

CITY OF FREPORT
NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, DECEMBER 5TH, 2011, 6:00 P.M.
FREEPORT 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 November 21st, 2011 Council Minutes.
Pg. 766-769
5. Attending citizens and their business.
6. **Recognition** and Appreciation to the management of the City's 2nd Annual Thanksgiving Feast.
7. **Joint Public Hearing:** The City Council and the Planning Commission of said city will conduct a joint public hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance of said city, codified as Chapter 155 of the Code of Ordinances of said City, adding provisions allowing a decorative fence in front yards, specifying regulations therefor and containing an exception for existing front yard fences. Pg. 770-774
8. **Public Hearing:** The City Council will discuss whether or not to adopt an ordinance to continue to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253. Pg. 775
9. Consideration of approving Ordinance No. 2011-2297 amending the comprehensive zoning ordinance of the city, now codified as chapter 155 of the Code of Ordinances of the City, to add to Division (L) of Section 155.023 at the end thereof provisions permitting decorative fences and providing regulations therefor. Pg. 776-780
10. Consideration of approving Ordinance No. 2011-2298 to continue to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253. Pg. 781-784

11. Consideration of approving Resolution No. 2011-2273 to add the Sale of Firearms Ammunition and Hunting Supplies as permitted use in the C-2 District, General Commercial, per Section 155.024, Classification of New and Unlisted Commercial Uses. Pg. 785-787
12. Consideration of authoring the City Manager to set a bid date on the marina dry stacks construction project.
13. Consideration of authorizing the City Manager to set a bid date to complete the Phase 2 of the marina concrete project.
14. Consideration of approving an Interlocal Agreements 12-0002 and 12-0003 between Brazoria County and the City of Freeport. Pg. 788-791
15. Consideration of cancelling January 2nd, 2012 Council Meeting due to a City Holiday and rescheduling January 16th, 2012 to January 17th, 2012, due to Martin Luther King Holiday.

Executive Session:

Section 551.071, Government Code

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 conflicts with Chapter 551, Government Code, to wit:

- Annexations and/or other Industrial District Agreements

Adjourn

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 Americans with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meeting. Please contact the City Secretary office at 979-233-3526.

I, Delia Munoz 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 West 2nd Street, Freeport Texas, December 2nd, 2011 at or before 5:00 p.m.

City Secretary - Delia Muñoz
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, November 21st, 2011 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 items:

City Council: Norma Moreno Garcia
Michelle Kent
Fred Bolton
Nicolosa Mireles
Sandra Barbree

Staff: Jeff Pynes, City Manager
Gilbert Arispe, Asst. City Manager
Wallace Shaw, City Attorney
Nat Hickey, Property Manager
Brian Davis, Fire Chief
Ty Morrow, Police Chief
Bob Welch, Finance Director
Larry Fansher, Parks Director

Visitors: Annette Sanford Joyce Adkins
Dorothy Pirrung Jim Pirrung
Jim Barnett Lila Lloyd
Jerry Meeks Stoney Burke
Will Brooks David Powers
James Bialas Chris Reel
Diego Bazan Becky Davis

Call to Order.

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

Invocation.

Mr. Shaw offered the invocation.

Pledge of Allegiance.

Mayor Garcia led the Pledge of Allegiance.

Consideration of approving the November 7th, 2011 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved the November 7th, 2011 Council Minutes.

Attending citizens and their business.

There were none.

Announcement: 2nd Annual Thanksgiving Day SuperFEAST Thursday, November 24th, 2011.

Mr. Pynes announced the City's 2nd Annual Thanksgiving Day SuperFeast being held at River Place on November 24th, 2011.

Peoples's Choice Award presentation to the Freeport Fire/ EMS for their winning participation in the 2011 Freeport Haunted Museum.

Mayor Garcia awarded the trophy to the Freeport Fire/EMS for their winning participation in the 2011 Freeport Haunted Museum.

Consideration of approving Ordinance No. 2011- 2294 ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (Act) providing tax incentives, designating a liaison for communication with interested parties, and nominating Dow Chemical Plant A project and the Dow Chemical Oyster Creek Project to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (bank) as an Enterprise Project (Project); and repealing Ordinance 2011-2284.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting 3 and 2 abstained, Council approved Ordinance No. 2011-2294 ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (Act) providing tax incentives, designating a liaison for communication with interested parties, and nominating Dow Chemical Plant A project and the Dow Chemical Oyster Creek Project to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (bank) as an Enterprise Project (Project); and repealing Ordinance 2011-2284. Councilwoman Mireles and Councilwoman Barbree abstained from voting.

Consideration of approving Ordinance No. 2011-2295 amending the budget for fiscal year 2011-2012.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved Ordinance No. 2011-2295 amending the budget for fiscal year 2011-2012.

Consideration of approving Ordinance No. 2011-2296 designating and establishing an Industrial District to be known as the Brazosport Industrial District; authorizing the execution of agreement with said district between the City and the owners of the land; providing that all ordinances or parts of ordinances in conflict herewith shall be repealed.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting 3 and 2 abstained, Council approved Ordinance No. 2011-2296 designating and establishing an Industrial District to be known as the Brazosport Industrial District; authorizing the execution of agreement with said district between the City and the owners of the land; providing that all ordinances or parts of ordinances in conflict herewith shall be repealed. Councilwoman Mireles and Councilwoman Barbree abstained from voting.

Consideration of approving Resolution No. 2011-2272 nominating candidates for the Board of Directors of the Brazoria County Appraisal District Board of Directors Election 2012-2013.

On a motion by Councilwoman Mireles, seconded by Councilman Bolton, with all present voting "aye", Council unanimously approved nominating Jesse Hibbetts for the Board of Directors of the Brazoria County Appraisal District Board of Directors Election 2012-2013.

Consideration of calling a public hearing for December 5th, 2011 to discuss whether or not to adopt an ordinance to continue to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253.

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved December 5th, 2011 for a public hearing to discuss whether or not to adopt an ordinance to continue to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253.

Consideration of a request from Will Brooks, Parade Chairman, of the 26th Annual Dr. Martin Luther King Jr. Celebration Parade to close portions of the following streets that intersect with East Park, Cherry Street, and 2nd Street to Hwy. 288 to the Freeport Municipal Park, Monday January 16th, 2012 from 10:00 a.m. to 2:00 p.m.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council approved a request from Will Brooks, Parade Chairman, of the 26th Annual Dr. Martin Luther King Jr. Celebration Parade to close portions of the following streets that intersect with East Park, Cherry Street, and 2nd Street to Hwy. 288 to the Freeport Municipal Park, Monday January 16th, 2012 from 10:00 a.m. to 2:00 p.m.

Mayor Garcia closed the Formal Session and opened the Executive Session at 6:23 p.m.

Executive Session:

Section 551.71, Government Code

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 conflicts with Chapter 551, Government Code, to wit:

- Freeport Economic Development Corporation.

(no action taken)

Mayor Garcia reconvened the meeting to adjourn at 7:23 p.m.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting "aye", the meeting adjourned at 7:23 p.m.

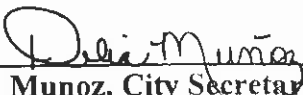
Delia Munoz
City Secretary

TO ALL PERSONS IN INTEREST, CITIZENS, CORPORATIONS, AND FIRMS, THEIR AGENTS AND ATTORNEYS, AND TO ALL PERSONS, FIRMS, CORPORATIONS, INHABITANTS AND LAND OWNERS OF AND IN THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS.

NOTICE

A joint public hearing will be held on Monday, December 5, 2011, at 6:00 o'clock p.m., central standard time, at the Police Department Municipal Courtroom of the City of Freeport, Texas, located at 430 North Brazosport Boulevard, within the corporate limits of said city, in Brazoria County, Texas, at which time and place the City Council and the Planning Commission of said city will conduct a joint public hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance of said city, codified as Chapter 155 of the Code of Ordinances of said City, adding provisions allowing a decorative fence in front yards, specifying regulations therefor and containing an exception for existing front yard fences.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,
made on the 7th day of November 2011.



Delia Munoz, City Secretary,
City of Freeport, Texas

NOTE: This notice should be published in the Brazosport Facts ONE (1) time only at least fifteen (15) full days prior to the date of the public hearing.

**CITY OF FREEPORT
PLANNING COMMISSION
Tuesday, October 25, 2011, 6:00 P.M.
Freeport Police Department, Municipal Court Room,
430 North Brazosport Boulevard
Freeport, Texas**

AGENDA

Edward Garcia, Acting Chairman
Tobey Davenport
Jesse Aguilar, Jr.

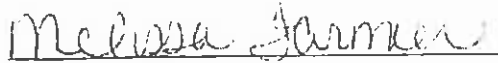
Reuben Cuellar
Eddie Virgil

NOTICE is hereby given that the Planning Commission of the City of Freeport, Texas will meet in a regular meeting on **Tuesday, October 25, 2011 at 6:00 P.M.** at the Freeport Police Department Municipal Courtroom, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

1. Open Meeting.
2. Invocation.
3. Approval of the Minutes for September 27, 2011.
4. Discuss/consider Cortez & Garcia re-plat. Block Six (6), Lots Twenty-Three (23) and Twenty-Four (24), South View Gardens, Freeport, Texas, known locally as 806 West 11th Street.
5. Discuss/consider amending Section 155.023, L, 1-3 of the Code of Ordinances book to include decorative fences and provide regulations for such fences.
6. Adjourn.

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

I, Melissa Farmer, Building/Permit Department Secretary, City of Freeport, Texas, hereby certify that this Agenda was posted on the official bulletin board/glass door of City Hall facing the rear parking lot of the building with 24-hour access at 200 West 2nd Street, Freeport, Texas on or before Friday, October 21, 2011 at 5:00 P.M.

A handwritten signature in cursive script that reads "Melissa Farmer". The signature is written in dark ink and is positioned above a horizontal line.

Melissa Farmer
Building/Permit Department

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, October 25, 2011 at 6:00 P.M.** at the Police Department Conference Room, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

Planning Commission:

**Edward Garcia – Acting-Chairperson
Reuben Cuellar
Tobey Davenport
Jesse Aguilar
Eddie Virgil**

Staff: Jeff Pynes
Kola Olayiwola
Melissa Farmer
Wallace Shaw
Councilwoman, Michelle Kent
Councilman, Fred Bolton

Guest: Joyce Adkins
Eric Hayes
Sandra Garcia

Open Meeting.

Mr. Edward Garcia called meeting to order at 6:00 P.M.

Invocation.

Mr. Wallace Shaw opened the meeting with a prayer.

Approval of the Minutes for September 27, 2011.

Mr. Rueben Cuellar moved to accept the minutes for September 27, 2011, seconded by Ms. Eddie Virgil, unanimous vote for approval.

Discuss/consider Cortez & Garcia re-plat, Block Six (6), Lots Twenty-Three (23) and Twenty-Four (24), South View Gardens, Freeport, Texas, known locally as 806 West 11th Street.

Mr. Jesse Aguilar moved to accept the re-plat, seconded by Mr. Tobey Davenport, unanimous vote for approval.

Discuss/consider amending Section 155.023, (L), (1-3), of the Code of Ordinances book to include decorative fences.

City Manager, Jeff Pynes discussed the requirements that the Planning Commission had requested and had the City Attorney, Mr. Wallace Shaw draw up a Fence Ordinance.

Mr. Tobey Davenport made a motion to send recommendation on decorative fencing and to amend L (2) of the Code of Ordinances book to extend the grandfather privilege for existing fences and eliminate the more than 50 feet repair rule, seconded by Mr. Jesse Aguilar, unanimous vote for approval.

Adjourn.

Mr. Tobey Davenport made a motion to adjourn, seconded by Mr. Rueben Cuellar, unanimous vote for approval. The meeting was adjourned at 7:00 P.M.

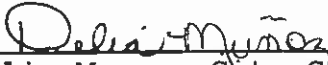
These minutes read and approved this _____ day of _____, 2011.

Edward Garcia, Acting Chairperson

CITY OF FREEPORT

Notice of Public Hearing on New Freeport Exemption

Notice is hereby given that the City Council of the City of Freeport Brazoria County, Texas, will conduct a public hearing on Monday, December 5, 2011, beginning at 6:00 p.m., at the Police Department Municipal Courtroom of the City of Freeport, Texas, located therein at 430 North Brazosport Boulevard, at which time the City Council will consider comments from those in attendance regarding the consideration by the City Council of an ordinance to continue to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253.



Delia Munoz, City Secretary
City of Freeport, Texas

NOTE: Publish once in the Brazosport Facts prior to hearing.

ORDINANCE NO. 2011-2297

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, NOW CODIFIED AS CHAPTER 155 OF THE CODE OF ORDINANCES OF THE CITY, TO ADD TO DIVISION (L) OF SECTION 155.023, AT THE END THEREOF PROVISIONS PERMITTING DECORATIVE FENCES AND PROVIDING REGULATIONS THEREFOR; CONTAINING AN EXCEPTION; RATIFYING AND CONFIRMING ALL ACTIONS PREVIOUSLY TAKEN BY THE PLANNING COMMISSION OF SAID CITY OR THE CITY COUNCIL, OR BOTH; PROVIDING THAT ANY PERSON VIOLATING SAID CODE OF ORDINANCES, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 155.999 OF SAID CODE OF ORDINANCE AND THAT EACH DAY ANY SUCH VIOLATION CONTINUES 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, Subchapter A of Chapter 211 of the Local Government Code of Texas and Item (g) of Section 3.07 of the Home Rule Charter of the City authorizes the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined to here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City and is necessary to enhance the appearance of the front yards of homes located in the City.

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

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

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

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

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

Third, that after considering evidence submitted at such hearings, the City Council of the City is of the opinion and finds that the changes in the comprehensive zoning ordinance of the City set forth below will enable the City Council and the Planning Commission thereof to ---.

Fourth, that the health, safety, morals and general welfare of the inhabitants of the City will best be served by the adoption of this ordinance making the changes in zoning regulations hereinafter mentioned.

SECTION TWO--Comprehensive Zoning Ordinance Amended

The Comprehensive Zoning Ordinance of the City of Freeport, Texas, read, passed and approved as Ordinance No. 1100 on the 3rd day of April, 1964, now codified as Chapter 155 of the Code of Ordinances thereof and hereinafter called "the Zoning Ordinance," is hereby amended to add to Division (L) of Section 155.023, at the end thereof, the following:

"A decorative fence is permitted in front yard under the following conditions:

- (a) It is a picket fence having openings not less than 50% of the fence area and cannot exceed three (3) feet in height.

- (b) It may be constructed from wood, hard plastic type products, iron and sturdy materials approved by the Building Official.
- (c) It shall have a front sidewalk single picket fence door opening of three (3) feet.
- (d) It cannot be a chain link, wire mesh or corrugated metal fence.
- (e) It cannot be closer than ten feet to a public street.
- (f) Any existing front yard fence that is in violation of these provisions on the effective date of the ordinance adding these provision to the Code of Ordinance shall be allowed to remain."

SECTION THREE--Ratification and Confirmation.

The City Council of the City of Freeport, Texas, hereby ratifies and confirms any and all action taken by the Planning Commission of said City or the City Council of said City, or both, in connection with the change in zoning classification evidenced by this ordinance, including but not limited to the calling of a public hearing required by said Zoning Enabling Act and the Zoning Ordinance, the giving of public notice of such hearings, the giving of written notice to the owners of property which is the subject of such and to the adjoining property owners, the making of preliminary and final reports with respect to such change and the conducting of the public hearings required by said Act and the Zoning Ordinance.

SECTION FOUR--Penalty

Any person violating the Zoning Ordinance, as amended by this ordinance, shall be guilty of a misdemeanor and upon conviction therefor assessed a fine as prescribed in Section 155.999 of said ordinance; and each day such violation continues shall constitute a separate offense.

SECTION FIVE--Savings Clauses

(a) 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.

(b) 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, this ordinance shall prevail.

(c) 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.

SECTION SIX--Severance Clause.

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 FIVE--Effective Date.

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 _____, 2011.

Norma Moreno Garcia, 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.Zon\Decorative Fence-Ord

ORDINANCE NO. 2011-2298

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS; CONTAINING
A PREAMBLE; APPROVING THE OF TAXATION OF GOODS-IN-TRANSIT
THAT ARE OTHERWISE EXEMPTED FROM TAXATION BY PROPERTY TAX
CODE SECTION 11.253

WHEREAS, the Texas Legislature during the 80th Regular Session passed House Bill 621 which added Section 11.253 to the Texas Property Tax Code that grants an exemption from property taxation for certain goods-in-transit personal property; and

WHEREAS, Section 11.253 of the Texas Property Tax Code provides for a local option under which a taxing unit may tax such property otherwise exempt, if the governing body of such taxing unit, after a public hearing, takes official action to tax such personal property; and

WHEREAS, on December 5, 2011, and prior to the adoption of this ordinance, the governing body of the City of Freeport, Texas ("the City"), held a public hearing at which members of the public were permitted to speak for or against the taxation of certain goods-in-transit personal property; and

WHEREAS, the governing body of the City has determined that such personal property, as exempted by Texas Property Tax Code Section 11.253 should be subject to taxation by the City for tax year 2012 and all subsequent years.

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

First, all of the above recitals are incorporated and made a part of this Ordinance and,

Second, all such goods-in-transit personal property as covered by the Texas Property Tax Code Section 11.253 shall be, and are hereby declared to be, taxable by the City of Freeport for the tax year 2012 and for every year thereafter, all as provided for and in accordance with Texas Property Tax Code Section 11.253.

PASSED, APPROVED AND ORDAINED this the ____ day of _____, 2011.

Norma Moreno Garcia, 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

Texas Tax Code § 11.253. Tangible Personal Property in Transit

(a) In this section:

(1) "Dealer's motor vehicle inventory," "dealer's vessel and outboard motor inventory," "dealer's heavy equipment inventory," and "retail manufactured housing inventory" have the meanings assigned by Subchapter B, Chapter 23.

<Text of subsec. (a)(2) effective until Jan. 1, 2012>

(2) "Goods-in-transit" means tangible personal property that:

(A) is acquired in or imported into this state to be forwarded to another location in this state or outside this state;

(B) is detained at a location in this state in which the owner of the property does not have a direct or indirect ownership interest for assembling, storing, manufacturing, processing, or fabricating purposes by the person who acquired or imported the property;

(C) is transported to another location in this state or outside this state not later than 175 days after the date the person acquired the property in or imported the property into this state; and

(D) does not include oil, natural gas, petroleum products, aircraft, dealer's motor vehicle inventory, dealer's vessel and outboard motor inventory, dealer's heavy equipment inventory, or retail manufactured housing inventory.

<Text of subsec. (a)(2) effective Jan. 1, 2012>

(2) "Goods-in-transit" means tangible personal property that:

(A) is acquired in or imported into this state to be forwarded to another location in this state or outside this state;

(B) is stored under a contract of bailment by a public warehouse operator at one or more public warehouse facilities in this state that are not in any way owned or controlled by the owner of the personal property for the account of the person who acquired or imported the property;

(C) is transported to another location in this state or outside this state not later than 175 days after the date the person acquired the property in or imported the property into this state; and

(D) does not include oil, natural gas, petroleum products, aircraft, dealer's motor vehicle inventory, dealer's vessel and outboard motor inventory, dealer's heavy equipment inventory, or retail manufactured housing inventory.

(3) "Location" means a physical address.

(4) "Petroleum product" means a liquid or gaseous material that is an immediate derivative of the refining of oil or natural gas.

<Text of subsec. (a)(5) effective Jan. 1, 2012 >

(5) "Bailee" and "warehouse" have the meanings assigned by Section 7.102, Business & Commerce Code.

(6) "Public warehouse operator" means a person that:

(A) is both a bailee and a warehouse; and

(B) stores under a contract of bailment, at one or more public warehouse facilities, tangible personal property that is owned by other persons solely for the account of those persons and not for the operator's account.

(b) A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit.

(c) The exemption provided by Subsection (b) is subtracted from the market value of the property determined under Section 23.01 or 23.12, as applicable, to determine the taxable value of the property.

(d) Except as provided by Subsections (f) and (g), the chief appraiser shall determine the appraised value of goods-in-transit under this subsection. The chief appraiser shall determine the percentage of the market value of tangible personal property owned by the property owner and used for the production of income in the preceding calendar year that was contributed by goods-in-transit. For the first year in which the exemption applies to a taxing unit, the chief appraiser shall determine that percentage as if the exemption applied in the preceding year. The chief appraiser shall apply that percentage to the market value of the property owner's tangible personal property used for the production of income for the current year to determine the appraised value of goods-in-transit for the current year.

(e) In determining the market value of goods-in-transit that in the preceding year were stored in this state, the chief appraiser shall exclude the cost of equipment, machinery, or materials that entered into and became component parts of the goods-in-transit but were not themselves goods-in-transit or that were not transported to another location in this state or outside this state before the expiration of 175 days after the date they were brought into this state by the property owner or acquired by the property owner in this state. For component parts held in bulk, the chief appraiser may use the average length of time a component part was held by the owner of the component parts during the preceding year at a location in this state that was not owned by or under the control of the owner of the component parts in determining whether the component parts were transported to another location in this state or outside this state before the expiration of 175 days.

(f) If the property owner was not engaged in transporting goods-in-transit to another location in this state or outside this state for the entire preceding year, the chief appraiser shall calculate the percentage of the market value described in Subsection (d) for the portion of the year in which the property owner was engaged in transporting goods-in-transit to another location in this state or outside this state.

(g) If the property owner or the chief appraiser demonstrates that the method provided by Subsection (d) significantly understates or overstates the market value of the property qualified for an exemption under Subsection (b) in the current year, the chief appraiser shall determine the market value of the goods-in-transit to be exempt by determining, according to the property owner's records and any other available information, the market value of those goods-in-transit owned by the property owner on January 1 of the current year, excluding the cost of equipment, machinery, or materials that entered into and became component parts of the goods-in-transit but were not themselves goods-in-transit or that were not transported to another location in this state or outside this state before the expiration of 175 days after the date they were brought into this state by the property owner or acquired by the property owner in this state.

(h) The chief appraiser by written notice delivered to a property owner who claims an exemption under this section may require the property owner to provide copies of property records so the chief appraiser can determine the amount and value of goods-in-transit and that the location in this state where the goods-in-transit were detained for storage was not owned by or under the control of the owner of the goods-in-transit. If the property owner fails to deliver the information requested in the notice before the 31st day after the date the notice is delivered to the property owner, the property owner forfeits the right to claim or receive the exemption for that year.

(i) Property that meets the requirements of this section constitutes goods-in-transit regardless of whether the person who owns the property on January 1 is the person who transports the property to another location in this state or outside this state.

(j) The governing body of a taxing unit, in the manner required for official action by the governing body, may provide for the taxation of goods-in-transit exempt under Subsection (b) and not exempt under other law. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the governing body proposes to tax goods-in-transit. Before acting to tax the exempt property, the governing body of the taxing unit must conduct a public hearing as required by Section 1-n(d), Article VIII, Texas Constitution. If the governing body of a taxing unit provides for the taxation of the goods-in-transit as provided by this subsection, the exemption prescribed by Subsection (b) does not apply to that unit. The goods-in-transit remain subject to taxation by the taxing unit until the governing body of the taxing unit, in the manner required for official action, rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption prescribed by Subsection (b) will apply to that taxing unit.

(j-1) Notwithstanding Subsection (j) or official action that was taken under that subsection before October 1, 2011, to tax goods-in-transit exempt under Subsection (b) and not exempt under other law, a taxing unit may not tax such goods-in-transit in a tax year that begins on or after January 1, 2012, unless the governing body of the taxing unit takes action on or after October 1, 2011, in the manner required for official action by the governing body, to provide for the taxation of the goods-in-transit. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the governing body proposes to tax goods-in-transit. Before acting to tax the exempt property, the governing body of the taxing unit must conduct a public hearing as required by Section 1-n(d), Article VIII, Texas Constitution. If the governing body of a taxing unit provides for the taxation of the goods-in-transit as provided by this subsection, the exemption prescribed by Subsection (b) does not apply to that unit. The goods-in-transit remain subject to taxation by the taxing unit until the governing body of the taxing unit, in the manner required for official action, rescinds or repeals its previous action to tax goods-in-transit or otherwise determines that the exemption prescribed by Subsection (b) will apply to that taxing unit.

(j-2) Notwithstanding Subsection (j-1), if under Subsection (j) the governing body of a taxing unit, before October 1, 2011, took action to provide for the taxation of goods-in-transit and pledged the taxes imposed on the goods-in-transit for the payment of a debt of the taxing unit, the tax officials of the taxing unit may continue to impose the taxes against the goods-in-transit until the debt is discharged, if cessation of the imposition would impair the obligation of the contract by which the debt was created.

(k) A property owner who receives the exemption from taxation provided by Subsection (b) is not eligible to receive the exemption from taxation provided by Section 11.251 for the same property

RESOLUTION NO. 2011-2273

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; ADDING, AS NEW AND UNLISTED COMMERCIAL USES, THE SALE OF FIREARMS, AMMUNITION AND HUNTING SUPPLIES IN COMBINATION TO THE LIST OF PERMITTED USES IN THE C-2 GENERAL COMMERCIAL DISTRICT ESTABLISHED BY SECTION 155.038 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY PURSUANT TO THE PROVISIONS OF SECTION 155.024 OF SAID ORDINANCE; 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 AND A COPY SENT TO THE PUBLISHER OF THE 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, Chapter 211 of the Local Government Code and Item (g) of Section 3.07 of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of this Resolution; and,

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

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

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

(1) On November 18, 2011, the Building Official of the City referred to the Planning Commission of the City the addition, as new and unlisted commercial uses permitted in the C-2 General Commercial District established by Section 155.038 of the Comprehensive Zoning Ordinance of the City, the sale of firearms, ammunition and hunting supplies in combination pursuant to the provisions of Section 155.024 of said Ordinance.

(2) On November 22, 2011, the Planning Commission of the City considered the nature and described performance of such proposed uses and their compatibility with the already listed uses permitted in the various commercial zoning districts established by the Comprehensive Zoning Ordinance of the City and determined that the C-2 General Commercial District established by Section 155.038 of said Ordinance is the one within which such uses are most similar and the zoning district in which such uses should all be permitted in combination.

(3) The Planning Commission of the City has transmitted its findings and recommendations to the City Council of the City and the City Council, after considering such findings and recommendations, has determined that the addition of such new and unlisted commercial uses in combination to those listed in the C-2 General Commercial District established by Section 155.038 of the Comprehensive Zoning Ordinance of the City is appropriate based upon the findings contained in this section of this resolution.

Second, the used of land located in the C-2 General Commercial District established by Section 155.038 of the Comprehensive Zoning District of the City as a location for the sale of firearms, ammunition and hunting supplies in combination is hereby approved by the City Council as a new use in the C-2 General Commercial Zoning District of the City.

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

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

Fifth, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City and a copy hereof sent to American Legal Publishing Corporation, the codified of the City's Code of Ordinances, for inclusion in such code.

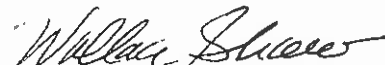
READ, PASSED AND ADOPTED this _____ day of _____, 2011.

Norma Moreno Garcia, 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

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

INTERLOCAL AGREEMENT BETWEEN
BRAZORIA COUNTY AND THE CITY OF FREEPORT
12-0002

This Agreement is made in Angleton, Brazoria County, Texas between BRAZORIA COUNTY, and the CITY OF FREEPORT, hereinafter referred to as "the COUNTY" and "the CITY" respectively, each being a governmental entity pursuant to the Interlocal Cooperation Act.

RECITALS

WHEREAS, the CITY has entered into an Agreement with the Texas Parks and Wildlife Department to make improvements to an existing constructed wetlands area located east of the Brazos River, south of SH 36, and wishes for Brazoria County to participate with providing in-kind services, to assist with the construction of the entrance driveway, located on property owned by the City; and

WHEREAS, the CITY has requested the COUNTY's assistance providing labor and equipment to construct a 500' x 22' road from SH 36 feeder road to the back of a new parking lot, for the purpose of a recreational trail; and

WHEREAS, the COUNTY has agreed to utilize Brazoria County Road & Bridge equipment and employees to perform this work pursuant to the authority of Tex. Transp. Code §251.015, and the Interlocal Cooperation Act, Tex. Gov. Code Sec. 791.001 et. seq., subject to the conditions and limitations of this Agreement;

NOW THEREFORE, the CITY and COUNTY agree as follows:

- 1.01 The COUNTY agrees to furnish labor and equipment to construct stabilizing subgrade, six inches of road base, and overlay with 2 inches of asphalt, with all materials to be provided by the CITY.
- 1.02 The CITY agrees to furnish all materials, together with design, engineering studies, and environmental permits which may be needed in the project, and in the event COUNTY costs in performing above-described work exceeds \$10,000, the CITY shall pay, from the point in time that COUNTY's costs equal the sum of \$10,000, the labor costs and the hourly value of equipment used, plus any other costs associated with the use of the equipment including the fuel used by the equipment. Though it is contemplated by this agreement that CITY will have obtained the necessary design and engineering studies required by the project prior to the commencement of the work, CITY agrees to pay the reasonable cost of any design or engineering work obtained by COUNTY if it exceeds the sum of \$10,000. The value of equipment shall be those hourly rates which have been previously established by the COUNTY for each item of its equipment, multiplying the same by the number of hours such equipment has been utilized

in excess of the point in time when COUNTY's costs equaled the sum of \$10,000. COUNTY equipment utilized on site for the project shall be charged to CITY on a daily rate for each day it is on-site.

- 1.03. The parties intend that the COUNTY, in performing such services, shall act as an independent contractor and shall have control of the work and the manner in which it is performed. COUNTY is not to be considered an agent or employee of CITY.
- 1.04. To the extent permitted by law, CITY agrees to assume the risk of, fully indemnify, hold harmless and defend COUNTY, its agents, officers and employees from any and all loss, damage, cost demands and causes of action of any nature or kind, for loss or damage to property, or for injury or death to persons, arising in any manner from the performance of the above referenced work.
- 1.05. COUNTY executes this Agreement by and through the County Judge acting pursuant to Order of the Commissioners' Court so authorizing, and the CITY executes this Agreement by and through its Mayor acting pursuant to authorization of its City Council.
- 1.06. Nothing herein shall be construed to make either party a purchaser or consumer of goods or services from the other.
- 1.07. Nothing herein shall be construed to create any rights in third parties.
- 1.08. Fulfillment of the terms of this Agreement is contingent upon the CITY providing approval of the State of Texas for any work which might occur within the State right-of-way.

IN TESTIMONY OF WHICH, witness our signatures on the execution dates herein below.

CITY OF FREEPORT

BRAZORIA COUNTY, TEXAS

By: _____
MAYOR
CITY OF FREEPORT

By: _____
COUNTY JUDGE
BRAZORIA COUNTY, TEXAS

Date signed: _____

Date signed: _____

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

INTERLOCAL AGREEMENT BETWEEN
BRAZORIA COUNTY AND THE CITY OF FREEPORT

12-0003

This Agreement is made in Angleton, Brazoria County, Texas between BRAZORIA COUNTY, and the CITY OF FREEPORT, hereinafter referred to as "the COUNTY" and "the CITY" respectively, each being a governmental entity pursuant to the Interlocal Cooperation Act.

RECITALS

WHEREAS, the CITY has entered into an Agreement with the Texas Parks and Wildlife Department to make improvements to an existing constructed wetlands area located east of the Brazos River, south of SH 36, and wishes for Brazoria County to participate with providing in-kind services, to assist with the construction a new parking lot, located on property owned by the City; and

WHEREAS, the CITY has requested the COUNTY's assistance providing labor and equipment to construct a 300 foot by 100 foot parking lot for visitors at the wetland area; and

WHEREAS, the COUNTY has agreed to utilize Brazoria County Road & Bridge equipment and employees to perform this work pursuant to the authority of Tex. Transp. Code §251.015, and the Interlocal Cooperation Act, Tex. Gov. Code Sec. 791.001 et. seq., subject to the conditions and limitations of this Agreement;

NOW THEREFORE, the CITY and COUNTY agree as follows:

- 1.01 The COUNTY agrees to furnish equipment as may be necessary together with operators to construct a 300 foot by 100 foot long parking lot consisting of stabilizing sub-grade, six inches of road base material and 2 inches of asphalt overlay, with all materials to be provided by the CITY.
- 1.02 The CITY agrees to furnish all materials, together with design, engineering studies, and environmental permits which may be needed in the project, and in the event COUNTY costs in performing above-described work exceeds \$10,000, the CITY shall pay, from the point in time that COUNTY's costs equal the sum of \$10,000, the labor costs and the hourly value of equipment used, plus any other costs associated with the use of the equipment including the fuel used by the equipment. Though it is contemplated by this agreement that CITY will have obtained the necessary design and engineering studies required by the project prior to the commencement of the work, CITY agrees to pay the reasonable cost of any design or engineering work obtained by COUNTY if it exceeds the sum of \$10,000. The value of equipment shall be those hourly rates which have been previously established by the COUNTY for each item of its equipment,

multiplying the same by the number of hours such equipment has been utilized in excess of the point in time when COUNTY's costs equaled the sum of \$10,000. COUNTY equipment utilized on site for the project shall be charged to CITY on a daily rate for each day it is on-site.

- 1.03. The parties intend that the COUNTY, in performing such services, shall act as an independent contractor and shall have control of the work and the manner in which it is performed. COUNTY is not to be considered an agent or employee of CITY.
- 1.04. To the extent permitted by law, CITY agrees to assume the risk of, fully indemnify, hold harmless and defend COUNTY, its agents, officers and employees from any and all loss, damage, cost demands and causes of action of any nature or kind, for loss or damage to property, or for injury or death to persons, arising in any manner from the performance of the above referenced work.
- 1.05. COUNTY executes this Agreement by and through the County Judge acting pursuant to Order of the Commissioners' Court so authorizing, and the CITY executes this Agreement by and through its Mayor acting pursuant to authorization of its City Council.
- 1.06. Nothing herein shall be construed to make either party a purchaser or consumer of goods or services from the other.
- 1.07. Nothing herein shall be construed to create any rights in third parties.

IN TESTIMONY OF WHICH, witness our signatures on the execution dates herein below.

CITY OF FREEPORT

BRAZORIA COUNTY, TEXAS

By: _____
MAYOR
CITY OF FREEPORT

By: _____
COUNTY JUDGE
BRAZORIA COUNTY, TEXAS

Date signed: _____

Date signed: _____