

City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, OCTOBER 5TH, 2009, 6:00 P.M.
MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 N. BRAZOSPORT BLVD.

AGENDA FORMAL SESSION

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of the approval of the September 14th, 2009 Council Minutes. Pg. 1029-1034
5. Attending citizens and their business.
6. Presentation of Plaque: Captain Gus Flores gradating from Federal Bureau of Investigation Academy.
7. Presentation of Plaque: Bobby Ledesma for his golfing achievements.
8. Presentation of Plaque for dedicated service : Roberto Caceres, Bobby J. Casale, Coy Barnett, Janice Hawley, Gilbert Cuellar, Dr Janice Goines, and Freddie Brenk.
9. Consideration of the approval of Resolution No. 2009-2211 appointing a qualified person to the Brazosport Water Authority board. Pg. 1035
10. Consideration of the approval of Parks Board recommendations to City Council the renaming of Stephen F. Austin ball field one and ball field two. Pg. 1036-1041
11. Consideration of the approval of Ordinance No. 2009-2230 amending the budget for fiscal year 2008-2009. Pg. 1042-1047
12. Consideration of the approval of Resolution No. 2009-2210 voting for qualified candidate for the Board of Directors of the Brazoria County Appraisal District for the two year term that begins 2010-2011. Pg. 1048-1052

13. Consideration of the approval of a request from Mitch Roberts, member of the Fraternal Order of Eagles # 3111, 6818 Hwy. 332 East, to conduct their Annual Turkey Shoot every Sunday from noon to 4:00 p.m. beginning on October 18th through December 20, 2009. Pg. 1053
14. Consideration of the approval of a request from Jim Luna of Quarter Moon Production to hold a concert at the Amphitheater on October 25th, 2009 and erect temporary fencing and charge a general admission fee. Pg. 1054
15. Consideration of the approval of setting a date for a Joint Public Hearing with the Planning Commission to consider repealing Section I (10 Paving) of Section 155.023 Supplementary District Regulation and Exceptions, of the Code of Ordinances. Pg. 1055
16. Consideration of the approval of Resolution No. 2009-2212 setting two public hearings on a proposed annexation of parts of the John Martin Survey, Abstract 331, the Richard H. Barrow Survey, Abstract 639 and the Stephen F. Austin Survey Abstract 29, Brazoria County, Texas. Pg. 1056-1058
17. Consideration of the approval of any action to be taken as a result of closed executive session.

Work Session

- A. Report on Summer Time Blues Festival by President Pixie Floyd. Pg. 1059
- B. Discussion concerning Waste Management contract.

Executive Session

- A. Section 551.074, Government Code
Deliberations concerning the duties and responsibilities, to wit:
 - City Manager-Jeff Pynes
 - City Attorney-Wallace Shaw
- B. Section 551.087, Government Code
Deliberation regarding Economic Development Negotiations to wit:
 - (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or

(2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

- Joint meeting with the EDC - Marina project

C. Section 551.071 consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly with Chapter 551, Government Code, to wit:

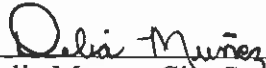
- Interpretation and application of HB 650, Chapter 449, 69th Legislature, Pg. 3063
- Interpretation and application of Section 7.09 of the Home Rule Charter.

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, October 2nd, 2009 at or before 5:00 p.m.



Delia Munoz, City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport, met on Monday, September 14th, 2009 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport, Texas, for the purpose of considering the following agenda items:

City Council: Larry L. McDonald
 Clan A. Cameron
 James W. Phillips
 Ron Wise
 Norma M. Garcia

Staff: Jeff Pynes, City Manager
 Wallace Shaw, City Attorney
 Delia Munoz, City Secretary
 Nat Hickey, Property Manager
 Larry Fansher, Parks Director
 B. R. Williams, Street Department
 John Stanford, Fire Chief
 Bob Welch, Finance Director

Visitors: Larry Shaefer Judy Shaefer
 Susie Wise Rosa McDonald
 Pixie Floyd Sandra Leavey
 Diane Williams Tom Pearl
 Brenda Laird Michelle Kent
 Lila Lloyd Bobby Fuller
 V. L. Scott Amanda Harrington
 Willie Garcia Kathy Varnado
 Edna Allan Percy Walker
 Brenda George Joyce Adkins
 Eric Hayes Lila Diehl
 Jim Allen Jerry Meeks

Call to Order.

Mayor McDonald called the meeting to order at 6:01 p.m.

Invocation.

City Attorney Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of the approval of the August 24th, 2009 Council Minutes.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved the August 24th, 2009 Council Minutes.

Attending citizens and their business.

Tom Pearl of 1710 W. 10th Street stated that the street light on Dixie Street and 10th Street was still out. He asked that his elderly neighbor's sidewalk on 1714 W. 10th be repaired. He mentioned the speeders on 10th still continued.

V. L. Scott, 1703 W. 9th Street, read controversy on appointments to the Brazosport Water Authority. He is a former member of the board and said that in the beginning BWA had zero money and was helped by Lake Jackson and Freeport. He said it was a good idea that individuals from the BWA not be involved in city government.

Proclamation: "Family Fun Day in the Park" on September 27, 2009 a Non Denominational event at the Freeport Municipal Park, promoting positive morals within families and businesses in this wonderful community.

Mayor McDonald read and proclaimed September 27th, 2009 as "Family Fun Day in the Park. Brenda George of New Birth Christian Church spoke on the planned activities.

Recognizing: Eagle Scout Mason Gray for his achievements and services of Eagle Scout.

Mayor McDonald recognized Mason Gray for his achievements and services as a Eagle Scout.

Recognizing: Bobby Ledesma for his golfing accomplishments and for representing his City and Brazosport High School in an exemplary manner.

Mayor McDonald recognized Bobby Ledesma for his golfing accomplishments and for representing his city and Brazosport High School in an exemplary manner.

Councilman Phillips spoke on Bobby Ledesma's accomplishments. He won both the District 24-A and the Region 3-4A golf tournament. He advanced to the state tournament for the second year and did a great job representing our High School and Community. Bobby finished as the second medalist behind the 3rd time state champion from Highland Park.

Consideration of the approval of Ordinance No. 2009-2226 amending section 118.011 of the Code of Ordinances to add a definition of “bus” amending section 118.021 of said code to provide an exemption for buses operated by certain non-profit organizations; adding section 119.00 to chapter 119 of said code to provide a definition of “taxicab”; amending section 119.01 of said code to provide an exemption for taxicabs operated by certain non-profit organizations.

On a motion by Councilman Cameron, seconded by Councilwoman Garcia, with all present voting “aye”, Council unanimously approved Ordinance No. 2009-2226 amending section 118.011 of the Code of Ordinances to add a definition of “bus” amending section 118.021 of said code to provide an exemption for buses operated by certain non-profit organizations; adding section 119.00 to chapter 119 of said code to provide a definition of “taxicab”; amending section 119.01 of said code to provide an exemption for taxicabs operated by certain non-profit organizations.

Consideration of the approval of Ordinance No. 2009-2227 adopting a tax rate for fiscal year 2009-2010 for the City of Freeport.

On a motion by Councilman Phillips, seconded by Councilman Wise, with all present voting “aye”, Council unanimously approved Ordinance No. 2009-2227 adopting a tax rate with an (M & O) rate of 0.546330 and an (I & S) rate of 0.161936 with a total rate of 0.708266 for fiscal year 2009-2010 for the City of Freeport.

Consideration of the approval of Ordinance No. 2009-2228 amending division (E) of Section 32.20 of the Code of Ordinances providing for the appointment of a Main Street Project Manager and specifying the duties of such position, which shall include acting as the Historic Preservation Officer, under division (B) of said Section 155.046, to remove the requirement that the project manager be a full-time position and to add that, when the office of project manager is vacant, the duties of such office and those of the Historic Preservation Officer shall be performed by another employee to be designated by the City Manager.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting “aye”, Council unanimously approved Ordinance No. 2009-2228 amending division (E) of Section 32.20 of the Code of Ordinances providing for the appointment of a Main Street Project Manager and specifying the duties of such position, which shall include acting as the Historic Preservation Officer, under division (B) of said Section 155.046, to remove the requirement that the project manager be a full-time position and to add that, when the office of project manager is vacant, the duties of such office and those of the Historic Preservation Officer shall be performed by another employee to be designated by the City Manager.

Consideration of the approval of Ordinance No. 2009-2229 reviewing the requested rate increase request of Centerpoint Energy Entex (Centerpoint); setting and establishing rates and tariffs; ordering the refund of base rate increases implemented on August 1, 2009; establishing an effective date for this ordinance and the

implementation of new rates; providing for fines for non-compliance with this ordinance not to exceed \$500 per violation.

On a motion by Councilman Cameron, seconded by Councilman Wise, with all present voting "aye", Council unanimously approved Ordinance No. 2009-2229 reviewing the requested rate increase request of Centerpoint Energy Entex (Centerpoint); setting and establishing rates and tariffs; ordering the refund of base rate increases implemented on August 1, 2009; establishing an effective date for this ordinance and the implementation of new rates; providing for fines for non-compliance with this ordinance not to exceed \$500 per violation.

Consideration of the approval of Ordinance No. 2009-2230 amending the budget for fiscal year 2008-2009.

This item reagendaed.

Consideration of the approval of Resolution No. 2009-2207 readopting tax abatement and reinvestment zone policy and adopting guidelines and criteria.

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved Resolution No. 2009-2207 readopting tax abatement and reinvestment zone policy and adopting guidelines and criteria.

Consideration of the approval of Resolution No. 2009-2209 requesting the Texas Department of Transportation to post signs at the entrance to each school crossing zone on state highways within the City prohibiting drivers from using wireless communication devices while operating a motor vehicle within such zone and authorizing and directing the City Manager to post signs.

Resolution No. 2009-2209 failed due to lack of a motion.

Consideration of the approval of a request from the Freeport Host Lions Club to sell alcohol at the Freeport Municipal Park, on September 26th, 2009 for the Brazoria County Peace Officers Association, 1st Annual Fish Fry Fund Raiser to support Breast Cancer Awareness Week.

On a motion by Councilman Phillips, seconded by Councilman Cameron with all present voting 4 to 1, Council approved a request from the Freeport Host Lions Club to sell alcohol at the Freeport Municipal Park, on September 26th, 2009 for the Brazoria County Peace Officers Association, 1st Annual Fish Fry Fund Raiser to support Breast Cancer Awareness Week. Councilman Wise opposed.

Consideration of the approval of authorizing the Mayor to sign an Interlocal Agreement with Brazoria County and the City of Freeport for repairing streets.

On a motion by Councilman Cameron, seconded by Councilman Phillips, with all present voting "aye", Council unanimously approved the Mayor to sign an Interlocal Agreement with Brazoria County and the City of Freeport for repairing streets.

Consideration of the approval of selling the City's interest on Block 715, Lot 17, Velasco Townsite, Tax Id. # 8110-3072-000, known as 1209 North Ave. M.

On a motion by Councilman Phillips, seconded by Councilman Cameron with all present voting "aye", Council unanimously approved selling the City's interest on Block 715, Lot 17, Velasco Townsite, Tax Id. # 8110-3072-000, known as 1209 North Ave. M.

Consideration of the approval of selling the City's interest on Block 4, Lot 20, Section 2, Bridge Harbor Subdivision, known as 20 Marlin Drive, Tx. Id 2190-0246-000.

On a motion by Councilman Wise, seconded by Councilman Phillips, with all present voting 4 to 1, Council declined selling the City's interest on Block 4, Lot 20, Section 2, Bridge Harbor Subdivision, known as 20 Marlin Drive, Tx. Id 2190- 0246-000. Councilman Cameron opposed.

Consideration of the approval of selling the City's interest on Block 3, Lot 25, Section 2, Bridge Harbor Subdivision, known as Marlin Drive, Tx. Id 2190-0219-000.

On a motion by Councilman Wise, seconded by Councilman Phillips, with all present voting 4 to 1, Council declined selling the City's interest on Block 3, Lot 25, Section 2, Bridge Harbor Subdivision, known as Marlin Drive, Tx. Id 2190- 0219-000. Councilman Cameron opposed.

Consideration of the approval of selling the City's interest on Block 3, Lot 26, Section 2, Bridge Harbor Subdivision, known as Marlin Drive, Tx. Id 2190-0220-000.

On a motion by Councilman Wise, seconded by Councilman Phillips, with all present voting 4 to 1, Council declined selling the City's interest on Block 3, Lot 26, Section 2, Bridge Harbor Subdivision, known as Marlin Drive, Tx. Id 2190- 0220-000. Councilman Cameron opposed.

Consideration of the approval of selling Block 631, Lots 20 & 21, Velasco Townsite, Tx. Id. # 8110-2289-000, known as 817 N. A.

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", Council unanimously approved to advertise for sale, Block 631, Lots 20 & 21, Velasco Townsite, Tx. Id. # 8110-2289-000, known as 817 N. Ave. A.

Consideration of the approval of any action to be taken from the Executive Session.

No action taken.

Mayor McDonald closed the formal session and opened the Executive Session at 6:50 p.m.

Executive Session

A. Section 551.074, Government Code

Deliberations concerning the duties and responsibilities, to wit:

- City Manager-Jeff Pynes

Mayor McDonald closed the executive session and reconvened the formal session at 8:03 p.m.

Adjourn

On a motion by Councilman Phillips, seconded by Councilman Cameron, with all present voting "aye", the meeting was adjourned at 8:03 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor

RESOLUTION NO. 2009-2211

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

WHEREAS, the position on the Board of Directors of the Brazosport Water Authority required to be filled by the City Council of the City of Freeport, Texas ("the City"), which will expire in September, 2010, is vacant; and,

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

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

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified person to be a Director of the Brazosport Water Authority for the remainder of the term which will expire in September, 2010, and until a successor for such appointee shall have been appointed and qualified, to-wit: _____.

SECTION TWO (2): DUTIES

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

SECTION THREE (3): OATH OF OFFICE

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

READ, PASSED AND ADOPTED this ___ day of October, 2009.

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

ATTEST: _____
Delia Muñoz, City Secretary
City of Freeport, Texas

Delia Munoz

From: Larry Fansher [fansherlarry@yahoo.com]
Sent: Monday, September 28, 2009 9:11 AM
To: Delia Munoz
Cc: Jeff Pynes
Subject: Agenda items for next council meeting

Delia,

With approval from Jeff, we have two parks items needing to go on the next city council agenda.

One is a parks board recommendation to name SFA softball fields after two past long time residents who were instrumental in helping organize Freeport Girls Youth Softball. The other is a request by Jim Luna for permission to erect temporary fencing and sell alcohol at an Oct 25. concert at the Landing in Municipal Park. Supporting memo/forms are being forwarded to you shortly.

Thanks.

Larry

INTEROFFICE MEMORANDUM

TO: JEFF PYNES, CITY MANAGER
FROM: LARRY FANSHER, PARKS & RECREATION DEPARTMENT
SUBJECT: PARKS BOARD PROPOSAL TO NAME STEVEN F. AUSTIN SOFTBALL FIELDS
DATE: 9/28/2009

The Beautification/Parks and Recreation Board is recommending to city council that Steven F. Austin softball fields be named after two individuals who are credited for helping found and organize the Freeport Youth Softball program several decades back and they were long time supporters of the program.

After a request by Mr. Charlie Hawkins, Sr. who was also active in girls softball for many years, the board voted unanimously to recommend to the city council that they name the softball fields after Mr. Johnny Reeves Lawhon, Jr. and Mr. Billy Mills. These gentlemen were instrumental in contributing to the success of the program which continues to thrive today.

Mr. Hawkins and board members would like to present their recommendation to the city council at the October 5, 2009 council meeting.



Naming a Public Facility or Park

Suggested Name Johnny Reeves Lawhon, Jr.

Park or Facility Stephen F. Austin Ball Field #1

Credible service to the community and to the City Of Freeport:

Information attached

The Beautification/Parks and Recreation Board has reviewed this request to name the above noted facility and is forwarding its recommendation to the city council for consideration and approval.

Beautification/Parks & Recreation Committee

Recommendation to the City of Freeport Parks Board to rename the softball field #1

Johnny Reeves Lawhon (JR)

- Co Founder of the Texas Gulf Coast Girls Softball 1961 (started play at Riverside Park in Freeport, Texas)
- Instrumental in constructing Stephen F. Austin Park for the Girls Softball Association 1964
- Softball Manager ASA Softball Teams 1961-1990
- Texas ASA official for the National ASA Youth Tour (1977 & 1979)
- Texas ASA Youth Fast Pitch Consultant 1997-2008
- Texas ASA Deputy Youth Commissioner 1977-1987
- Texas ASA Fast Pitch Youth Commissioner 1987-2008
- Texas ASA Hall of Fame Fast Pitch Consultant October 12, 2002
- Sat on the Olympic Advisory Committee when girls softball was inducted into the Olympic Games

Billy Mills and Johnny Lawhon started girls softball at Riverside Park in Freeport Texas in 1961. They were both instrumental in growing the program and are influential for building Stephen F. Austin Park, the present day girls softball park in Freeport, Texas. Johnny dedicated his life to girls softball and he is responsible for growing the association to what it is today. Coaching, umpiring, conditioning fields, consulting, commissionerships, and many more tasks are just a few of the responsibilities he took upon himself to bring joy to families throughout the area.

Johnny has been awarded many honors during his softball career, but just seeing the delight on the children's faces was reward enough for him. He did it because he loved it. Most of all, I feel he set an example for future coaches throughout the area on how to be a role model for today's youth.

Charlie Hawkins Sr.

Freeport, Tx. 77541



Naming a Public Facility or Park

Suggested Name Billy Mills

Park or Facility Stephen F. Austin Ball Field #2

Credible service to the community and to the City Of Freeport:

Information attached

The Beautification/Parks and Recreation Board has reviewed this request to name the above noted facility and is forwarding its recommendation to the city council for consideration and approval.

Beautification/Parks & Recreation Committee

Recommendation to the City of Freeport Parks Board to rename the softball field #2

Billy Mills

Billy Mills was the founder of the Freeport Recreation Association. He was a member of the City of Freeport's Park Board for a number of years. While a board member he was chairman of the group that planned and built the softball fields at Stephen F. Austin Park. Much of the work on the fields was done by Billy and others he recruited including Cyr Broussard and J.R. Lawhon.

He coached girl's softball in Freeport from 1962 until his retirement in 1980. He coached league teams as well as a women's team, The Freeport Chargers. With the Chargers, he traveled to represent the city of Freeport and the ASA (Amateur Softball Association) over the United States and Mexico.

For many years he was an ASA State Commissioner and worked tirelessly helping to expand the game of softball throughout Texas, the US, and world. At one time his district for ASA included most of south Texas. He was instrumental in helping other leagues in south Texas getting established and building their fields.

In 1974 Billy convinced ASA to sponsor and host a national tournament competition for girl's fast pitch softball. The first national tournament was held in Freeport in 1974 with Billy serving as the tournament director. This was the beginning of the championship playoff system for girl's fast pitch that exists today. In succeeding years he hosted other national and championship tournaments in Freeport.

He was a founding member of the Boys & Girls Club of Brazoria County and the Texas Gulf Coast Girls Softball Association.

Bills Mills was inducted into the inaugural class of the Texas ASA Hall of Fame on October 12, 2002

Charlie Hawkins, Sr.

Freeport, Tx. 77541

ORDINANCE NO. 2009-2230

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACTS; AMENDING THE BUDGET FOR THE FISCAL YEAR 2008-2009; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, pursuant to the provisions of Subsection (a) of Section 102.007 of Chapter 102 of the Local Government Code and the provisions of Article 9 of the Home Rule Charter of the City of Freeport (hereinafter sometimes "the City"), the budget for the 2008-2009 fiscal year of the City was finally approved by the City Council, being the governing body thereof, by its Ordinance No. 2008-2209, read, passed and adopted on the 26th day of September, 2008, (hereinafter sometimes "the Budget"); and,

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

WHEREAS, Subsection 9(c) of Section 102.009 of said Code provides that the governing body of a municipality may authorize an expenditure as an amendment to the original budget only in the case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention; and,

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

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

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

SECTION ONE (1): FINDINGS OF FACT

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

(1) The amendments and revisions set forth in the Budget were the result of numerous public workshop meetings called and conducted in the manner required by the Texas Open Meetings Act, codified as Chapter 551, Government Code.

(2) A public hearing was held on the Budget on September 8, 2008, and conducted in the manner required by Section 102.006 of the Local Government Code and the City's Home Rule Charter.

(3) Notice of such public hearing was published in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City in the manner and time required by Chapter 102 of said Code and the City's Home Rule Charter.

(4) A grave public necessity exists and to meet an unusual and unforeseen conditions that could not have been included in the original budget through the use of reasonably diligent thought and attention and the Budget must be amended and revised with respect of the new or additional expenditures set forth in Exhibit "A" attached hereto and made a part hereof, such unusual and unforeseen conditions also being set forth in said Exhibit "A".

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

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

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

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

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

SECTION ONE (2):

The existing budget of the City of Freeport, Texas, for the fiscal year 2008-2009 is hereby amended and revised as reflected in said Exhibit "A".

SECTION THREE (3):

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

SECTION FOUR (4):

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

SECTION FIVE (5):

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

SECTION SIX (6):

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

READ, PASSED AND ADOPTED this ____ day of _____, 2009.

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

ATTEST:

Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:



Wallace Shaw, City Attorney,
City of Freeport, Texas

C:\Freeport.Bud\2008-2009Bud-4Amn-Ord



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

Council

MEMORANDUM

To: Mayor and Council
From: Bob Welch
Re: Request for Amendment of Budgeted Funds #3
Date: September 14, 2009

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

BUDGET AMENDMENTS	ACCT#	ACCOUNT DESCRIPTION	BUDGET AMENDMENTS	
			DEBITS	CREDITS
1 MISC. INCOME	20-360-101	MISC. INCOME-AMBULANCE		4,160
AMBULANCE OVERTIME	20-535-190	AMBULANCE OVERTIME	3,686	
SEMINARS/DUES/TRAVEL	20-535-602	SEMINARS/DUES/TRAVEL	474	
REIMB. FOR TRAINING FREEPORT LNG				
2 GRANT REVENUE	20-360-400	GRANT REVENUE		1,472
SEMINARS/DUES/TRAVEL	20-535-602	SEMINARS/DUES/TRAVEL	1,472	
AMBULANCE GRANT-LEOSE				
CONTINUING EDUCATION				
3 SEMINARS/DUES/TRAVEL-	10-525-602	SEMINARS/DUES/TRAVEL	2,828	
GRANT REVENUE	10-360-400	GRANT REVENUE		2,828
POLICE GRANT-LEOSE				
CONTINUING EDUCATION				
4 EMERGENCY MANAGEMENT	10-530-625	EMERGENCY MANAGEMENT	18,069	
INSURANCE RECOVERY	10-399-100	INSURANCE RECOVERY		18,069
INSURANCE - IKE DAMAGES				
5 NARCOTICS/K9	10 525 620	NARCOTICS/K9	5,968	
SELL OF SEIZED ASSETS	10 361 525	SELL OF SEIZED ASSETS		5,968
Sell of seized vehicles-Police Dept.				
6 EMERGENCY MANAGEMENT	10 530 625	EMERGENCY MGMT.	168,957	
Record FEMA Disaster Relief	10 360 460	FEMA FUNDS RECEIVED		168,957
Funds Received				
7 TECHNOLOGY FUND EXPENSE	10-430-684	EQUIPMENT	56,217	
(4) COMPUTERS, SECURITY CAMERAS				
CASH COUNTER, TICKET WRITERS				
FUNDS TAKEN FROM FUND BALANCE				
8 SECURITY FUND EXPENSE	10-430-685	CONSTRUCTION	16,481	
REMODEL CITY HALL- COURT				
EMERGENCY LIGHTS-MARSHALL				
FUNDS TAKEN FROM FUND BALANCE				
9 GOLF COURSE-CHEMICALS	15-656-389	CHEMICALS		5,660
GOLF COURSE-CAPITAL	15-656-899	CAPITAL	5,660	
EQUIPMENT-AERATOR				
10 POLICE OVERTIME	10-525-190	OVERTIME	46,983	
MISC. INCOME	10-360-101	MISC. INCOME		46,983
SPECIAL INVESTIGATION BILLINGS				

11	MAIN STREET- ADVERTISING TRANSFER FROM HOTEL/MOTEL TRANSFER TO GEN FUND REQUEST FUNDS TRANSFER FOR SUMMERTIME BLUES FESTIVAL	10-405-430 10-710-018 18-700-010	MAIN STREET TRANSFER FROM TRANSFER TO	15,000 15,000	15,000
12	MISC. DONATIONS POLICE-OTHER SUNDRY LIBRARY - OTHER SUNDRY RECORD DONATION FROM SUPER S FOOD STORE	10-360-920 10-525-699 10-650-699	GENERAL FUND OTHER SUNDRY OTHER SUNDRY	 2,000 2,000	4,000
13	MISC. INCOME SEWER/STREET/ALLEYWAY RECORD REIMB. FROM MR. YATES AND MR. DORSETT-1495 INTERLOCAL AGREEMENT	10-360-101 63-410-899	MISC. INCOME STREET MAINT.	 30,000	30,000
14	MISC. DONATIONS MISC. DONATIONS MISC. DONATIONS MISC. DONATIONS CAPITAL -FIRE DEPT. CLOTHING - FIRE DEPT. RECORD MISC. DONATIONS	10-360-920 10-360-920 10-360-920 10-360-920 10-530-899 10-530-335	SUPER S FOODS GULF CHEMICAL AMERICAN RICE VERNOR MATERIAL CAPITAL CLOTHING	 11,000 1,500	2,000 1,500 1,000 8,000
15	MISC. DONATIONS RECORD DONATION FROM BRAD MCINTYRE	10-360-920 10-578-545	MUSEUM BLDG. MAINT.	 250	250

SUMMARY EFFECT ON GOVERNMENTAL FUNDS:

BUDGET ADJUSTMENTS	ACCT#		CURRENT BUDGET	BUDGET AMEND	AMENDED BUDGET
MISC. INCOME	20-360-101	AMBULANCE	0	-4,160	-4,160
AMBULANCE OVERTIME	20-535-190	AMBULANCE	25,000	3,686	28,686
SEMINARS/DUES/TRAVEL	20-535-602	AMBULANCE	11,957	1,946	13,903
GRANT REVENUE	20-360-400	AMBULANCE	-2,600	-1,472	-4,072
SEMINARS/DUES/TRAVEL	10-525-602	POLICE	18,615	2,828	21,443
GRANT REVENUE	10 360 460	GENERAL	-98,000	-2,828	-100,828
EMERGENCY MANAGEMENT	10-530-625	FIRE	618,293	187,026	805,319
INSURANCE RECOVERY	10-399-100	GENERAL	-234,542	-18,069	-252,611
FEMA DISASTER RECOVERY	10-360-460	GENERAL	-367,016	-168,957	-535,973
NARCOTICS/K9	10-525-620	POLICE	84,044	5,968	90,012
SELL OF SEIZED ASSETS	10-361-525	GENERAL	-43,678	-5,968	-49,646
TECHNOLOGY FUND EXP.	10-430-684	COURT	6,100	56,217	62,317
SECURITY FUND EXP.	10-430-685	COURT	50	16,481	16,531
GOLF-CHEMICALS	15-656-389	GOLF	41,000	-5,660	35,340
GOLF-CAPITAL	15-656-899	GOLF	21,000	5,660	26,660
POLICE-OVERTIME	10-525-190	POLICE	50,000	46,983	96,983
MISC. INCOME	10-360-101	GENERAL	-60,000	-76,983	-136,983
MAIN STREET- ADVERTISING	10-405-430	MAIN ST.	10,000	15,000	25,000
TRANSFER TO GEN FUND	18-700-010	TRANSFER	0	15,000	15,000
TRANSFER FROM HOTEL	10-710-018	TRANSFER	0	-15,000	-15,000
OTHER SUNDRY	10-525-699	POLICE	25,494	2,000	27,494
MISC. DONATIONS	10-360-920	GENERAL	-43,926	-16,750	-60,676
SEWER/STREET/ALLEYWAY	63-410-899	2008 COO	2,797,979	30,000	2,827,979
CAPITAL FIRE DEPT	10-530-899	FIRE	51,600	11,000	62,600
CLOTHING - FIRE DEPT.	10-530-335	FIRE	3,664	1,500	5,164
BLDG. MAINTN.-	10-578-545	MUSEUM		250	250
OTHER SUNDRY	10-650-699	LIBRARY	0	2,000	2,000
			2,915,034	6,002,732	8,917,766
Net effect on Fund Balance:			DECREASE	\$87,698	

RESOLUTION NO. 2009-2210

A RESOLUTION OF THE _____
OF THE _____

**NOMINATING CANDIDATE(S) FOR A POSITION ON THE BOARD OF DIRECTORS OF
THE BRAZORIA COUNTY APPRAISAL DISTRICT**

WHEREAS, those eligible taxing units participating in the Brazoria County Appraisal District have the right and responsibility to nominate from one to five candidate(s) to fill the five (5) positions of the Board of Directors of the Brazoria County Appraisal District for a term of office commencing on January 1, 2010 and extending through December 31, 2011; and

WHEREAS, this governing body desires to exercise its right to nominate the said candidate(s) for such position on said board of directors; now, therefore

BE IT RESOLVED BY THE _____
OF THE _____ :

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That the following individuals be, and are hereby, nominated as candidate(s) for positions on the board of directors of the Brazoria County Appraisal District to be filled by those eligible taxing units participating in the Brazoria County Appraisal District for a two year term of office commencing on January 1, 2010.

Section 3. That the presiding officer of the governing body of this taxing unit be, and that he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Brazoria County Appraisal District on or before October 14, 2009.

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2009.

Presiding Officer

ATTEST:

Secretary

BRAZORIA COUNTY APPRAISAL DISTRICT

MEMBERS OF THE BOARD

Ro'Vin Garrett
William Hasse
Ruby Jo Knight
Henry Munson
Glenn Salyer
Patricia Taylor

CHIEF APPRAISER

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

August 31, 2009

Mr. Jeff Pynes
City Manager of Freeport
200 W. Second St.
Freeport, TX 77541

Dear Mr. Pynes,

In reference to the selection of Appraisal District Board of Directors, your 2008 total tax levy was \$ 2,362,385. This dollar amount of property taxes has entitled you to 27 votes for the five (5) directors to be elected to the Brazoria County Appraisal District.

Each taxing unit nominates by resolution, one to five candidate(s) to fill the five (5) positions of the Board of Directors. These nominations must be submitted to the Chief Appraiser before October 15, 2009.

Please address all submissions to Cheryl Evans, Chief Appraiser, at the above address.

Sincerely,



Cheryl Evans
Chief Appraiser

CE/td

BRAZORIA COUNTY APPRAISAL DISTRICT

MEMBERS OF THE BOARD

Ro'Vin Garrett
William Hasse
Rubye Jo Knight
Henry Munson
Glenn Salyer
Patricia Taylor

CHIEF APPRAISER

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

M E M O

To: All Voting Taxing Units
From: Cheryl Evans, Chief Appraiser
Subject: 2009 Board of Directors Election For
Years 2010 – 2011
Date: August 31, 2009



Your taxing unit participates in selecting members of the Brazoria County District's Board of Directors. The board is composed of five members who serve two-year terms, all of which expire December 31, 2009. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a non-voting director. This memorandum sets out the process of selecting directors for the two-year term that begins January 1, 2010.

Section 6.03, Property Tax Code, establishes the selection process for Appraisal District Directors.

Selection Procedures

The procedures for selecting members of the board of directors for the two-year term beginning on January 1, 2010 are as follows:

Nomination

Before **October 15, 2009**, the voting unit must **adopt a resolution** nominating from one to five candidate(s) by formal action. The presiding officer of the voting unit must submit the nominees name(s) and addresses to the Chief Appraiser.

August 31, 2009

Election

Before **October 30, 2009**, the Chief Appraiser will prepare a ballot listing the nominees in alphabetical order.

Before **December 15, 2009** each voting unit must cast its vote by **written resolution** naming the person or persons for whom it votes, and submit a certified copy to the Chief Appraiser. **Ballots received by the Chief Appraiser after December 15, 2009 may not be counted.**

The Chief Appraiser will count the votes, declare the results, and notify the five candidates who received the largest vote totals before December 31, 2009. The Chief Appraiser also notifies all taxing units (voting and non-voting) and all candidates (winners & losers) of the outcome. If a tie occurs, the Chief Appraiser must solve it through any method of chance.

To assist you in this process, I have enclosed the following:

1. A suggested form of resolution for the nomination(s) of a candidate(s) to the board of directors of the Brazoria County Appraisal District.
2. A calendar that lays out the procedures and dates for conducting the 2009 election.
3. Letter showing the number of votes your entity is entitled to cast in the ballot after candidate nominations are due. (See October 30 on the election calendar.)

Thanking you in advance for your help in carrying out this important task and I invite your questions or comments on the board selection process. Please do not hesitate to call me.

Enclosures (3)

BRAZORIA COUNTY APPRAISAL DISTRICT

MEMBERS OF THE BOARD

Ro'Vin Garrett
William Hasse
Ruby Jo Knight
Henry Munson
Glenn Salyer
Patricia Taylor

CHIEF APPRAISER

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

M E M O

To: All Voting Taxing Units
From: Cheryl Evans, Chief Appraiser
Subject: 2009 Board of Directors Election For
Years 2010 – 2011
Date: August 18, 2009



Your taxing unit participates in selecting members of the Brazoria County District's Board of Directors. The board is composed of five members who serve two-year terms, all of which expire December 31, 2009. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a non-voting director.

Section 6.03, Property Tax Code, establishes the selection process for Appraisal District Directors.

Enclosed is the calendar of events that will begin in September.

If you have any questions or concerns in this matter, please don't hesitate to call me.

BRAZORIA COUNTY APPRAISAL DISTRICT
2009 BOARD OF DIRECTORS ELECTION CALENDAR

Before Oct. 1
(August 31, 2009) The chief appraiser notifies each voting taxing unit of the number of votes it may cast.

Each voting unit may nominate one candidate for each position to be filled. Since the board of directors consists of five members, **the unit may nominate from one to five candidates.**

Before Oct. 15 The presiding officer of the unit submits the names and addresses of the nominees by written resolution to the chief appraiser.

Before Oct. 30 The chief appraiser prepares and submits to each voting taxing unit a ballot listing the nominees alphabetically by each candidate's last name and provides the number of votes it may cast, with a resolution sample.

Before Dec. 15 Each voting unit cast votes for any of the candidates on the ballot and submits to the chief appraiser by written resolution. The unit may cast all its votes for one candidate or may distribute the votes among any number of candidates.

Before Dec. 31 The chief appraiser counts the votes and certifies as winner the five candidates who received the largest vote totals. The chief appraiser notifies all taxing units (voting and non-voting) and all the candidates (winners and losers) of the outcome.

If a tie occurs, the Chief Appraiser must resolve it through any method of chance.

FOE #3111

Sept. 21, 2009

6818 Hwy. 332 E

Freeport, Tx. 77541

239-2582

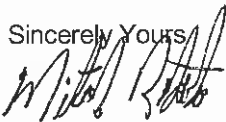
To: Freeport City Council

Re: Annual FOE Turkey Shoot

Dear Sirs, Madams,

Fraternity of Eagles Aerie # 3111 would like to request to be placed on the next city council meeting to discuss our annual turkey shoot. We would like to be allowed to conduct the shoot every Sunday from Noon to 4:00 PM beginning Oct. 18, 2009 and ending Dec. 20, 2009.

Sincerely Yours



Mitch Roberts

Member FOE # 3111

979-238-3508

Park/Council Special Request Form

Council Meeting Date October 5, 2009
Name of Organization Quarter Moon Productions 972.665.1923
Name of Event Tracy Lawrence Concert
Date of Event October 25, 2009
Type of Event Concert

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

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

- Sell alcohol on specified date yes no
- security provided by: _____
- Have a public dance yes no
- Provide own agency to be used: _____
- Erect temporary fencing yes no
- Charge a general admission fee yes no
- Close or use lanes on streets within the City yes no
- (see map attached showing affected streets.)
- Have fireworks display yes no
- Other: _____ yes no
- Other: _____ yes no

Thank you for your assistance

Thank you.

Sincerely,

Sincerely,

[Signature]
Organization Representative

[Signature]
Director-Parks & Recreation

9-22-09
Date

9-22-09
Date

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

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

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

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

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

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

(K) *Site plan.*

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

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

(b) Building setbacks or yards;

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

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

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

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

RESOLUTION NO. 2009-2212

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT; SETTING PUBLIC HEARINGS ON PROPOSED ANNEXATION OF PARTS OF THE JOHN MARTIN SURVEY, ABSTRACT 331, THE RICHARD H. BARROW SURVEY, ABSTRACT 639 AND THE STEPHEN F. AUSTIN SURVEY, ABSTRACT 29, BRAZORIA COUNTY, TEXAS; PROVIDING FOR THE PUBLICATION AND GIVING OF NOTICE THEREOF, AND DIRECTING THE PREPARATION OF A SERVICE PLAN THEREFOR; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.

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

WHEREAS, Chapters 42 and 43 of the Local Government Code of Texas and Section 1.03 of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Resolution; and,

WHEREAS, the City Council of the City has determined to here now declare that the adoption of this resolution is necessary to the health, safety and general welfare of the inhabitants of the City.

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

First, the City Council of the City being the governing body thereof, makes the following findings of facts:

(1) The below described area proposed for annexation consists of real property located within one (1) mile of and is contiguous and adjacent to the present corporate limits of the City.

(2) Such area contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract.

(3) The present population of the City is more than 5,000 but less than 24,999 inhabitants.

(4) The Brazosport Facts is a newspaper of general circulation within the corporate limits of the City and such area.

Second, two (2) public hearings shall be conducted, one (1) on Monday, _____, 2009, at beginning at 6:00 o'clock, p.m., and one on Monday, _____, 2009, beginning at 6:00 o'clock, p.m., both such hearings to be held in the Municipal Courtroom of the Police Department located in the City at 430 Brazosport Boulevard, concerning whether or not the corporate limits of the City should be expanded by annexing some or all of the real property described in the Property Description attached hereto and made a part hereof.

Third, there is hereby established a Service Plan Committee for the City consisting of the City Manager, as chairman, and so many other employees of the City as he may deem appropriate having expertise in the areas of police and fire protection, emergency medical services, taxation, solid waste collection, water, waste water, streets, drainage, zoning, standard codes enforcement and parks. The committee shall prepare a service plan conforming to Section 43.065 of the Local Government Code and file it with the City Secretary prior to the convening of the first public hearing.

Fourth, the City Secretary shall cause notice of each such public hearings to be published once in the Brazosport Facts on or after the 20th day but before the 10th day before the date of each such hearing; shall cause notice of each such public hearing to be posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of each such hearing and to remain posted until the date of each such hearing; and shall give additional notice thereof to be sent by certified mail to any railroad company that serves the City and is on the City's

tax roll if any portion of such company's right-of-way is included in the area proposed for annexation.

Fifth, this resolution shall take effect and be in force from and after its passage and adoption.

Sixth, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City.

READ, PASSED AND ADOPTED this _____ day of _____, 20--.

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

ATTEST:

Delia Munoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

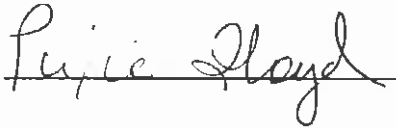
C:\Freeport.Anx\BH#3-Rsl #1

September 29, 2009

To: Mayor & City Council
Re: September 4th thru 6th, 2009
Summer Times Blues & Triathlon

Report from Pixie Floyd on the Summer Times Blues Festival & Triathlon.

President Pixie Floyd

A handwritten signature in cursive script that reads "Pixie Floyd". The signature is written in black ink and is positioned below the typed name "President Pixie Floyd".