

**CITY OF FREEPORT  
PLANNING COMMISSION  
Tuesday, February 24, 2009, 6:00 p.m.  
Freeport Police Department, Municipal Court Room  
430 North Brazosport Boulevard  
Freeport, Texas**

**AGENDA**

*Diane Williams, Chairperson  
Alfonso Martinez  
Joyce Adkins*

*Eric Hayes  
Roberto Caceres  
Rueben Cuellar*

NOTICE is hereby given that the Planning Commission of the City of Freeport, Texas will meet in a regularly scheduled meeting on **Tuesday, February 24, 2009 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 minutes for January 27, 2009.
4. Discuss/consider recommendations to City Council regarding changes, if any, to Insurance Required under Section 150.091 (A) and 150.106 (A) of the Code of Ordinances book.
5. 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 2<sup>nd</sup> Street, Freeport, Texas on or before Friday, February 20, 2009 at 5:00 P.M.

Melissa Farmer

Melissa Farmer  
Building/Permit Department  
City of Freeport

STATE OF TEXAS            )(  
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 **Monday, January 27, 2009 at 6:00 P.M.** at the Police Department Conference Room, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

**Planning Commission:**

*Diane Williams, Chairperson  
Eric Hayes  
Roberto Caceres  
Reuben Cuellar  
Alonzo Martinez  
Joyce Adkins*

**Staff:**

*Larry Ellis  
Melissa Farmer  
Nat Hickey  
Wallace Shaw  
Mayor Larry McDonald  
Councilman Ron Wise*

**Visitors:**

Rosa McDonald  
Patrick Gore  
Patrick Riley

**Open Meeting.**

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

**Invocation.**

Mr. Wallace Shaw opened the meeting with prayer.

**Approval of Minutes.**

Mr. Eric Hayes moved to accept the minutes for December 8, 2008, seconded by Ms. Joyce Adkins, unanimous vote for approval.

**Review of Chapter 95 of the Code of Ordinances book and discuss possible ordinance adoption allowing the City of Freeport to control the removal of sunken, submerged and abandoned vessels.**

Mr. Wallace Shaw discussed with the Planning Commission members that Representative Dennis Bonnen introduced into legislature House Bill 2096 and that it took effect on September 1, 2005. He told the Planning Commission that this Bill supersedes local action when it comes to handling derelict vessels.

Mr. Larry Ellis explained to the Planning Commission that he had a meeting with Mr. Bill Grimes from the General Land Office and City Manager, Jeff Pynes. Mr. Bill Grimes stated that the GLO is willing to assist the City in helping remove derelict vessels but that the problem is, there is no money. Mr. Larry Ellis stated that Ms. Mary Stotler will be willing to help in finding grant money and that if it could be obtained, the GLO would do the administrative process.

Ms. Diane Williams suggested that Mr. Larry Ellis get with Ms. Mary Stotler and work on finding grants and to come back to the Planning Commission with information.

Mr. Roberto Caceres made a motion for Mr. Larry Ellis to move forward with the General Land Office and to come back to the Planning Commission with information, seconded by Mr. Rueben Cuellar. By a vote of 3 to 3, with Mr. Eric Hayes, Ms. Joyce Adkins and Mr. Alonzo Martinez voting against, the motion failed.

**Discuss general information on property development located on or near Highway 36, West of the Brazos River and within the City Limits or City's Extraterritorial Jurisdiction.**

The Planning Commission had a lengthy discussion on this item. Mr. Nat Hickey explained to the Planning Commission that this property was located in the ETJ of Freeport and that Mr. Cone wanted to have the tract re-platted into four tracts for residential development and that he wanted the Planning Commission to have the information before he brought it back to them for approval on the re-plat.

No action was taken on this item.

**Adjourn.**

Mr. Eric Hayes made a motion to adjourn, seconded by Mr. Rueben Cuellar. Meeting was adjourned at 7:33 P.M.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Diane Williams, Chairperson

(9) Such other further information as the City Manager shall require.  
('68 Code, § 38-33)  
(Ord. 1047, passed 5-10-61)

(C) *Fee.* Along with the application for a permit required by the provisions of this section, the applicant therefor shall pay to the city a fee of \$50.  
('68 Code, § 38-34) (Ord. 1391, passed 1-15-78)  
Penalty, see § 10.99

**§ 150.088 INSPECTION OF BUILDING; REPORT.**

(A) On or before ten days following the date of the application (not including the date of such application), the City Manager shall cause the building to be moved to be inspected by the following persons:

- (1) The Fire Marshal.
- (2) The Building Inspector.
- (3) The City Engineer.

('68 Code, § 38-35)

(B) The persons named in division (A) of this section shall make a written report to the City Manager relative to the building or structure to be moved under a permit required by the provisions of this subchapter. ('68 Code, § 38-36)  
(Ord. 1047, passed 5-10-61)

**§ 150.089 TIME LIMITATION FOR ACTION.**

Within ten days after the receipt of the written report provided for in § 150.088(B), the City Manager shall act on the application for a permit required by the provisions of this subchapter.  
('68 Code, § 38-37) (Ord. 1047, passed 5-10-61)

**§ 150.090 GROUNDS FOR DENIAL.**

No permit shall be issued under the provisions of this subchapter if:

(A) The applicant fails to answer truthfully any question contained in the application.

(B) In the opinion of the City Engineer, based upon engineering calculations, the movement of the building or structure would be reasonably calculated to damage any public street or alley to a greater extent than \$2,500.

(C) In the opinion of the Fire Marshal or Building Inspector, the building or structure does not conform to the minimum building standards set forth and established in the Southern Standard Building Code adopted by the provisions of this chapter, and/or if such building or structure would constitute a hazard to the public from the standpoint of fire, windstorm, or hurricane.  
('68 Code, § 38-38) (Ord. 1047, passed 5-10-61)

**§ 150.091 INSURANCE REQUIRED.**

Every person who applies for a permit under the provisions of this subchapter shall, prior to such permit being issued, file with the Building Official at all times when working in the city, certificates (in which the city is named as a certificate holder) certifying that such installer has in force the following insurance issued by an insurance company licensed to do business in the state:

(A) Worker's compensation insurance on each and every employee as required and in accordance with the worker's compensation laws of the state.

(B) Public liability insurance to the extent of at least \$50,000 for any one occurrence and \$100,000 in the aggregate.

(C) Property damages insurance to the extent of \$10,000 for any one occurrence and \$100,000 in the aggregate.  
(Ord. 1737, passed 2-1-93) Penalty, see § 10.99

level of a foundation or other supporting member or part of a member of a house or other structure, shall prior to performing any work within the corporate limits of the city obtain a license from the city. Application for such license shall be made in a form prescribed by the city, and if an applicant shall meet all criteria established by the city for the issuance of such license, then upon payment of an annual license fee by the applicant in the sum of \$50, the city shall issue such license. A license issued hereunder shall expire on December 30 next following either the issuance or renewal thereof. Licenses may be renewed by payment of the annual license fee on or before January 1 of each year.

(B) In addition to the license herein required, prior to performing work within the city, the licensee shall further obtain a permit therefor, which permit shall be issued upon the payment of a \$50 permit fee, if it appears that the plans and specifications filed, as herein provided, comply with the terms and provisions of this subchapter. Such permit fee shall be paid in addition to any other fees that may be required by this code prior to the issuance of such a permit. (Ord. 1694, passed 10-15-90) Penalty, see § 10.99

**§ 150.106 INSURANCE REQUIREMENTS.**

No permit to do work under the terms and provisions of this subchapter shall be issued to any person until the applicant therefor shall submit to the Building Official of the city the following good and sufficient policy or policies of insurance:

(A) Worker's compensation insurance on each and every one of his employees, and this insurance shall be in accordance with the provision of the Worker's Compensation Act of the state;

(B) Bodily injury liability insurance to the extent of \$300,000 for any one occurrence and \$300,000 in the aggregate;

(C) (1) General property damage insurance providing general liability coverage, including coverage as to injury to city facilities and property, to

the extent of \$100,000 for any one occurrence and \$100,000 in the aggregate, or a combined single limit of \$400,000 per occurrence and in the aggregate.

(2) Such insurance policy shall be issued and effective prior to the commencement of work under the permit and the term thereof shall not expire until one year from the date the work contemplated herein has been finally inspected and approved by the Building Official of the city or the date the work has been finally completed, whichever occurs last.

(D) (1) Such insurance shall be written by an admitted company under the supervision of the State Board of Insurance.

(2) Evidence of the compliance with the above insurance requirements shall be considered as having been met when the policy, a copy thereof of a certificate of insurance has been filed with and approved by the Building Official. Such policy shall include an endorsement thereon that the Building Official will be notified at least ten days in advance in the event the policy or policies are cancelled or expire before the expiration date of the permit. Any permit issued hereunder may be revoked if such insurance is not kept in force.

(Ord. 1694, passed 10-15-90) Penalty, see § 10.99

**§ 150.107 PLANS AND SPECIFICATIONS.**

When a person requests a permit under this subchapter, two copies of the plans or specifications, which shall reveal the dimensions of the house or building and the portions of the house or building requiring leveling, shall be submitted to the Building Official. If the slab foundation is cracked, the location of the area in which the foundation is cracked shall be marked on the plans and specifications. One copy of such plans or specifications shall be returned when the permit is issued. The plans and specifications must show full compliance with the term and provision of this subchapter and all of the requirements as herein provided.

(Ord. 1694, passed 10-15-90)