

THE FREEPORT CITY COUNCIL  
WEDNESDAY , JULY 23RD, 2014, 6:00 P.M.  
FREEPORT MUNICIPAL COURT ROOM  
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.  
FREEPORT, TEXAS  
AGENDA  
FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the July 7, 2014 Council Minutes. Pg. 711-715
5. Attending citizens and their business.
6. **Announcement:** Inviting all the residents to the City of Freeport to Kidfest on July 26, 2014, Downtown Freeport Memorial Park, from 10:00 to 3:00 p.m.; Free Food, Games, Water Slides, Rock Climbing, Music, Moon Walks. Pg. 715B
7. **Public Hearing:** The City Council of said City will conduct a public hearing pursuant to Section 26.001 et seq., Texas Parks & Wildlife Code, to consider whether or not the portion of the park or recreation area within the corporate limits of said city known as Riverside Park located north of a westerly extension of the street shown on the plat of the Velasco Townsite as Ave. C and all of the park or recreation area within the corporate limits of said city known as Stephen F. Austin Park should be combined and moved to a new location within the corporate limits of the City to be selected and acquired by the City Council for the purpose of developing a modern sports complex at such new location. Pg. 716
8. Consideration of approving Resolution No. 2014-2441 pursuant to Section 26.001 of the Texas Parks and Wildlife Code with respect to relocating a portion of Riverside Park and all of Stephen F. Austin Park at a new location within the corporate limits of the city to be chosen by the City and at which a modern sports complex will be developed. Pg. 717-718
9. Consideration of approving HGAC Energy Purchasing Corporation to prepare, request and manage for a period of 120 days a Request for Proposals (“RFP”) for the purchase of electrical service for the City of Freeport and to approve the City Manager to consider and execute a favorable energy agreement. Pg. 719
10. Consideration of approving and signing a replat on the Old Brazos River Retreat a Subdivision of a 0.764 acre tract out of tract 4 of the City of Freeport as recorded in County Clerk’s File No. 12-057412 of the Brazoria County Official Records in the Stephen F. Austin Survey Abstract 32 & 33, Brazoria County, Texas. (map enclosed)

11. Appointing qualified person(s) to the remainder of current terms and/or expired terms on the following boards and commissions:

- Planning Commission
- Library Board
- Board of Adjustments
- Beautification/Parks & Rec. Com.
- Urban Renewal Board
- Economic Development
- Charter Review Commission
- Senior Citizens Commission

12. Consideration of taken action on any item discussed in Executive Session.

Work Session:

- A. Regarding salary wages & benefits of employees for fiscal year 2014-2015 budget.
- B. Regarding inspections before leasing rentals facilities.
- C. Regarding trash service.
- D. Scheduling Budget Workshop dates for fiscal year 2014-2015.
- E. Appointing City Council liaison(s) to the following Boards and Commissions:
  - Planning Commission
  - Library Board
  - Board of Adjustments
  - Beautification/Parks & Rec. Com.
  - Urban Renewal Board
  - Economic Development
  - Charter Review Commission
  - Senior Citizens Commission

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:

- Negotiations with Skymark Development Company, Inc. Agreement & Earnest Money Contract regarding 1500 West 2<sup>nd</sup> Street.
- Pending legation related to the Freeport Marina:  
Karen Jewell & Scott Bounds with Olson & Olson, LLP  
Brooks Bass & Troy Brimage with Economic Development Corporation

## 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, July 18th, 2014 at or before 5:00 p.m.

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Delia Munoz - City Secretary  
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council and the Planning Commission met on July 7, 2014 at 6:00 p.m., at the Freeport Municipal Court Room, Police Department, 430 North Brazosport Boulevard, Freeport Texas, for the purpose of considering the following agenda items:

City Council:

Mayor Norma M. Garcia  
Councilman Larry L. McDonald  
Councilman Fred Bolton  
Councilwoman Sandra Loeza  
Councilwoman Sandra Barbree - Absent

Planning Commission

Edward T. Garcia  
Reuben Cuellar  
Jesse Aguilar  
Tobey Davenport  
Eddie Virgil

Staff:

Jeff Pynes, City Manager  
Gilbert Arispe, Assistant City Manager  
Delia Munoz, City Secretary  
Wallace Shaw, City Attorney  
Nat Hickey, Property Manager  
Brian Davis, Fire Chief  
Bob Welch, Finance Director  
Dan Pennington, Police Chief

Visitors:

Jerry Meeks	Lila Lloyd
Eric Hayes	Loren Hayes
Julio Aluiso	Eva Aluiso
Troy Brimage	Jason Travis
Moby Burrige	Evelyn Burrige
Rosa McDonald	Roy Yates
Melanie Oldham	

Call to order.

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

Invocation.

Mr. Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mr. Julio Aluiso led the Pledge of Allegiance.

Consideration of approving the June 16, 2014 Council Minutes.

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved June 16, 2014 Council Minutes.

Attending citizens and their business.

There were none.

**Joint Public Hearing:** The City Council and the Planning Commission of said City will conduct a Joint Public Hearing to consider granting to Freeport Christian Center a Specific Use Permit to construct and operate a church on Lots 2-8, Velasco Heights Annex, fronting on Zapata Street within the corporate limits of said City.

There being a quorum with the Planning Commission, Mayor Garcia opened the Joint Public Hearing at 6:03 p.m.

Edward Garcia Chairman for the Planning Commission stated that they had no opposition to granting to Freeport Christian Center a Specific Use Permit to construct and operate a church on Lots 2-8, Velasco Heights Annex, fronting on Zapata Street within the corporate limits of said City. There being no comments or questions from audience or staff, Mayor Garcia closed the Public Hearing at 6:05 p.m.

Consideration of approving Ordinance No. 2014-2068 granting to Freeport Christian Center a Specific Use Permit to construct and operate a church on Lots 2-8, Velasco Heights Annex, fronting on Zapata Street within the corporate limits of said City.

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Ordinance No. 2014-2068 granting to Freeport Christian Center a Specific Use Permit to construct and operate a church on Lots 2-8, Velasco Heights Annex, fronting on Zapata Street within the corporate limits of said City.

**Joint Public Hearing:** The City Council and the Planning Commission of said City will conduct a Joint Public Hearing an amendment to Exhibit A (layout plan) of the Specific Use Permit granted to Mr. Eric Hayes to construct an RV park on Brazosport Boulevard, BCIC Division 14, Lots 92 & 93, Freeport Texas.

Mayor Garcia opened the Joint Public Hearing with the Planning Commission at 6:06 p.m.

Edward Garcia Chairman for the Planning Commission stated that they approved the amendment to Exhibit A (layout plan) of the Specific Use Permit granted to Mr. Eric Hayes to construct an RV park on Brazosport Boulevard, BCIC Division 14, Lots 92 & 93, Freeport Texas.

Councilman McDonald asked why a Joint Public Hearing was held on an amendment to a Specific Use Permit. Mr. Shaw answered that it was a request change to the Specific Use Permit. Mr. Eric Hayes was changing the lot size to 116 to 190 RV spaces and requesting the entrance from Hwy. 288 instead of Zapata Street. A discrepancy on the pad size was discussed and Councilman McDonald asked that the same code requirement be consistent with everyone.

Mayor Norma Garcia said she received calls today stating that the City had done a beautiful entry way to the city and their concerns were that he would neglect the RV park like his other rental properties in the City. Mayor Garcia recalls two other proposed parks were declined in the City because of neglect of premises.

Councilman Bolton was firm on the RV construction and code and was critical to him that things are taken care of, not interested in having an entrance on Hwy 288. He reiterated that Council had declined two other businesses of RV parks because of neglect of premises.

There being no more comments or questions from audience, Mayor Norma Garcia closed the Joint Public Hearing at 6:20 p.m.

**Joint Public Hearing: The City Council and the Planning Commission of said City will conduct a Joint Public hearing to consider modifying the truck route in the City of Freeport.**

There being a quorum with the Planning Commission, Mayor Norma Garcia opened the Joint Public Hearing at 6:20 p.m.

Mr. Pynes presented a PowerPoint presentation of a truck route plan to keep trucks off residential streets and signage for large commercial vehicles. He has met with the Planning Commission and Port Freeport and will take the plans to TxDot for approval.

Mayor Norma Garcia closed the Joint Public Hearing at 6:24 p.m.

**Consideration of approving and signing a replat of Bridge Point Subdivision, recorded in County Clerks File 13-015361 B.C.O.R in the Eli Mitchell Survey, Abstract 99, City of Freeport Texas, Brazoria County.**

On a motion by Councilwoman Loeza, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved signing a replat of Bridge Point Subdivision, recorded in County Clerks File 13-015361 B.C.O.R in the Eli Mitchell Survey, Abstract 99, City of Freeport Texas, Brazoria County.

**Consideration of approving and renewing the City of Freeport Economic Development Corporation Sales Tax Remittance Guaranty and Subordination Agreement with the First State Bank of Louise, Texas.**

On a motion by Councilman McDonald, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved renewing the City of Freeport Economic Development Corporation Sales Tax Remittance Guaranty and Subordination Agreement with the First State Bank of Louise, Texas.

Consideration of offer to Air Liquide to purchase a pipeline easement across the South end of Tract K1, Abstract 89, Brazoria County, Texas owned by the City of Freeport, granting permission for Air Liquide to have a survey conducted thereon at its expense for the purpose of establishing a legal description for such proposed easement and setting a bid date of August 18, 2014 to consider bids to purchase such easement.

On a motion by Councilwoman Loeza, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved to offer to Air Liquide to purchase a pipeline easement across the South end of Tract K1, Abstract 89, Brazoria County, Texas owned by the City of Freeport, granting permission for Air Liquide to have a survey conducted thereon at its expense for the purpose of establishing a legal description for such proposed easement and setting a bid date of August 18, 2014 to consider bids to purchase such easement.

Consideration of approving and authorizing the City Manager to purchase two air compressors for the City Hall in the amount of \$5,246.00 from the contingency fund.

On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved and authorized the City Manager to purchase two air compressors for the City Hall in the amount of \$5,246.00 from the contingency fund.

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

No motion made.

Work Session:

Consumer Confidence Report by Jerry Meeks of Veolia Water.

Jerry Meeks of Veolia Water stated that the Annual Water Quality Report was mailed to all the citizens of Freeport with information about drinking water data from 2013 calendar year and informs customers about the quality of their drinking water.

Update on current budget revenues – proposed 2014-2015 revenues projection.

Mr. Pynes reviewed the different percentage changes for each department.

Mayor Norma Garcia opened the Executive Session at 6:40 p.m.

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:

- Related to Contractual Water/Sewer Operations.
- Pending negotiations with Hotel/Restaurant/Retail Developer.
- Skymark Development Company, Inc.

Mayor Norma Garcia reconvened the open session at 7:15 p.m.

Adjourn

On a motion by Councilman Loeza, seconded by Councilman Bolton, with all present voting "Aye", Mayor Norma Garcia adjourned the meeting at 7:16 p.m.

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Mayor Norma M. Garcia  
City of Freeport, Texas

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City Secretary  
City of Freeport, Texas



City of Freeport

# KIDFEST

Saturday, July 26, 2014 10 AM - 3:00PM  
Freeport Memorial Park - Downtown Freeport

**FREE FREE FREE**



**PIZZA**



**WATER SLIDES**



**PETTING ZOO**



**GAMES**



**MUSIC**



**ROCK CLIMBING**



**MOON WALKS**



**ZIP LINE**

**FOR MORE INFORMATION  
CALL 979-233-3526**

TO ALL PERSONS, ASSOCIATIONS, FIRMS, AND CORPORATIONS RESIDING OR DOING BUSINESS WITHIN THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS, AND HAVING ANY INTEREST IN THE USE OF THE BELOW DESCRIBED LAND LOCATED THEREIN, OR ANY PORTION OF SUCH LAND, AS A PARK OR RECREATION AREA.

N O T I C E

A public hearing will be held on Monday, the 21st day of July, 2014, at 6:00 o'clock p.m., 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 of said city will conduct a public hearing pursuant to Sections 26.001, et seq., Texas Parks & Wildlife Code, to consider whether or not the portion of the park or recreation area within the corporate limits of said city known as Riverside Park located north of a westerly extension of the street shown on the plat of the Velasco townsite as Avenue C and all of the park or recreation area within the corporate limits of said city known as Stephen F. Austin Park should be combined and moved to a new location within the corporate limits of the City to be selected and acquired by the City Council for the purpose of developing a modern sports complex at such new location.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,  
made on this 16th day of June, 2014.

  
\_\_\_\_\_  
Delia Munoz, City Secretary,  
City of Freeport, Texas

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT PURSUANT TO SECTION 26.001 OF THE TEXAS PARKS AND WILDLIFE CODE WITH RESPECT TO RELOCATING A PORTION OF RIVERSIDE PARK AND ALL OF STEPHEN F. AUSTIN PARK AT A NEW LOCATION WITHIN THE CORPORATE LIMITS OF THE CITY TO BE CHOSEN BY THE CITY COUNCIL AND AT WHICH A MODERN SPORTS COMPLEX WILL BE DEVELOPED; 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, Sections 51.072 of the Local Government Code, Section 26.001 of the Parks and Wildlife Code and Section 2.01 and Item (u) 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 and persons using the public parks 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 of Freeport, Texas, makes the following findings of fact:

(1) The public hearing required by Section 26.001, et seq., Texas Parks & Wildlife Code, was conducted and notice thereof was given in the manner and for the time required.

(2) In the plat of the Velasco Townsite recorded in Volume 32, page 14 of the Deed Records of Brazoria County, Texas, defines Riverside Park to be a public park.

(3) The Riverside Park located north of a westerly extension of the street shown on the plat of the Velasco townsite as Avenue C is improved for and has been used by the public for a number of years as a park and recreation area containing multiple baseball fields but it is too small to be a location for a modern sports complex. At an election held on May 10, 2014, the sale of such portion of Riverside Park was approved by a majority of those voting at such election. This sale may provide a portion of the funds needed for the development of a major sports complex at

a different location and such use of such funds would be reasonable and prudent. That portion of Riverside Park located south of such westerly extension is the site of the Velasco Community House and a playground for children and its use for such purposes will be continued.

(4) Finding an alternative site consisting of vacant land of sufficient acreage on which to construct a major sports complex which would include commensurate of baseball fields presently located at Riverside Park located north of a westerly extension of the street shown on the plat of the Velasco townsite as Avenue C constitutes a feasible and prudent alternative to the continued use of either Stephen F. Austin Park or the continued use of that portion of Riverside Park located north of a westerly extension of the street shown on the plat of the Velasco townsite as Avenue C as a location for baseball fields.

Second, the City Council finds that there is no feasible and prudent alternative to discontinuing the use of that portion of Riverside Park located north of a westerly extension of the street shown on the plat of the Velasco townsite as Avenue C as a park or recreation area, including its current use for baseball fields, if a new location of sufficient acreage is found on which to construct a major sports complex containing not less than the current number of baseball fields.

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.

READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Delia Munoz, City Secretary,  
City of Freeport, Texas

Pg. 718



### Member Pricing Agreement

The undersigned Member of the H-GAC Energy Purchasing Corporation ("Corporation) appoints the Corporation to prepare, request and manage for a period of 120 days a Request for Proposals ("RFP") for the purchase of electric service from Corporation retail electric providers ("REPs") currently under contract with the Corporation as participants in the Corporation's aggregation program (and who pay an aggregation fee to the Corporation which is passed through to Members).

Upon completion of the review and evaluation of Corporation-provided electric service proposals, Member will have the right to enter into an electric service agreement with one of the REPs currently under contract with the Corporation or reject all electric service proposals and request updated proposals from the Corporation. In exchange for all Corporation's management services, Member agrees to reject all electric service proposals sent directly to Member from a REP not under contract with the Corporation. If Member does receive an electric service proposal sent directly from a REP not under contract with the Corporation and chooses to enter into an electric service agreement with such a REP, Member may be invoiced for management services rendered by Corporation and its consultant CGP Solutions on behalf of the Member incurred in connection with the RFP process conducted pursuant hereto.

**List of the Corporation's Current Retail Electric Providers**

- Champion Energy Services
- Constellation New Energy
- Direct Energy
- First Choice Power
- Gexa Energy
- Liberty Power
- StarTex Power

If Member would like to receive additional pricing proposals from REP(s) not listed above and would like them contacted for inclusion in the Corporation's program (subject to paying the aggregation fee to the Corporation passed through to Member), please list the potential REP's name and contact information below. Member understands the potential REP may decline to submit an electric service proposal.

REP Name	Contact Name	Phone	Fax	Email

If an electric service agreement is executed with a REP that is not currently under contract with the Corporation, the electric service agreement's terms may differ from those negotiated by the Corporation on behalf of its Members.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Name of Jurisdiction**

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Title**



