must be filed prior to the date a taxing unit delivers substantially all of its tax bills.

(f) Except as required by the law under which an obligation was created, the governing body may not apply any tax revenues generated by the rate described in Subsection (a)(1) of this section for any purpose other than the retirement of debt.

CREDIT(S)

Acts 1979, 66th Leg., p. 2268, ch. 841, § 1, eff. Jan. 1, 1982. Amended by Acts 1981, 67th Leg., 1st C.S., p. 164, ch. 13, § 117, eff. Jan. 1, 1982; Acts 1985, 69th Leg., ch. 657, § 3, eff. June 14, 1985; Acts 1987, 70th Leg., ch. 699, § 2, eff. June 19, 1987; Acts 1987, 70th Leg., ch. 947, § 7, eff. Jan. 1, 1988; Acts 1987, 70th Leg., ch. 988, § 2, eff. June 18, 1987; Acts 1991, 72nd Leg., ch. 404, § 1, eff. Jan. 1, 1992; Acts 1997, 75th Leg., ch. 165, § 29.06, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1039, § 27, eff. Jan. 1, 1998; Acts 1999, 76th Leg., ch. 398, § 3, eff. Aug. 30, 1999; Acts 1999, 76th Leg., ch. 423, § 1, eff. Jan. 1, 2000; Acts 1999, 76th Leg., ch. 1358, § 2, eff. Jan. 1, 2000; Acts 2005, 79th Leg., ch. 412, § 13, eff. Sept. 1, 2005; Acts 2005, 79th Leg., ch. 1368, § 1, eff. June 18, 2005; Acts 2007, 80th Leg., ch. 921, § 14.001, eff. Sept. 1, 2007.

Current through the end of the 2007 Regular Session of the 80th Legislature

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END OF DOCUMENT

ORDINANCE NO. 2008-2209

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; ADOPTING A BUDGET FOR THE FISCAL YEAR 2008-2009 FOR THE CITY; PROVIDING FOR THE FILING THEREOF; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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 requires the adoption of an annual budget; and,

WHEREAS, under Section 102.001(b) of the Local Government Code, because the City has a city manager form of government, the city manager is the budget officer of the City municipality and 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 Chapter 9 of said Charter, the governing body of the municipality is required to adopt a budget not later than fifteen (15) days prior to the beginning of the fiscal year; and,

WHEREAS, under Section 102.006(a) and (b) of the 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© of the 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© 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) of the 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, under Section 102.007© 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 9.10 of said Charter provides that if there is a situation beyond control of the City which delays the adoption of the budget and it cannot be adopted not later than fifteen (15) days prior to the beginning of the fiscal year, it may be adopted as soon as practicable.

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 adoption of the 2008-2009 ANNUAL BUDGET, the City Council hereby makes the following findings:

(1) The revised budget for the City's Fiscal Year 2008-2009, a copy of which is attached hereto as Exhibit "A", is the result of numerous workshop meetings, each of which were conducted in accordance with and notice of each of which was given in the manner required by the Texas Open Meetings Act, now codified as Chapter 551 of the Government Code.

(2) On the 21st day of July, 2008, the City Manager filed with the City Secretary a proposed annual budget.

(3) A public hearing on such budget was held on the 8th day of September, 2008, 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.

(4) Notice of such hearing was published in the Brazosport Facts, the official newspaper of the City, on the 22nd day of August, 2008.

(5) An ordinance adopting the budget filed by the City Manager with the City Secretary was not adopted at the conclusion of such hearing or subsequently.

(8) Hurricane Ike prevented the City Council from conducting a meeting more than fifteen (15) days prior to the beginning of the 2008-2009 fiscal year at which changes could be made to such budget and this ordinance adopting the revised budget attached hereto could be considered.

(5) The contingent appropriations in such revised budget do not exceed three percent (3%) of the total budget appropriations.

(6) The estimated expenditures of the General Fund and Debt Service Fund stated in such revised budget do not exceed total estimated resources of each fund.

SECTION TWO (2) - Annual Budget Adopted; Appropriations

The ANNUAL BUDGET for the City's FISCAL YEAR 2008-2009, in its complete form, being the budget heretofore filed by the City Manager with the City Secretary, with changes thereto made following the public hearing mentioned above, attached hereto and made a part hereof as Exhibit "A", is hereby ADOPTED; and the several amounts set forth therein as proposed expenditures are hereby APPROPRIATED to and for the objects and purposes therein specified.

SECTION THREE (3) - Filing of Copies

A copy of this ordinance, and of the revised budget attached hereto as Exhibit "A", shall be filed with the City Secretary of the City of Freeport, Texas and shall be maintained with the official records of the City. A certified copy thereof shall be filed by the City Secretary with the County Clerk of Brazoria County, Texas.

SECTION FOUR (4) - 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 remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

SECTION FIVE (5) - Effective Dates

This ordinance shall be effective from and after its passage and the annual budget adopted hereby shall be in effect for the Fiscal Year of the City beginning October 1, 2008, and ending September 30, 2009

PASSED AND ADOPTED this _____ day of _____, 2008.

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

ATTEST:

Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

C\Freeport.Bud\2008-2009-Bud-2Ord

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 2008 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©, 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© 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© 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,

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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©, 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© 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,

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,

WHEREAS, Section 26.06, Tax Code, provides that the second of the two public hearings required by Section 26.05, Tax Code, may not be held earlier than the third day after the date of the first hearing and that a public hearing may not held before the seventh day after the date the notice of such hearing is given;

WHEREAS, Section 26.06, Tax Code, further provides that at such public hearings, the governing body shall announce the date, time and place of the meeting at which it will vote on a proposed tax rate which will exceed the lower of the rollback tax rate or the effective tax rate and give notice thereof in the form and manner therein prescribed; and,

WHEREAS, Section 26.06, Tax Code, further provides that the meeting to vote on a tax rate that will exceed the lower of the rollback tax rate or the effective tax rate may not be earlier than the third day or later than the 14th day after the date of the second public hearing required by Section 25.04, Tax Code, without another notice being given; and,

WHEREAS, Section 9.10 of said Charter provides that if there is a situation beyond control of the City which delays the adoption of the budget and it cannot be adopted not later than fifteen (15) days prior to the beginning of the fiscal year, it may be adopted as soon as practicable.

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 2008 tax year on the 25 day of July, 2008.

(2) The original of the proposed budget for the City's Fiscal Year 2008-2009 was filed by the City Manager of the City with the City Secretary on the 21st day of July, 2008.

(3) The Assessor and Collector of Taxes calculated and on the 12th day of August, 2008, caused to be published in the Brazosport Facts, a notice of the effective and roll back tax rates for such tax year.

(4) On the 22nd day of August, 2008, there was published in the Brazosport Facts a notice that on the 10th day of September, 2008, beginning at 6:00 o'clock, p.m., a public hearing would be held on the proposed budget for the 2008-2009 fiscal year.

(5) A public hearing on such proposed budget was held on the 8th day of September, 2008, 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 not adopted at the conclusion of such hearing or subsequently.

(7) Hurricane Ike prevented the City Council from conducting a meeting more than fifteen (15) days prior to the beginning of the 2008-2009 fiscal year at which changes could be made to such budget and an ordinance adopting the revised budget could be considered.

(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 2008-2009 fiscal year.

(8) That the ad valorem tax for the 2008 tax year, hereinbelow 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.

(11) That on the 28th day of August, 2008, notice that on the 8th day of September, 2008, and again on the 15th day of September, 2008, 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 2008 tax year a tax rate that will exceed the lower of the rollback rate or the effective tax rate.

(12) That on the 8th day of September, 2008, the City Council conducted a public hearing at which there was discussed a proposal to adopt for the 2008 tax year a tax rate that will exceed the lower of the rollback rate or the effective tax rate, and at the end of such meeting it was announced that a meeting to vote on such tax rate would be held on the 22nd day of September, 2008, 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.

(13) That Hurricane Ike prevented the City Council from conducting the meeting on the 15th day of September, 2008, to discuss a proposal to adopt for the 2008 tax year a tax rate that will exceed the lower of the rollback rate or the effective tax rate.

(14) That on the 20th day of September, 2008, there was published in the Brazosport Facts notice that a meeting would be held on the 22nd day of September, 2008, 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, the second meeting to discuss a proposal to adopt for the 2008 tax year a tax rate that will exceed the lower of the rollback rate or the effective tax rate and that on the same date and at the same place, beginning at 6:30 o'clock, p.m., a separate meeting would be held at which a vote would be taken to adopt for the 2008 tax year a tax rate that will exceed the lower of the rollback rate or the effective tax rate.

(15) That the meeting at which this ordinance is being adopted is the meeting last mentioned above, it is being held on the 22nd day of September, 2008, 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 6:30 o'clock, p.m., 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 2008 tax year at a tax rate of _____",
and that, after receiving a second, by a ^{total} record vote such motion was duly adopted, the record vote being:

Mayor Larry McDonald and Councilmen Clan Cameron and Ron Wise voted in favor of such motion and Councilman James Saccomanno and Councilwoman Norma M. Garcia voted against such motion.

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

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

(18) That the rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the City for the next year, is \$_____.

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 the sum of \$_____ for the tax year 2008.

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 \$_____ for the tax year 2008.

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

THE TAX RATE WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$_____.

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 RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$_____.

SECTION SIX (6) - Tax Levy; Assessment and Collection

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

SECTION SEVEN (7) - 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 EIGHT (8) - Effective Date

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

PASSED AND ADOPTED this _____ day of _____, 2008.

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

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ATTEST:

Delia Muñoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

C\Freeport.Ord\2008Tax.Ord

September 22, 2008

“I _____ move that property taxes be increased by the adoption of an ordinance levying ad valorem taxes for the City of Freeport for the 2008-2009 tax year at a total tax rate of _____.”
Seconded by _____.

Record Vote: Aye: _____ Nay: _____

Freeport Police Department

INTER CITY MEMORANDUM

To: Delia Munoz

From: Capt. Gus Flores

CC: Chief J.S. Pynes

Date: September 4, 2008

Subj: Interlocal Agreement

TO: City of Freeport City Council

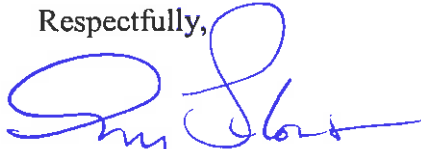
From: Gus Flores, Captain

Subject: Ector County Interlocal Agreement

Date: City Council Agenda September 15th, 2008

The Freeport Police Department recommends that the City Council authorize the Mayor to sign an Interlocal Agreement between the City of Freeport, Texas and Ector County, Texas. The purpose of the agreement is to participate in the Ector County's Cooperative Purchasing Program. This agreement will enable the Freeport Police Department to sell forty-six (46) Eight-Liner machines that have been forfeited to the State of Texas, namely, the Freeport Police Department utilizing Rene Bates On-Line Auctioneers.

Respectfully,



Gustavo Flores

Administrative Captain

ECTOR COUNTY COOPERATIVE PURCHASING PROGRAM

ENTITY INFORMATION

QUESTIONNAIRE

If your entity is currently participating or plans to participate in Ector County's Cooperative Purchasing Program, please complete this questionnaire and return via fax to Ector County Cooperative Purchasing Coordinator, Cathleen Hamilton by fax number (432) 498-4039, or for additional information, contact Ector County at (432) 498-4020.

Name of Entity: City of Freeport Police Department
Point of Contact: Gus Flores
Title: Captain
Phone Number: (979) 239-1211
Fax Number: (979) 239-2075
Internet Address: _____
E-Mail Address: gflores@freeport.tx.us
Complete Mailing Address: Freeport Police Department
430 N. Brazosport Blvd.
Freeport, Texas 77541

RETURN QUESTIONNAIRE VIA FAX TO (432) 498-4039
ATTN: COOPERATIVE PURCHASING COORDINATOR

Please Note: To Execute the agreement please return three (3) original executed agreements with original signatures on each to the attention of the Cooperative Purchasing Coordinator, 1010 E. 8th St., Odessa, TX 79761.

PURCHASING COOPERATIVE INTERLOCAL AGREEMENT

BETWEEN COUNTY OF ECTOR AND City of Freeport, TEXAS

This agreement is made this _____ day of _____, 20____ between the County of Ector, Texas and City of Freeport, Texas.

Pursuant to the authority granted by the "Texas Interlocal Cooperation Act," Chapter 791 Texas Government Code providing for the cooperation between local governmental bodies, the parties hereto, in consideration of the premises and mutual promises contained herein, agree as follows:

WHEREAS, the contract is made under the authority of Sections 791.001-791.029 of the Texas Government Code; and,

WHEREAS, the parties, in performing governmental functions or in paying for the performance of governmental functions hereunder shall make that performance or those payments from current revenues legally available to that party;

WHEREAS, the governing bodies of each party find that the subject of this contract is necessary for the benefit of the public and that each party has the legal authority to perform and to provide the governmental function or service which is the subject matter of this contract; furthermore, the governing bodies find that the performance of this contract is in the common and best interest of both parties; and that the division of cost fairly compensates the performing party for the services under this contract.

I.

City of Freeport, hereby makes, constitutes and appoints Ector County its true and lawful purchasing agent for the purchase of various commodities using Annual Contracts (Bids). Ector County will maintain a listing of Annual Contracts which are available for local entities use. Ector County will forward a copy of requested Annual Contract for the requesting entity use. City of Freeport agrees that Ector County shall serve as the purchasing agent for selected items, and agrees that the bidding shall be conducted by Ector County according to its usual bidding procedures and in accordance with applicable State statutes.

II.

City of Freeport agrees that all specifications for selected items shall be determined by Ector County.

III.

City of Freeport agrees to pay the supplier for all goods, equipment and products pursuant to this agreement. The successful bidder or bidders shall bill the City of Freeport directly for all items purchased, and the City of Freeport shall be responsible for vendor's compliance with all conditions of delivery and quality of the purchased items.

IV.

City of Freeport shall protect, defend, indemnify, and hold harmless Ector County and its representatives, officers, directors, agents, employees, county commissioners, and county judges, etc., from and against any and all claims, demands and causes of action asserted by any party (including, but not limited to, employees of City of Freeport) that arise out of or are related to this agreement and are caused by or arise out of negligent acts or omissions or willful misconduct and result in personal injury (including bodily injury), illness, death, property loss, economic loss, damage, or any civil fines or penalties imposed by any governmental agency, officer, or court of law.

V.

hereby Gus Flores (name), Captain (title) is designated as the official representative to act for the City of Freeport in all matters relating to this agreement.

VI.

This agreement shall take effect upon execution by both signatories.

VII.

This agreement shall be in effect from the date of execution until terminated, by either party to the agreement, upon written thirty (30) days notice, prior to cancellation, from one party to the other.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their authorized officers the day and year first above written.

ECTOR COUNTY

BY: _____

TITLE: _____

DATE: _____

ENTITY _____

BY: _____

TITLE: _____

DATE: _____

ORDINANCE NO. 2008-2211

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY TO PERMIT THE SPECIFIC USE OF LOT FOUR (4), BLOCK SEVENTY EIGHT (78) OF THE FREEPORT TOWNSITE, WITHIN THE CORPORATE LIMITS OF SAID CITY, KNOWN LOCALLY AS 517 WEST SECOND STREET, AS LIQUOR STORE TO BE OPERATED BY EMMA S. COVARRUBIAS, UNDER CERTAIN CONDITIONS THEREIN SPECIFIED; CONTAINING AN AUTOMATIC REPEALER CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EFFECTIVE DATE FOR THIS ORDINANCE HEREIN SPECIFIED.

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

WHEREAS, Subchapter A of Chapter 211 of the Local Government Code of Texas and Item (g) of Section 3.07 of the Home Rule Charter of the City authorizes the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined and do here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City and conforms to the comprehensive zoning plan of the City.

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

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

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

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

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

Third, that not less than ten (10) days before the date of such public hearings, written notice of the application for the Specific Use Permit hereinafter mentioned was sent to all owners of real property located within two hundred (200') feet of the hereinafter described real property for which such permit is sought.

Fourth, that Emma S. Covarrubias is currently operating a liquor store within the City at 511 West Second St. under the exception granted in Division (G) of Section 155.020 of the Zoning Ordinance.

Fifth, that after giving due regard to the nature and condition of all adjacent uses and structures, the City Council of the City is of the opinion of that the proposed use conforms to the requirements and intent of the Zoning Ordinance and the Comprehensive Plan of the City; that the conditions attached to the granting of such permit set forth below are necessary to the public interest; and that the proposed use under such conditions will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the public welfare of the community.

inhabitants of the City will best be served by the adoption of this ordinance and the granting of the Specific Use Permit hereinafter mentioned.

SECTION TWO--Comprehensive Zoning Ordinance Amended and Specific Use Permit Granted.

The Zoning Ordinance is hereby amended and a Specific Use Permit is hereby granted with respect to the following described real property located within the corporate limits of the City:

Lot Four (4), Block Seventy Eight (78) of the Freeport Townsite of the City of Freeport, in Brazoria County, Texas, according to the map or plat of said townsite recorded in Volume 2, page 95 of the Plat Records of said county,

known locally as 517 West Second St., Freeport, Texas, and hereinafter called "the premises", authorizing the use of the premises as a liquor store to be operated by Emma S. Covarrubias, hereinafter called "the Permittee", under the following terms and conditions, viz:

First, all parking must be off street and within designated parking areas; no hazardous materials may be stored on the premises; all supplies, equipment and products must be stored within a building located on the premises; no sales of liquor shall occur outside of such building; the premises and such building shall be kept clean and free of debris and available for inspection by the Building Official at all times; the premises shall not be used by the Permittee as the location of a liquor store unless and until the Permittee has become licensed by the State of Texas to use the premises as the location for a liquor store and has ceased to use and cease to have a permit issued by the Texas Alcoholic Beverage Commission to use the premises located at 511 West Second St., Freeport, Texas, as a location for a liquor store; and, in using the premises for a liquor store, the Permittee shall abide by all of the laws of the State of Texas and all of the rules and regulations of the Texas Alcoholic Beverage Commission.

Second, the Permit herein granted shall automatically terminate upon the first to occur of the following events:

(1) The Permittee, having begun such use, ceases to use the premises as a location for a liquor store for thirty (30) consecutive days.

(2) The Permittee, having occupied the premises, ceases to occupy and use the premises as a liquor store.

(3) The Permittee ceases to be the sole owner of the liquor store located on the premises for any reason or by any means.

(4) The Permittee leases, subleases or rents any portion of the premises to any third party or parties.

(5) The Permittee ceases to be a legally recognized as a person or entity authorized to do business in Texas.

(6) The Permittee ceases to have a permit to operate a liquor store on the premises.

Third, this permit may also be terminated by the City Council of the for any violation of any provision of Item First of this Section of this ordinance, or any amendment hereto. Such termination by the City Council shall be effected by the adoption of an ordinance terminating this ordinance, or any amendment hereto, adopted by the affirmative vote of a majority of the members of the City Council present and voting at any regular or special meeting thereof on the agenda of which such termination appears as an action item, such meeting to be held after at least ten (10) days prior written notice of the date, time and place of such meeting and of such proposed action is sent by certified mail, return receipt requested and addressed to the Permittee at the premises, specifying the particular violation or violations for which such termination is based. Any decision of the City Council thereon shall be final and nonappealable.

SECTION THREE--Automatic Repeal for Partial Invalidity.

All of the section or provision of this ordinance were adopted and are intended by the City Council of the City to be an integrated whole. Therefore, if any section or provision 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 not to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions and this ordinance shall thereupon automatically cease to be of any further force and effect.

SECTION FOUR--Effective Date.

This ordinance shall take effect and be in force from and after the sixtieth (60th) day following its passage and adoption indicated below if, within such sixty (60) day period, it is agreed to and accepted by the Permittee in the manner provided below; otherwise, this ordinance shall not take effect and shall be of no further force or effect.


READ, PASSED AND APPROVED this _____ day of _____, 2008.

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

ATTEST:

Delia Munoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:



Wallace Shaw, City Attorney,
City of Freeport, Texas

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, 2008. Ballots received after September 30, 2008, 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 1

- E. 'Henry' Garcia.** City Manager for the City of Bracketville (Region 7). Mr. Garcia served in the U.S. Air Force in Southeast Asia during the Vietnam conflict. He worked for Pacific Bell/SBC for 31 years where he held various positions. At the time of retirement he was the area project manager for a 13-state area, responsible for standardizing methods and procedures for the outside installation and repair technician force.
- Robert T. Herrera** (Incumbent). City Manager of the City of Hondo (Region 7) since 2003. Mr. Herrera served as City Manager of La Porte from 1986 to 2002. He has served other Texas cities, including management positions with the cities of San Marcos, Missouri City and Woodway. He has been a Board member of the TML Intergovernmental Risk Pool since 1993 and has served as Chair and Vice Chair of the Board.
- Michael S. Nyren.** Risk Manager for Capital Metropolitan Transportation Authority in Austin (Region 10). Mr. Nyren has 26 years of experience in insurance and risk management. He was a claims adjuster with Liberty Mutual Insurance before joining Capital Metro 13 years ago. 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).

WRITE IN CANDIDATE:

PLACE 2

- Kevin Carruth.** City Manager for Paris (Region 15). Mr. Carruth 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 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.
- Charles Cox.** Finance Director for Farmers Branch (Region 13). Mr. Cox has 23 years of government finance experience. He holds a master's degree in Finance from SMU and a Certificate from the Harvard University's J.F.K. School of Government Senior Executives in State and Local Government Program. He has served as President of the National GFOA and the Texas GFOA. In 2007 Mr. Cox received the Texas GFOA outstanding service award.
- Makia Epie (Incumbent).** Council Member for Cedar Hill (Region 13) since 1995. Mr. Epie is a hearing officer for the Texas Board of Pardons and Paroles, President of the North Central Texas Housing Finance Corporation, and an active participant on National League of Cities (Board of Directors 2005 – 2007) and Texas Municipal League committees. Mr. Epie has served on the Board of the TML Intergovernmental Risk Pool since 1997.
- Chris Jones.** Council Member for San Marcos (Region 10) since 2005. Mr. Jones serves on the Energy, Environment and Natural Resources Steering Committee for the National League of Cities. He completed undergraduate studies in public administration at Texas State University where he currently is a career advisor. He also worked as an intern for Lt. Governor Bill Ratliff and State Representative Patrick Rose.
- 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 Association, as a Director for the North Galveston County Chamber of Commerce, as President of the Mainland Association of Life Underwriters, and as a Board Member of the Bay Area Harbour Playhouse.
- David L. Ragan.** Mayor of Richland Hills (Region 8) since 2006. Mr. Ragan served on the Richland Hills City Council from 1972 to 1978 and as Mayor from 1978 to 1986. He chairs the Richland Hills Development Corporation and has served on the Fort Worth Transportation Authority, the Tarrant County Transportation Coalition, the Tarrant County Mayor's Council, the Metroplex Partners in Mobility, and the Tarrant Regional Transportation Committee.
- Garry B. Watts.** Mayor of Shenandoah (Region 14). Mr. Watts served as a City Council member from 2006 until elected as Mayor in 2008. He retired as Senior Vice President of Marketing for AIG/American General in 2002, after more than 30 years in the insurance and banking industry. He is currently owner and President of G.B. Watts Investments, LLP. He has also received the designation of Certified Municipal Officer for the year 2008 from TML.

WRITE IN CANDIDATE:

PLACE 3

- Paul Parker** (Incumbent). City Manager for Lufkin (Region 16). He has served as City Manager of Mount Pleasant for five years and as Assistant City Manager and Director of Planning for Tyler for 15 years. He also served as Assistant City Manager for Fort Smith, Arkansas, and as Assistant Executive Director for the Kiamichi Economic Development District of Oklahoma. Mr. Parker is the current President of the Texas City Management Association.

WRITE IN CANDIDATE:

PLACE 4

- Rickey C. Childers** (Incumbent). City Manager for the City of Lancaster (Region 13). Mr. Childers has served as City Manager of Longview, Assistant City Manager of Abilene and Carrollton, and Deputy City Manager of Arlington. Mr. Childers is a past president of the Texas City Management Association and was on the Executive Board of ICMA. He has served on the TML Intergovernmental Risk Pool Board since 2002 and is its incoming Chair.
- Doris Holtman**. Finance Officer for the Waco Housing Authority and Affiliates (Region 9) for the past 11 years. Ms. Holtman is a 1975 graduate of the University of Mary Hardin-Baylor with a BBA in Accounting. She received her Certified Public Accounting license in 1991. She has served on the Girl Scouts of America – Waco Council Executive Board for the past several years.
- Beverly Queen**. City Manager for Bedford (Region 8) since 2006. Ms. Queen has served in municipal government for 30 years and has worked as a Finance Director, Director of Administrative Services, and Deputy City Manager. She has a Masters in Public Administration from the University of North Texas. She is a member of the National GFOA and has served GFOA of Texas as an At-Large Representative and Treasurer of the Board of Directors.

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.

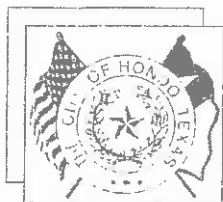
Witness by hand, this _____ day of _____, 2008.

Signature of Authorized Official

Title

Printed Name of Authorized Official

Printed name of Political Entity



City of Hondo

1600 Avenue M ★ Hondo, Texas 78861 ★ 830-426-3378 ★ FAX 830-426-5189

August 27, 2008

Members of the TML Intergovernmental Risk Pool:

Recently you received a Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election Official Ballot. I am an incumbent/candidate for Place 1.

I am currently the City Manager for the City of Hondo (Region 7) and have served in this position for five years. I have served as a member of the TML Intergovernmental Risk Pool Board since 1993. I have also served as Chair and Vice-Chair of the Board.

I enjoy serving on the Board of the TML Intergovernmental Risk Pool. I find it very rewarding to be part of an organization that provides valuable services and resources to municipalities throughout the State of Texas.

I would like to continue to serve as a member of the Board of TML Intergovernmental Risk Pool. I would appreciate your continued support.

Sincerely,

Robert T. Herrera

Robert T. Herrera
City Manager

RTH/dmp



August 28, 2008

The Honorable Larry L. McDonald
Mayor, City of Freeport
200 West 2nd Street
Freeport, TX 77541

Dear Mayor McDonald:

I am writing regarding the appointment of your city's representative to H-GAC's 2009 General Assembly.

H-GAC's Bylaws provide that each member home rule city under 25,000 population as of the last (2000) Federal Census is entitled to designate one representative and one alternate to the H-GAC General Assembly, which will meet in early 2009.

I am enclosing the appropriate form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body.

A dinner meeting of home rule city representatives will be scheduled for November. At that meeting, your 2008 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2009.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form no later than October 3. If you have any questions or problems in this designation process, please call Mary Spain, 713-993-4598.

Sincerely,

Jack Steele

JS/ndg

Enclosure

cc: City Secretary

**DESIGNATION OF REPRESENTATIVE AND ALTERNATE
HOUSTON-GALVESTON AREA COUNCIL
2009 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 2009.

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 _____, 2008.

APPROVED:

Mayor

ATTEST:

By: _____



Southeast Texas Police Chiefs Association

Established in 1979

"Promoting professional policing with a vision for the future of our profession"

September 2, 2008

Chief Pynes
Freeport Police Department

Several months ago the membership of the Southeast Texas Police Chiefs Association discussed the seriousness of police pursuits within our respective jurisdictions and our County. We empanelled a committee to work on drafting a document that would facilitate safe practices and effective communications when it comes to a police pursuit involving more than one jurisdiction. A draft was created and it was discussed in several of our Association meetings. The initial draft submitted was changed based on some of the discussions and we have created a multi-jurisdictional pursuit agreement that is reflective of the agencies input who participated in the discussions. As an Association, we are excited about the abilities of this agreement and that it sets baseline multi-jurisdiction standards for handling, communicating and safely resolving a police pursuit.

The final stage of the approval process is to determine whether your agency and/or your governing body will approve the proposed multi-jurisdictional pursuit agreement and allow your agencies participation. Upon your entities review of the proposal we are able to modify and or change areas of wording or philosophy should the request be made. We are hoping to get all law enforcement in agreement on the program and have a formal signing ceremony.

Please forward your considerations, approval of the document and your intent to sign the agreement to the Southeast Texas Police Chiefs Association Secretary/Treasurer Chief Ray Trevino at one of the methods below. We are asking to have a decision from everyone by October 1, 2008.

In advance, we appreciate your participation in what we feel is a very important topic for the safety of our employees and our community.

Chief Jeff Pynes
Freeport Police Department
President – Southeast Texas Police Chiefs Association

Attachments: Proposed Multi-Jurisdictional Pursuit Agreement

Member agencies: Alvin P.D., Alvin Community College P.D., Angleton P.D., Angleton I.S.D. P.D., Bay City P.D., Brazoria County Sheriff's Department, Brazoria County District Attorney's Office, Brazoria County Juvenile Probation, Brazoria P.D., Brookside Village P.D., Clute P.D., Columbia-Brazoria I.S.D. P.D., Danbury P.D., Federal Bureau of Investigations, Freeport P.D., Port Freeport, Hilcrest Village Marshal's Office, Jones Creek Marshals Office, Lake Jackson P.D., Liverpool P.D., Manvel P.D., Oyster Creek P.D., Pearland P.D., Richwood P.D., Surfside P.D., Sweeny P.D., Sweeny I.S.D. P.D., West Columbia P.D., Brazoria County Constable 1, Brazoria County Constable 2, Brazoria County Constable 4, BASF, DOW Chemical.

Pg. 1350

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE SIGNATORY AGENCIES OF THE
SOUTHEAST TEXAS POLICE CHIEFS ASSOCIATION
AND LAW ENFORCEMENT ENTITIES WITHIN SOUTHEAST TEXAS**

Introduction

The purpose of this Memorandum of Understanding [MOU] is to provide a framework for cooperation and coordination with respect to law enforcement's response to emergency conditions caused by vehicular pursuits. These agreed upon procedures will provide a common understanding of the policies and procedures that will guide and mirror each signatory agency to safely facilitate a vehicular pursuit within our respective areas of authority or an inter-jurisdictional vehicular pursuit. We as a law enforcement community understand the dangers of a vehicular pursuit and feel these coordinated policies will make these events safer for our employees and our communities.

Purpose and Mission

This document identifies the critical components necessary for the signatory law enforcement agencies to jointly agree on the terms and conditions of vehicular pursuits. Although there is no one policy that may address each of the unique abilities and demographics of each signatory agency this agreement will clarify key components necessary to safely coordinate a combined law enforcement response to manage and resolve a vehicular pursuit as safely as possible. The signatory agency understands the importance of vehicular pursuits to our communities. This [MOU] is intended to ensure a safe coordinated response to resolve vehicular pursuits. Each signatory member places the highest value upon the life and safety of the public and its officers. This value must be realized while balancing a police officer's duty to apprehend persons who have committed or are committing violations of the law. The methods that law enforcement agencies establish to enforce the laws are intended to minimize the risk of injury to officers and citizens alike. This [MOU] exemplifies the commitment of the signatory agencies to protect the communities that we faithfully serve each day with the utmost concern being the safety of all persons by creating policy baselines that give guidance and direction while managing and resolving a vehicular pursuit.

Terms of Agreement

The participating signatory agencies agree to develop policies and procedures for their agency addressing vehicular pursuits. Each agency will address in policy the following topics:

Vehicular Pursuit Initiation:

- ◆ Notification of a pursuit to the initiating agencies police dispatcher
- ◆ The primary or assigned pursuing officers will communicate the pursuit direction, speeds and other critical evaluations necessary to evaluate a vehicular pursuit
- ◆ A notification plan to contact an on-duty, on-call, or responsible senior officer to evaluate the pursuit and the officer/supervisor responsibilities
- ◆ Define who is authorized to engage and terminate a vehicular pursuit from the lead pursuing agency

Member agencies: Alvin P.D., Alvin Community College P.D., Angleton P.D., Angleton I.S.D. P.D., Bay City P.D., Brazoria County Sheriff's Department, Brazoria County District Attorney's Office, Brazoria County Juvenile Probation, Brazoria P.D., Brookside Village P.D., Clute P.D., Columbia-Brazoria I.S.D. P.D., Danbury P.D., Federal Bureau of Investigations, Freeport P.D., Port Freeport, Hilcrest Village Marshal's Office, Jones Creek Marshals Office, Lake Jackson P.D., Liverpool P.D., Manvel P.D., Oyster Creek P.D., Pearland P.D., Richwood P.D., Surfside P.D., Sweeny P.D., Sweeny I.S.D. P.D., West Columbia P.D., Brazoria County Constable 1, Brazoria County Constable 2, Brazoria County Constable 4, BASF, DOW Chemical

Vehicular pursuits entering another jurisdiction:

- ◆ Have a policy statement requiring notification of any other jurisdiction that is in the path of a police pursuit, when feasible
- ◆ Identify agency rules related to joining and or assisting outside agency pursuits.

Acceptable methods to resolve a vehicular pursuit:

- ◆ Identify the individual methods acceptable to resolve a pursuit
- ◆ Policy and training requirement stating each agency employee receives bi-annual training of the agencies acceptable means of resolving a pursuit and prohibitions of use of such means without training
- ◆ Coordination and communications with agencies responsible for or participating in a vehicular pursuit prior to using any of the listed means of acceptable methods

Vehicular pursuit prohibitions:

- ◆ Pursuing vehicles the wrong way on public roadways
- ◆ Pursuing an offender who is a known offender that does not pose an immediate threat to the community
- ◆ Pursuing a vehicle without audible and visual emergency equipment activated

Administrative or supervisory review:

- ◆ Create an administrative or supervisory review of police pursuits; such as, an after action review and/or report

Disclaimer

This [MOU] is not intended to be legally binding on any of the signatory agencies but is intended to serve as a blueprint for cooperation between them. A party to this [MOU] does not waive any immunity provided by law nor assume liability for another agency's action or expenses by participating in this agreement. Accordingly, no party will indemnify any other party. This [MOU] is not intended to waive any affirmative defenses or immunities available to any party to this agreement.

Duration and Termination of Agreement

This agreement becomes effective on the document signature date by each respective agency individuals who is authorized to enter into this agreement. Any party may cancel their participation in this [MOU] by simply notifying the other parties in writing of its intent to cancel its participation.

IN WITNESS WHEREOF, each of the parties hereto has caused this [MOU] to be executed by its duly authorized officer on the date indicated below:

The area below is reserved for signatures for each participating agency.

Member agencies: Alvin P.D., Alvin Community College P.D., Angleton P.D., Angleton I.S.D. P.D., Bay City P.D., Brazoria County Sheriff's Department, Brazoria County District Attorney's Office, Brazoria County Juvenile Probation, Brazoria P.D., Brookside Village P.D., Clute P.D., Columbia-Brazoria I.S.D. P.D., Danbury P.D., Federal Bureau of Investigations, Freeport P.D., Port Freeport, Hilcrest Village Marshal's Office, Jones Creek Marshals Office, Lake Jackson P.D., Liverpool P.D., Manvel P.D., Oyster Creek P.D., Pearland P.D., Richwood P.D., Surfside P.D., Sweeny P.D., Sweeny I.S.D. P.D., West Columbia P.D., Brazoria County Constable 1, Brazoria County Constable 2, Brazoria County Constable 4, BASF, DOW Chemical.

INTEROFFICE MEMORANDUM

TO: GARY BEVERLY, CITY MANAGER
FROM: B.R. WILLIAMS, STREET SUPERINTENDENT
SUBJECT: 2007-2008 COUNTY INTERLOCAL AGREEMENT
DATE: 09/02/2008

The Street Department recommends that the City Council authorize the mayor to sign an interlocal agreement with Brazoria County for street work in the 2008-2009 budget year.

GERALD L. ROBERTS, P.E.
COUNTY ENGINEER

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

TAMMY M. JACOBS, P.E.
ASSISTANT COUNTY ENGINEER



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

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

August 20, 2008

Re: Road & Bridge Interlocal Agreement Fiscal Year 2009

Dear Mayor:

Enclosed, please find two "original" copies of the Road and Bridge Department interlocal agreement approved by Commissioners' Court and signed by Brazoria County Judge Joe King, covering construction, improvement, maintenance, or repair activities on streets or alleys within your municipality during Brazoria County's Fiscal Year (FY) 2009, which begins October 1, 2008. Upon approval of the interlocal agreement by action of your City Council, **please have your Mayor sign and return one fully executed original to the attention of Sherri Stanford before October 1, 2008.**

In addition, please complete and return the enclosed Project Request, listing all "major" projects for which you are requesting the County's assistance for FY-09. Each request submitted requires the approval of your Mayor. It is very important for our Superintendent to be involved in the negotiation and planning process with your Administration as to some level of work the County can accomplish for you. **Please return your completed Project Request to the attention of Sherri Stanford before December 15, 2008.**

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

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

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

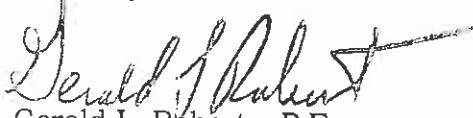
It is not necessary to involve the Superintendent in the planning process for driveways to be set, or pothole patching. However, in order to better serve your needs please list location, name, and contact number of the person requesting the work. Culverts should be on site with area staked out. The County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

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

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

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

Sincerely,



Gerald L. Roberts, P.E.
County Engineer

GR/ss
Encl.

City of Freeport
 Inter-local Agreement Project Request Summary FY-09

2009 Street Projects 1.xls

STREET	LIMITS (TO - FROM)	LEN. (FT)	WID. (FT)	WORK DESCRIPTION	FOR OFFICE USE ONLY
Division	From Ave A To Gulf Blvd	1300	24' asphalt 31,200 sq ft Road Bed 26'	add 3" base material, ABS-65, 2" hot mix	
McNeil	From Ave A To Gulf Blvd	1300	22' asphalt 28,600 sq ft Road bed 24' 31,200 sq ft	Add 3" base, ABS-65, 2" hot mix	
Ave C	From Velasco Blvd. to 7th Ave to Ave D	1300	22' asphalt 28,600 sq ft Road bed 24' 31,200 sq ft	Add 3" base, ABS-65, 2" hot mix	
Fisher	From Front to Ave D	1150	20' asphalt 23,000 sq ft. Road Bed 22' 25,300 sq ft	Add 3" base, ABS-65, 2" hot mix	
Groce	From Ave A to Gulf Blvd.	1300	20' asphalt 26,000 sq. ft. Road Bed 22' 28,600 sq. ft.	Add 3" base, ABS-65, 2" hot mix	
Jackson	From Ave B To Ave D	615	22' asphalt 13,530 sq. ft. Road Bed 24' 14,760 sq. ft.	Add 3" base, ABS-65, 2" hot mix	
Maple	from Brazos to 8th	2500	30' asphalt 75,000 sq ft. / Road Bed 33' 80,000 sq ft	Add 3" base, ABS-65, 2" hot mix	
East Broad	from Poplar to Terminal	21,450	22' asphalt 21,450 sq ft Road Bed 22' 23,400 sq ft.	Add 3" base, ABS-65, 2" hot mix	
0.18 miles					

Total miles 1.98
 Note: Each page submitted must be approved
 By Mayor --- Return to County Engineer
 * Concrete curbs, gutters & sidewalks cost extra

Approved By: Mayor

2009 Street Projects 1.xls

	STREET LOCATION	LIMITS (TO - FROM)	LEN. (FT)	WID. (FT)	WORK DESCRIPTION	FOR OFFICE USE ONLY

THE STATE OF TEXAS §
§
COUNTY OF BRAZORIA §

INTERLOCAL AGREEMENT

This agreement is made at Angleton, Brazoria County, Texas between BRAZORIA COUNTY, TEXAS acting through its Commissioners' Court (hereinafter "County"), and the CITY OF FREEPORT acting through its Mayor (hereinafter "City").

NOW THEREFORE, THE COUNTY AND THE CITY agrees as follows:

1.0 The term of this agreement shall be from October 1, 2008, to September 30, 2009. The AGREEMENT may be renewed annually by the written approval of County and City.

1.1 Pursuant to the Interlocal Cooperation Act, Texas Government Code, Chapter 791 and the Texas Transportation Code, Section 251.012, the County agrees to provide personnel and equipment at its own expense to assist in the construction, improvement, maintenance and/or repair of a street or alley located within the corporate limits of the City of Freeport, Texas, subject to the approval of the County Engineer as set forth in Section 1.3, including sub grade preparation, base preparation, asphalt paving, culverts and ditch work, herbicide spraying, mowing, painting and striping roads, installation of permanent traffic signs, and other routine road maintenance operations. Any work performed on the City's streets and alleys which are not an integral part of, or a connecting

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

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

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

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

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

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

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

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

II.

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

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

III.

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

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

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

SIGNED AND ENTERED this the _____ day of _____, 2008.

BRAZORIA COUNTY, TEXAS

CITY OF FREEPORT, TEXAS



By: Joe King
Brazoria County Judge

By: Mayor

ATTEST:

CITY SECRETARY