

City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, OCTOBER 4TH, 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 20th, 2010 Council Minutes.
Pg. 976-981
5. Attending citizens and their business.
6. Consideration of calling a public hearing regarding Chapter 370.002 of the Local Government Code and Division (A) of Section 130.99 of the Code of Ordinance of said City to review the juvenile curfew ordinance of said City. Pg. 982
7. Consideration of approving the bids and awarding the mowing contract for the City of Freeport.
8. Consideration of authorizing the City Manager to complete the sidewalk pedestrian mobility project on Skinner from Ave. J. to Freeport Oaks Apartments.
9. Consideration of approving a Residential Tax Abatement application for Norma & Julio Molina, new construction at 821 N. Ave. C., Freeport, Texas. Pg. 983-986b
10. Consideration of the Planning Commissions recommendation regarding a Specific Use Permit for Abundant Life Church to operate a church on Block 600, Lot 10-SW/2; Lot 11, Velasco Townsite, known as 606 North Gulf Boulevard.
Pg. 987-988
11. Consideration of the Planning Commissions recommendation with regard to a Specific Use Permit to Capital Telecom to erect and operate 120 foot communication antennae on a 50 ft. by 50 ft., parcel of land out of Lot I, Freeport Properties Subdivision, known as 1744 W. 4th Street. Pg. 987-988

12. Consideration of approving Ordinance No. 2010-2261 amending the Code of Ordinance by adding Chapter 134, illegal smoking products to Title XIII, General offenses, which will prohibit the use, purchase, possession and sale.
Pg. 989-996
13. Consideration of approving Ordinance No. 2010-2262 amending item (9) of Division (B) of Section 121.05 of the Code of Ordinances of said City to increase the amount of the fee for a non consent wrecker towing to \$130.00. Pg. 997-999
14. Consideration of approving Ordinance No. 2010-2263 adopting a Dune Protection and Beach Access Plan for Bryan Beach and a portion of Surfside Beach.
Pg. 1000-1002
15. Consideration of approving Resolution No. 2010-2246 appointing a qualified person to fill an unexpired term of Joshua Pettijohn of the Historical Commission and Main Street Advisory board of said City. Pg. 1003-1005

Work Session:

- A. Discussion regarding the Board & Committees executing contracts that are financially binding.

Adjourn

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

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

I, Delia Muñoz, City Secretary, for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 W. 2nd Street, Freeport, Texas, September 30th, 2010 at or before 5:00 p.m.

Delia Munoz/City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport, Texas

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday, September 20th 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 – absent
Michelle Kent
Fred Bolton – absent
Nicole Mireles
Norma M. Garcia

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

Visitors: Eric Hayes Lila Diehl
Dorothy Pirrung Jim Pirrung
Annette Sanford Joyce Adkins
Beverly Vowell Gloria Milsap
Louie Jones Sam Reyna
Juanita Cordoza John Stanford
Jerry Meeks Stanley Burke
Mike Kouches Carol Rangel
Edna Allan Mark Cameron
Jeff Crisp

Call to order.

Mayor Pro Tem Norma Garcia opened the meeting at 6:02 p.m.

Invocation.

City Attorney Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Pro Tem led the Pledge of Allegiance.

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

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting “aye”, Council unanimously approved the September 7th, 2010 Council Minutes.

Attending citizens and their business.

Jim Pirrung of 101 Dolphin Lane asked the Council to look into the history of the Golf Course green fees before raising fees; revenues went down. The Freeport Golf Course has a Friday Night Special which is very well attended.

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.

Chief Morrow presented a plaque to the above officers for their heroic efforts and selfless actions. On August 8th, 2010, Freeport Police Officers: Assistant Chief Gus Flores, Officer David Fernandez, Officer Marcos Salinas, Officer Chris Bryant and Fire Fighter Jessica Vandergriff responded to a call on 403 South Front Street, “Mitchell’s Bait and Tackle” for a boating accident. Five people were in the water, one was unconscious and four were panic-stricken; they were not wearing life guards and were clinging to the capsized boat. They dove in the water, placed life vests on the victims and removed them from the water safely.

Presentation from the Freeport Lion Host donating \$12,000 to the Freeport Police Department for the purchase of a narcotic dog.

Freeport Lion Host Club 1st Vice President, Kristle Kersten and Chairwoman of the Fishing Fiesta presented a \$12,000 check to the Freeport Police Department for the purchase of a narcotic dog. Ann Johnson – 2nd Vice President thanked all the sponsors for their support.

Mayor Pro Tem Norma Garcia also member of the Freeport Lion Host Club thanked the Club for their donation.

Presentation of Texas Parks & Wildlife Trail Grant for the wetlands area on Hwy 36.

City Manager Jeff Pynes advised Council and audience that the City was awarded \$199,898 to complete the wetlands along Highway 36 immediately South of the project. A sign at entrance, road entry and parking, 6’ hiking trails around perimeter of the wetlands area, two 5’ high observatory stations, Faux Bridge in entrance road, all areas will be handicap accessible. The total project value is \$249,873. TP & WT will fund 80% of the project worth \$199,898. The City’s 20% portion will be in kind donations of city employee’s labor and city equipment. Our match value is \$49,975.

Public Hearing: Angela Sunley with the General Land Office/Beach/Dune Team Leader discusses the Freeport Beach/Dune Plan.

Mayor Pro Tem Norma Garcia opened the Public Hearing at 6:20 p.m. Mr. Pynes stated this was the first step to adopt the Freeport Beach/Dune ordinance. There is a requirement to have a public hearing here and in Austin. Included in this plan is Freeport's latest annexation and the updated version of the Freeport Beach/Dune Plan.

Joyce Adkins asked if the Bridge Harbor annexation was included the plan. Mr. Pynes stated it was.

Their being no further comments or question, Mayor Pro Tem Norma Garcia closed the Public Hearing at 6:23 p.m.

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.

Mayor Pro Tem Norma Garcia opened the Public Hearing at 6:23 p.m.

City Manager Jeff Pynes announced that the City of Freeport has been awarded \$554,001 from the Texas Community Development Block Grant (TxCDBG) to rehabilitate the City's central lift station. This public hearing is required for the grant process, to give the public an opportunity to review and provide comments on the proposed application to rehabilitate the City's Central Lift Station. Mr. Pynes felt the central lift station is a good asset to the infrastructure for the community.

Their being no further comments or question, Mayor Pro Tem Norma Garcia closed the Public Hearing at 6:24 p.m.

Consideration of authorizing the City Manager to complete a pedestrian sidewalk mobility project on Skinner from Ave. J. to 1702 Skinner, Freeport Oaks Apartments.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved to reagenda this item for further study.

Consideration of approving Resolution No. 2010-2244 appointing a representative for the Brazosport Water Authority.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Resolution No. 2010-2244 appointing Stoney Burke as a representative to the Brazosport Water Authority.

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.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved Resolution No. 2010-2245 approving the purchase of the Snow Building, 500 North Chenango, Angleton, Texas by the Brazoria County Appraisal District.

Consideration of Ordinance No. 2010-2259 adopting a tax rate for fiscal year 2010-2011 for the City of Freeport.

Councilwoman Kent motioned: "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". Councilwoman Mireles seconded the motion. A record vote such motion was duly adopted, the record vote being:

Absent: Mayor McDonald
Absent: Councilman Bolton
For : Mayor Pro Tem Norma Garcia
For : Councilwoman Mireles
For : Councilwoman Kent.
Against: None

Consideration of Ordinance No. 2010-2260 amending the budget for fiscal year 2009-2010.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved Ordinance No., 2010-2260 amending the budget for fiscal year 2009-2010.

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.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved October 18th, 2010 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.

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.

On a motion by Councilwoman Kent, seconded by Mayor Pro Tem Norma Garcia, with all present voting "aye", Council unanimously approved 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.

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.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved Sheyi I. Ipaye for Place 6, Lawanna Williams for Place 7, Gilbert Perales for Place 8, and Andres Garza for Place 9 to serve a six-year term on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

Consideration of designating a city elected official and an alternate to the Houston Galveston Area Council General 2011 Assembly.

On a motion by Councilwoman Kent, seconded by Mayor Pro Tem, with all present voting "aye", Council unanimously approved designating Councilwoman Mireles to the Houston Galveston Area Council General 2011 Assembly and Councilman Bolton as an alternate.

Consideration of contracting Kennemer, Masters & Lunsford, LLC, to perform the financial statement audit for year ending September 30, 2010.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved to table this item to request for proposals.

Consideration of the approval of any action to be taken as a result of closed Executive Session.

No action taken

Work Session:

Discussion regarding an increase to city wrecker fees and services.

Chief of Police Tyrone Morrow researched the local police departments and sheriff office for fees on non consenting towing. He was approached by one of the wrecking establishments on raising the non consenting towing fees. Our fee is \$85.00 for nonconsent wrecker tow and \$20.00 per day for vehicle storage. The increase cost to maintain a business based on federal and state regulatory requirements have created undo hardship to the wrecking businesses. The consenting towing fee that is being adopted by the surrounding entities is \$130. 00 flat fee and \$12.00 for 15 minutes increments, \$20.00 impoundment fee. This request for raising the towing fees is not unreasonable for the wrecker services.

Jeff Crisp owner of J & M Wrecker Service out of Clute, is not on the rotation list and does not have a storage facility in the City, but announces that he can provide a service to the City of Freeport if they get into a bind and if the ordinance was amended. He questioned a wrecker business in Freeport and asked if the establishment was grandfathered. He asked council to research the history.

Mayor Pro Tem Norma Garcia closed the formal agenda and opened the Executive Session at 7:08 p.m.

Executive Session:

Section 551.071, Government Code

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

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

Mayor Pro Tem Norma Garcia closed the Executive Session and reconvened the formal agenda at 8:00 p.m.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye" Council adjourned the meeting at 8:00 p.m.

Norma M. Garcia
Mayor Pro Tem

Delia Munoz
City Secretary

**NOTICE OF PUBLIC HEARING FOR THE
EVALUATION OF THE JUVENILE CURFEW ORDINANCE**

BE IT KNOWN that on **Monday, October 18, 2010**, beginning at **6:00, p.m.**, the **City Council of the City of Freeport, Texas**, will conduct a **PUBLIC HEARING** at the **Police Department Municipal Courtroom of the City of Freeport, Texas**, located therein at **430 North Brazosport Boulevard**, pursuant to **Chapter 370.002 of the Local Government Code and Division (A) of Section 130.99 of the Code of Ordinances of said city**, to **REVIEW THE JUVENILE CURFEW ORDINANCE** of said city, codified as **Sections 130.20 through 130.99 of said Code of Ordinances**, for purpose of determining whether or not to abolish, continue or modify said ordinance. **WRITTEN COMMENTS** concerning said ordinance may be mailed to the office of the **City Manager, 200 W. 2nd St., Freeport, TX 77541**, and will be considered if such comments arrive at such office prior to **5:00 p.m. on the day of such hearing**. **VERBAL COMMENTS** will be accepted at the time of the hearing.

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

**NOTE: Publish once at least ten (10) days before
the date of the hearing.**

TAX REINVESTMENT ZONE
RESIDENTIAL APPLICATION

SECTION I

Property Owner(s): Julio C. Molina

Mailing Address:

Telephone Number:

821 N Avenue C, Freeport TX 77541 979-233-3743

Property Owner's Representative: N/A

Cell 979-373-1737

Mailing Address:

Telephone Number:

Property Address (physical):

821 N Avenue C, Freeport TX 77541

Property Legal Description:

Block 633 Velasco townsite Lots 21 & 22
(If metes and bounds, use attachment)

Located within: City of Freeport

Freeport ET

Description of Project:

New House

Sq ft = 2,500

Date of projected occupation of project/initiation of operations: 8/8/10

SECTION II

Fiscal Impact:

What is the value of real property improvements added to the tax rolls? \$ 40,175.00

What utility construction is required: N/A

Community Impact:

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

What adverse environment impact will be created by the project: N/A

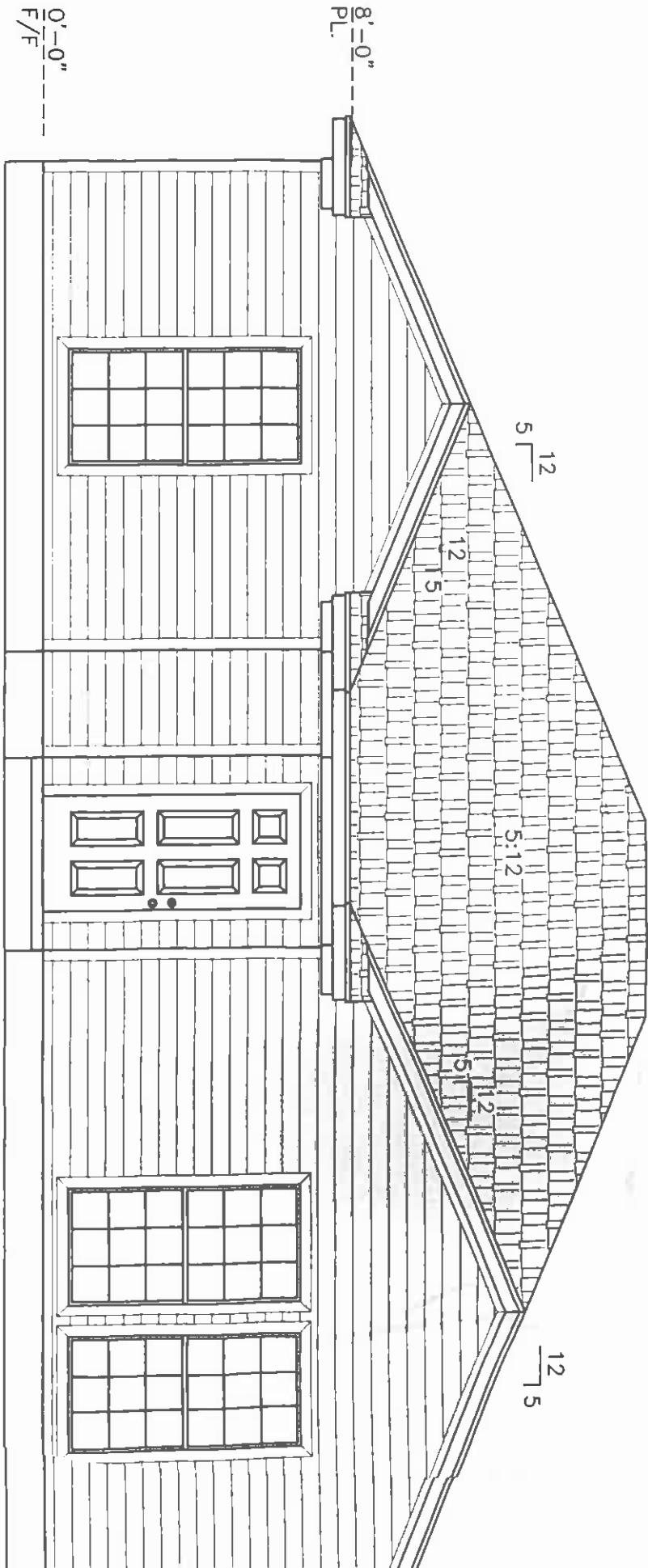
Date: 9-24-10

Applicant(s) Signature(s)

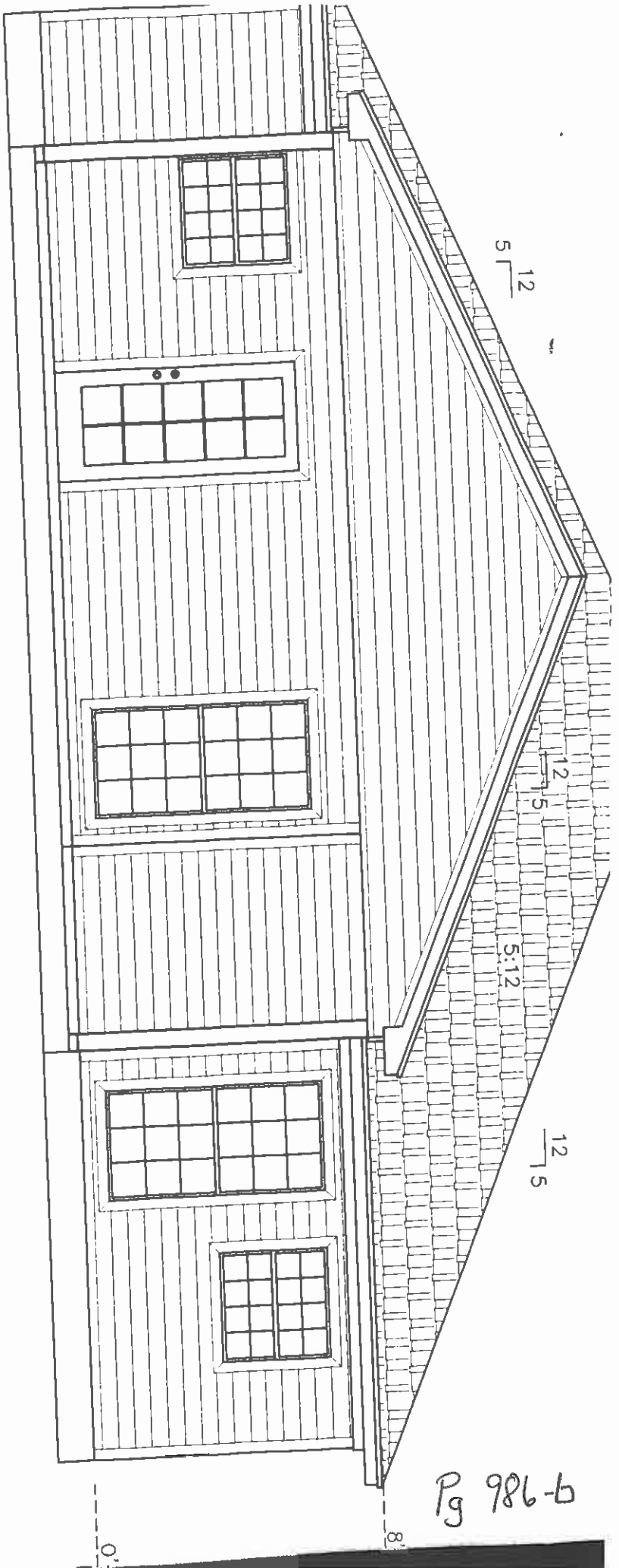
Julio C Molina

NORMA MOLINA 09-99 LIC. 12619465 979-233-3743 823 N AVE. C FREEPORT, TEXAS 77541		88-1548/1131 5000111848 DATE <u>9-28-2010</u>	6880
PAY TO THE ORDER OF <u>City of Freeport</u>		<u>\$ 75.00</u>	
<u>Seventy Five Dollars</u>		DOLLARS	
TEXAS GULF BANK <small>FREEPORT • CLUTE • ANGLETON • LAKE JACKSON • WEST COLUMBIA</small> 200 W. 2ND 979-233-4401 FREEPORT, TEXAS 77541		<u>Norma Molina</u>	
MEMO <u>Tax Abatement Application</u>		MP	
⑆ 13115484⑆ 6880⑆ 5000111848⑆			

**JULIO MOLINA
821 N. AVE. C
FREEPORT, TEXAS**



FRONT ELEVATION



REAR ELEVATION

COUNTY OF BRAZORIA)(

CITY OF FREEPORT)(

BE IT REMEMBERED that the Planning and Traffic Commission of the City of Freeport, Texas met in a regular meeting on **Tuesday, September 28, 2010 at 6:00 P.M.** at the Police Department Conference Room, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

Planning Commission:

*Diane Williams, Chairperson
Rueben Cuellar
Edward Garcia
Mike Jones - Absent
Tobey Davenport*

Staff:

*Kofa Olayiwola
Melissa Farmer
Wallace Shaw
Councilwoman, Michelle Kent*

Guest:

*Joyce Adkins
Jim Pirrung
Louie Jones*

Open Meeting.

Ms. Diane Williams called meeting to order at 6:00 P.M.

Approval of Minutes.

Mr. Tobey Davenport moved to accept the minutes for August 24, 2010 and for the Joint Public Hearing on September 7, 2010, seconded by Mr. Rueben Cuellar, unanimous vote for approval.

Discuss/consider making a recommendation to City Council on whether or not to grant 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.

The Board Members discussed sending a recommendation to City Council.

Mr. Tobey Davenport made a motion to send a recommendation to City Council to grant a Specific-Use permit to Abundant Life Church, motion dies for lack of a second.

Mr. Reuben Cuellar made a motion to send a recommendation to City Council to deny a Specific-Use permit to Abundant Life Church 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, seconded by Mr. Edward Garcia. By a 3-1 vote, with Mr. Tobey Davenport voting against, the motion passed.

Discuss/consider making a recommendation to City Council on whether or not to grant Capitol Telecom a Specific-Use Permit to erect and operate 120 foot communication antennae on a 50 ft. by 50 ft. parcel of land out of Lot 1, Freeport Properties Subdivision, known locally as 1744 West 4th Street, within the corporate limits of said City.

The Board Members discussed sending a recommendation to City Council.

Mr. Edward Garcia made a motion to send a recommendation to City Council to grant Capitol Telecom a Specific-Use permit to erect and operate a 120 foot communication antennae on a 50 ft. by 50 ft. parcel of land out of Lot 1, Freeport Properties Subdivision, known locally as 1744 West 4th Street, within the corporate limits of said City, seconded by Mr. Rueben Cuellar, unanimous vote for approval.

The Building Official, Kola Olayiwola will present an update on current issues concerning the Building/Code Department.

Kola Olayiwola discussed with the Board Members the issues that have come to the City as complaints from the residents of Villa Brazos Apartments. He told them that he had done inspections of all the apartments and that there were violations found. He told them that City had a meeting at the apartments with HUD on Thursday, September 23, 2010; and that they came up with an action plan to rectify the violations. The City would give them 3 months to correct the violations.

No action was taken on this Item.

Adjourn.

Mr. Edward Garcia made a motion to adjourn, seconded by Mr. Rueben Cuellar, unanimous vote for approval. Meeting was adjourned at 7:09 P.M.

These minutes read and approved this _____ day of _____, 2010.

Diane Williams, Chairperson

ORDINANCE NO. 2010-2261

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING CHAPTER 134, ILLEGAL SMOKING PRODUCTS, TO TITLE XIII, GENERAL OFFENSES, WHICH WILL PROHIBIT THE USE, PURCHASE, POSSESSION, AND SALE OF THE SYNTHETIC CANNABINOID KNOWN OR SOLD UNDER SUCH NAMES AS "K2", "SPICE", "GENIE", "DASCENTS", "ZOHAI", "SAGE", AND "KO KNOCK-OUT 2" AND SALVIA DIVINORUM FOR PUBLIC HEALTH PURPOSES; PROVIDING THAT ANY PERSON VIOLATING SAID CODE, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 10.99 OF SAID CODE OF ORDINANCES; PROVIDING THAT EACH DAY ANY SUCH VIOLATION CONTINUES AND EACH PART OF ANY DAY ANY SUCH VIOLATION OCCURS SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

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

WHEREAS, the City Council of the City has determined that certain businesses within the City may be selling certain substances that when ingested produce intoxicating effects similar to THC or marijuana; and

WHEREAS, the substances identified above are considered to be generally described as synthetic cannabinoids or salvia divinorum distributed, sold and marketed under such names as "K2", "K2 SUMMIT", "K2 SEX", "K2 ULTRA", "K2 BLONDE", "K2 CITRON", "K2 ORISHA", "K2 AMAZONIAN SHELTER", "K2 THAI DREAM", "GENIE", "DASCENTS", "ZOHAI", "SAGE", "SPICE", "KO KNOCK-OUT 2", "SPICE GOLD", "SPICE DIAMOND", "YUCATAN FIRE", "YUCATAN GOLD", "SOLAR FLARE", "PEP SPICE", "POT-POURRI", "BOMBAY BLUE", "HUSH", "SWERVE", "FIRE N' ICE", AND "SALVIA DIVINORUM"; and

WHEREAS, the substances described above are not yet categorized as illegal controlled substances under state or federal law; and

WHEREAS, the substances described above may be marketed as incense but are commonly being used as an alternative to marijuana which is an identified and documented controlled substance, the sale and use of which is prohibited under the laws of the State of Texas and the United States; and

WHEREAS, the synthetic cannabinoids substances identified above may be presented under a variety of street names but share common ingredients including JWH-018 and JWH-073; and

WHEREAS, salvia divinorum contains the ingredient known as Salvinorin A; and

WHEREAS, these unregulated synthetic cannabinoids and salvia divinorum produce a very potent, intoxicating effect which is estimated by the medical community to produce effects ranging from three to one hundred times greater and more potent than THC, the active ingredient in marijuana; and

WHEREAS, the substances identified above manifest all of the demonstrated attributes of substances that deprive individuals of judgment, coordination and the ability to conduct themselves in a safe and appropriate manner in modern society; and

WHEREAS, the available medical and law enforcement information on these products indicates that individuals under the effects of these substances may be a clear and present danger to themselves and others; further the long term effects of these substances are not yet known; and

WHEREAS, it is anticipated that the Texas Legislature will consider appropriate regulation of these type of commodities in its upcoming legislative session but that it is essential for the municipality to impose some type of reasonable restriction on these products until a state wide regulatory system may be properly implemented; and

WHEREAS, it has been determined that the effects of these substances are a health concern to the citizens of the City; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the public health, safety and welfare to immediately address the health concerns to the citizens of the City by adopting a local ordinance prohibiting the substances identified above;

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

First, that the Code of Ordinances of the City be and the same is hereby amended by adding to Title XIII, General Offenses, a new chapter, to be known as Chapter 134, Illegal Smoking Products, to prohibit the use, purchase, possession, sale and offering for sale of the synthetic cannabinoid known or sold under such names as "K2", "K2 SUMMIT", "K2 SEX", "K2 ULTRA", "K2 BLONDE", "K2 CITRON", "K2 ORISHA", "K2 AMAZONIAN SHELTER", "K2 THAI DREAM", "GENIE", "DASCENTS", "ZOHAI", "SAGE", "SPICE", "KO KNOCK-OUT 2", "SPICE GOLD", "SPICE DIAMOND", "YUCATAN FIRE", "YUCATAN GOLD", "SOLAR FLARE", "PEP SPICE", "POT-POURRI", "BOMBAY BLUE", "HUSH", "SWERVE", "FIRE N' ICE", AND "SALVIA DIVINORUM", to read as follows:

CHAPTER 134. ILLEGAL SMOKING PRODUCTS

Sec. 134.01 PURPOSE

The purpose of this article is to prohibit the use, possession, sale, ingestion or smoking of illegal smoking products and ingestion devices hereinafter defined within the city limits of the City of Angleton.

Sec.134.02. DEFINITIONS

As used herein, the following words and phrases shall have the following meanings:

"Person" shall mean an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

"Illegal smoking product" shall mean any substance, whether described as tobacco, herbs, incense, spice or any blend thereof, regardless of whether the substance is marketed for the purpose of being smoked, which includes any one or more of the following chemicals or a comparable chemical:

- (a) *Salvia divinorum* or Salvinorin A; all parts of the plant presently classified botanically as *salvia divinorum*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts;
- (b) 2-[(1R, 3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol) (also known as CP47, 497) and homologues;
- (c) (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c] chormen-1-ol) (also known as HU-211 or Dexanabinol);
- (d) 1-Pentyl-3-(1-naphthoyl) indole (also known as JWH-018);
- (e) 1-Butyl-3-(1-naphthoyl) indole (also known as JWH-073);

(f) 1-pentyl-3-(4-methoxynaphthoyl)indole (also known as JWH-081)

or

(g) (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol (also known as HU-210).

Products containing some of the above substances are currently being marketed under the following commercial names:

"K2", "K2 SUMMIT", "K2 SEX", "K2 ULTRA", "K2 BLONDE", "K2 CITRON", "K2 ORISHA", "K2 AMAZONIAN SHELTER", "K2 THAI DREAM", "GENIE", "DASCENTS", "ZOHAI", "SAGE", "SPICE", "KO KNOCK-OUT 2", "SPICE GOLD", "SPICE DIAMOND", "YUCATAN FIRE", "YUCATAN GOLD", "SOLAR FLARE", "PEP SPICE", "POT-POURRI", "BOMBAY BLUE", "HUSH", "SWERVE", "FIRE N' ICE", AND "SALVIA DIVINORUM".

It is anticipated by the City Council that new products will be marketed under different names but such new products will be subject to this definition if they contain any of the chemical components set forth above.

"Ingestion Device" shall mean any equipment, product or material that is used or intended for use in ingesting, inhaling, or otherwise introducing an illegal smoking product into the human body, including:

(a) a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without a screen, permanent screen, hashish head, or punctured metal bowl;

(b) a water pipe;

(c) a carburation tube or device;

(d) a smoking or carburation mask'

- (e) a chamber pipe;
- (f) a carburetor pipe;
- (g) an electric pipe;
- (h) an air-driven pipe;
- (i) a chillum;
- (j) a bong; or
- (k) an ice pipe or chiller.

Sec. 134.03. Sell, Offer, Gift, Display or Possession.

It shall be unlawful for any person to use, possess, purchase, barter, give, publicly display, sell or offer for sale any illegal smoking product.

Sec. 134.04. Use or Possession of Ingestion Devices.

It shall be unlawful for any person to use or possess with intent to use an ingestion device to inject, ingest, inhale or otherwise introduce into the human body an illegal smoking product.

Sec. 134.05. Defense.

A. It shall be a defense to prosecution for a violation of this chapter that any act described in this chapter is under and pursuant to the direction or under a prescription of a licensed physician or dentist authorized to direct or prescribe controlled substances within the State of Texas.

B. It shall be a defense to prosecution under the terms of this chapter if an individual charged with a violation can provide proper and complete historic documentation that the use of such materials is a portion of a religious undertaking or activity of a religious denomination in which they have long standing historic membership supported by documentation from clergy or spiritual leader recognized by the State of Texas.

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

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

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

Fifth, no offense committed and no fine, forfeiture or penalty incurred prior to the effective date of this ordinance is to be affected by the adoption of this ordinance but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this ordinance had not been adopted.

Sixth, 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.

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

READ, PASSED AND ADOPTED this _____ day of _____, 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

 Wallace Shaw, City Attorney,
 City of Freeport, Texas

ORDINANCE NO. 2010-2262

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS; AMENDING ITEM (9) OF DIVISION (B) OF SECTION 121.05 OF THE CODE OF ORDINANCES OF SAID CITY TO INCREASE THE AMOUNT OF THE FEE FOR A NONCONSENT WRECKER TOW TO \$130.00; PROVIDING A SEVERANCE CLAUSE; PROVIDING SAVINGS CLAUSES; PROVIDING THAT ANY PERSON VIOLATING ANY PROVISION OF THE CODE OF ORDINANCES OF SAID CITY, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND PUNISHED AS PROVIDED IN SECTION 10.99 OF SAID CODE; PROVIDING THAT EACH DAY ANY SUCH VIOLATION SHALL CONTINUE OR OCCUR SHALL BE A SEPARATE OFFENSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

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

WHEREAS, Sections 54.001 and 54.004 of the Local Government Code of Texas, Paragraphs 2, 3 and 6 of Article 1175 of the Revised Civil Statutes of Texas (1925) and Sections 2.01, 2.02 and Item (k), (p) and (u) of Section 3.07 of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City and persons using the public streets therein.

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

First, Item (9) of Division (B) of Section 121.05 of the Code of Ordinances of the City is hereby amended to read as follows:

"(9) Not charging more than \$130.00 for a nonconsent wrecker tow or more than \$20.00 per day for vehicle storage without proper authorization from the Chief of Police for unusual accident/incident scene conditions."

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

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

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

Fifth, no offense committed and no fine, forfeiture or penalty incurred prior to the effective date of this ordinance is to be affected by the adoption of this ordinance but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this ordinance had not been adopted.

Sixth, 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.

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

READ, PASSED AND ADOPTED this _____ day of February, 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
Wallace Shaw, City of Attorney,
City of Freeport, Texas

C:\Freeport.Ord\Wreck Ord-#3Am

ORDINANCE NO. 2010-2263

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; ADOPTING AND MAKING A PART OF THIS ORDINANCE A DUNE PROTECTION AND BEACH ACCESS PLAN FOR SAID CITY THAT CONTAINS DEFINITIONS, PROVISIONS FOR THE ADMINISTRATION OF SUCH PLAN, REQUIREMENTS FOR DUNE PROTECTION PERMITS, REQUIREMENTS FOR BEACHFRONT CONSTRUCTION CERTIFICATES, CONCURRENT REQUIREMENTS FOR BOTH DUNE PROTECTION PERMITS AND BEACHFRONT CONSTRUCTION CERTIFICATES, PROVISION FOR THE MANAGEMENT OF THE PUBLIC BEACH, MOTOR VEHICLES AND PENALTIES AND GENERAL PROVISIONS AND INCLUDES AN APPENDIX CONTAINING ANNEXATION ORDINANCES OF SAID CITY AND RELEVANT ORDERS OF THE BRAZORIA COUNTY COMMISSIONERS COURT; PROVIDING THAT ANY PERSON VIOLATING AN PROVISIONS OF SUCH PLAN SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE NOT TO EXCEED TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS FOR A VIOLATION OF PROVISIONS FIRE SAFETY, ZONING OR PUBLIC HEALTH AND SANITATION, INCLUDING DUMPING OF REFUSE, AND A FINE NOT TO EXCEED FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS FOR A VIOLATION OF ALL OTHER PROVISIONS OF SUCH PLAN OR THIS ORDINANCE; PROVIDING THAT EACH DAY ANY SUCH VIOLATION CONTINUES AND EACH PART OF ANY DAY ANY SUCH VIOLATION OCCURS SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THIS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

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

WHEREAS, the Open Beaches Act, codified as Chapter 61 of the Texas Natural Resources Code, and the Dune Protection Act, codified as Chapter 63 of the Texas Natural Resources Code provide for the adoption of a Dune Protection and Beach Access Plan by a municipality which includes a public beach within its territorial limits; and,

WHEREAS, there are included within the territorial limits of the City the public beach known as "Bryan Beach" and a portion of the public beach known as "Surfside Beach"; and,

WHEREAS, the above named beaches have heretofore been governed by the Dune Protection and Beach Access Plan adopted by the Commissioners' Court of Brazoria County, Texas, which has ceded its authority to regulate Bryan Beach and the portion of Surfside Beach included within the territorial limits of the City by Order No. 49 dated April 10, 2007, and Order No. VIII.B.1.c dated June 8, 2010, respectively; and

WHEREAS, the City Council of the City has determined and does here now declare that the adoption of this ordinance adopting a Dune Protection and Beach Access Plan regulating Bryan Beach and the portion of Surfside Beach within the territorial limits of the City is necessary to the health, safety and general welfare of the inhabitants of the City and persons using such beaches.

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

First, the Dune Portion and Beach Access Plan attached hereto and made of part hereof by reference for all intents and purposes is hereby adopted.

Second, any person, firm, corporation or agent violating any provisions of Dune Portion and Beach Access Plan attached hereto shall be guilty of a misdemeanor and, upon conviction, assessed a fine not to exceed Two Thousand and no/100 (\$2,000.00) Dollars for a violation of provisions relating to fire safety, zoning or public health and sanitation, including dumping of refuse, and a fine not to exceed Five Hundred and no/100 (\$500.00) Dollars for a violation of all other provisions of such plan; and each day any such violation continues and each part of any day any such violation occurs shall constitute a separate offense.

Third, no offense committed and no fine, forfeiture or penalty incurred prior to the effective date of this ordinance is to be affected by the adoption of this ordinance but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this ordinance had not been adopted.

Fourth, 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.

Fifth, this ordinance is cumulative of and in addition to all other ordinances of the City on the same subject and all such other ordinances are hereby expressly saved from repeal; but where this ordinance conflicts or overlaps with any other ordinances of the City, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Sixth, 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.

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


READ, PASSED and ADOPTED this ____ day of _____ 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.Ord\Dune Protect & Beach Access Plan-Adop

RESOLUTION NO. 2010-2246

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSONS TO THE HISTORICAL COMMISSION AND MAIN STREET ADVISORY BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, there is a vacant position on the Historical Commission and Main Street Advisory Board of the City of Freeport, Texas ("the City") as a result of the resignation of Joshua ~~Pettijohn~~; and,

Pettijohn

WHEREAS, the City Council of the City desires to appoint the below named qualified persons to fill such position for the remainder of the unexpired term.

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 the Historical Commission and Main Street Advisory Board of the City for the remainder of the unexpired term of Joshua Pettijohn and until a successor for such position shall have been appointed and qualified, to-wit: CLIFF SHIMEK.

SECTION TWO (2): DUTIES

The above named appointee shall perform all of the duties imposed on members of the Historical Commission and Main Street Advisory Board of the City by law and the ordinances and resolutions of the City.

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 _____, 2010.

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

ATTEST:

Della Muñoz, City Secretary
City of Freeport, Texas

Delia Munoz

From: Sandra Leavey [sl828@sbcglobal.net]
Sent: Wednesday, September 29, 2010 11:26 PM
To: Marjorie Clark; Delia Munoz; Jeff Pynes; Michelle Kent; Gilbert Arispe
Subject: Fw: Letter of Resignation

----- Forwarded Message -----

From: Joshua Pettijohn <josh@fbclute.com>
To: sl828@sbcglobal.net
Sent: Wed, September 29, 2010 2:58:18 PM
Subject: Letter of Resignation

To the Main Street Board & Freeport City Council:

I am writing to inform you of my decision to resign from the Main Street Board, effective October 1st. I no longer live in Freeport, and have had the wonderful addition of a daughter, of whom I care for each day. Due to the scheduling conflicts, it has become increasingly difficult to be able to attend the meetings and functions of this Board, and I do not wish to be a hindrance to the Board in any way. I have enjoyed the opportunity to work with this team, and look forward to the opportunity to volunteer with this committee in the future as my schedule allows.

Sincerely,

Joshua Pettijohn
(979) 265-2871 Office
(979) 265-1950 Fax
(979) 487-9213 Cell
josh@fbclute.com



Please return to the City Secretary:

200 West 2nd St
Freeport, TX 77541
Phone: 979.233.3526
Fax: 979.233.8867
dmunoz@freeport.tx.us

Boards and Commissions Application

Name: Cliff Shimek

Address: 902 N. AVE C FREEPORT, TX 77541

Home Phone: (979) 824-1706 Alternate Phone (979) - 233-6900

Email (optional): CLIFF_SHIMEK@YAHOO.COM

Do you live inside the City Limits? Yes [checked] No [] If yes, for how long? 1 yr

Do you live in the Extra Territorial Jurisdiction? Yes [checked] No []

Are you registered to vote in Brazoria County? Yes [checked] No []

Please indicate by rank which Board or Commission you wish to serve on by placing your 1st through 3rd choice in the appropriate box.

Table with 2 columns: Rank, Board/Commission Name. Rows include Planning Commission, Main Street/Historical Board, Board of Adjustments, Urban Renewal Board, Senior Citizens Committee.

Table with 2 columns: Rank, Board/Commission Name. Rows include Library Board, Beautification/Parks & Recreation, Charter Review, Economic Development.

The City Council will make appointments to the Boards and Commissions. This application will be given to them for review. Please explain why you wish to serve, and what you consider to be your qualifications.

I have over 20 yrs experience in marketing research. I would also love to see the city I purchased my home in, be its best potential. I also love the rich history Freeport has. Look to our past to improve our future. Thanks

Signature [Signature] Date: 9-29-2010 Cliff

- Step 1: Fill Out this Application.
Step 2: Attach a cover letter or resume if you would like.
Step 3: Mail the application and any other related information to the City Secretary, or fax: (979) 233-8867.

If you have any questions about the process or about a particular board or commission, please call Delia Munoz at (979) 233-3526.