

NOTICE OF PUBLIC HEARING  
THE FREEPORT CITY COUNCIL  
FRIDAY, SEPTEMBER 16, 2016, 6:00 P.M.  
FREEPORT MUNICIPAL COURT ROOM  
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.  
FREEPORT, TEXAS  
AGENDA

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving August 15 & 24 2016 Council Minutes. Pg. 672-676
5. **Public Hearing:** Proposed budget for fiscal year 2016-2017. Pg. 677
6. Consideration of approving Ordinance No. 2016-2119 adopting a budget for the fiscal year 2016-2017 for the City of Freeport. Pg. 678-683
7. Consideration of approving Resolution No. 2016-2507 a license to right of way of the dedicated and opened street in the Freeport Town site, within the City of Freeport, Brazoria County, Texas known as East Brazos Boulevard, to wit: 0.180 acres out of the right of way of East Brazos Boulevard more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes. Pg. 684-696
8. Consideration of approving the sale of City's interest on Block 718, Lots 21-22 (undivided 1/2 interest) Velasco Townsite, known as 1217-1219 North Ave. P, Tax Id No. 8110-3120-000. Pg. 697-700
9. 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 in the official glass case at the rear door of the City Hall, within 24 hours a day public access, 200 West 2nd Street, Freeport Texas, September 13, 2016 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 City Council of the City of Freeport, met on Monday August 15, 2016 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: Mayor Norma Moreno Garcia  
Councilman Larry L. McDonald  
Councilman Fred Bolton  
Councilwoman Nicole Mireles  
Councilwoman Sandra Barbree

Staff: Gilbert Arispe, Assistant City Manager  
Wallace Shaw, City Attorney  
Nat Hickey, Property Manager  
Dan Pennington, Chief of Police  
Jennifer Hawkins, Economic Development Corp.

Visitors: Moby Burrige Evelyn Burrige  
Annette Sanford Troy Brimage  
Manning Rollerson Sam Reyna  
Melanie Oldham Keith Stumbaugh  
Ruth Renobato Douglas Domingues  
Margaret McMahan Larry Fansher  
James Barnett Sandra Barnett  
Jerry Meeks Ed Garcia

Call to order.

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

Invocation.

Mr. Shaw delivered the invocation.

Pledge of Allegiance.

Mayor Norma Moreno Garcia led the Pledge of Allegiance.

Attending citizens and their business.

Councilwoman Mireles of 202 N. Ave. G, requested items to address Council are not posted on the agenda.

Douglas Domingues residing at 1314 W. 5th, question why the tax rate was being proposed without first passing the budget. He asked that they vote no. There has been very little public input and has not seen any budget workshops and does not allow for an open forum. He feels like the budget process is broken.

Keith Stumbaugh of 518 West 4<sup>th</sup> Street, newly elected Chairman of Concerned Citizens of Freeport questioned and is requesting a response from Council on the green-way maintenance efforts, on the city's main corridor along Brazosport Boulevard, city parks and facilities are in such decline.

Margaret McMahan of 1330 W. 8th Street spoke in behalf of the Concern Citizens Group. She stated that on July 18 and August 1, 2016 meeting that no call for discussion was made after a motion and a seconded and the public has not been given an opportunity to speak. She requested that items be called for discussion before voting on motions. She suggested changing this practice for greater transparency which would improve citizen's confidence. In regards of the 2016-2017 budget; very poor planning this year; no workshops, no public budget planning, and no public discussing. Council members didn't receive their proposed budget books till August 12, 2016 inadequate time to study and review the municipal proposed budget. She asked that this be rectified.

Manning Rollerson complained about his Open Records Request. He stated that the East End residents did not have any representation when they were being kicked out.

Consideration of approving August 1, 2016 Council Minutes.

On a motion by Councilwoman Mireles, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved the August 1, Council Minutes.

Consideration of approving Resolution No. 2016-2506 applying for funding in the amount of \$24,250.00 from the Houston-Galveston Area County council of government (COG) to fully pay for converting the agency's current crime reporting process (UCR) to a national incident based reporting system (NIBRS) as required by law.

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Resolution No. 2016-2506 applying for funding in the amount of \$24,250.00 from the Houston-Galveston Area County council of government (COG) to fully pay for converting the agency's current crime reporting process (UCR) to a national incident based reporting system (NIBRS) as required by law.

Consideration of approving Construction Contract Change Order No. 1 for Riverside Lift Station Upgrade.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved the Construction Contract Change Order No. 1 for Riverside Lift Station Upgrade.

Consideration of approving the sale of City's interest on Block 718, Lots 21-22 (1/2 undivided ) Velasco Townsite, known as 1727-1729 North Ave. P, Tax Id No. 8110- 3120-000.

This item rejected due to Brazoria County's wrong information.

Consideration of proposing a Tax Rate for fiscal year 2016-2017.

On a motion by Councilman Bolton to propose a tax rate of \$0.628005 which is equal to the Effective Tax Rate to be adopted at a future meeting, seconded by Councilwoman Barbree, with all voting 3 to 2, council approved the proposed tax rate of \$0.628805.

Record Vote: For: Mayor Norma M. Garcia  
Councilman Fred Bolton  
Councilwoman Sandra Barbree

Against: Councilman Larry L. McDonald  
Councilwoman Nicole Mireles

Consideration of canceling September 5, 2016 Council Meeting due to Labor Day holiday.

On a motion by Councilman McDonald, seconded by Councilman Bolton, with all present voting "Aye", Council unanimously approved canceling September 5, 2016 Council Meeting due to Labor Day holiday.

Adjourn

On a motion by Councilman Bolton, seconded by Councilwoman Mireles, with all present voting "Aye", Mayor Norma M. Garcia adjourned at 6:27 p.m.

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Mayor Norma Moreno Garcia  
City of Freeport, Texas

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City Secretary Delia Munoz  
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 Wednesday August 24, 2016 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: Mayor Norma Moreno Garcia  
Councilman Larry L. McDonald  
Councilman Fred Bolton  
Councilwoman Nicole Mireles  
Councilwoman Sandra Barbree

Staff: Jeff Pynes, City Manager  
Gilbert Arispe, Assistant City Manager  
Delia Munoz, City Secretary  
Wallace Shaw, City Attorney  
Nat Hickey, Property Manager  
Bob Welch, Finance Director  
Jennifer Hawkins, Economic Development Director  
Danny Gilchrest, Freeport Police Dept.

Visitors: Melanie Oldham Annette Sanford  
Sam Reyna Gardo Campbell  
Kenny Kouches Jerry Meeks  
Troy Brimage Sabrina Brimage  
Ed Garcia Margaret McMahan  
Ty Morrow Larry Fansher  
Sandra Leavey

Call to order

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

Pledge of Allegiance

Mayor Norma Moreno Garcia led the Pledge of Allegiance.

Work Session:

Presentation of Proposed Budget for Fiscal Year 2016-2017.

Mr. Pynes presented the proposed budget. He presented an overview and recommendation and answered Council's questions. He continues getting suggestion from citizens, audience, and staff for the proposed budget.

Councilman McDonald asked what kind of vehicles is being selected. Councilman McDonald expressed concern over buying high dollar vehicles. Mr. Pynes said that the Tahoe's are the Police Department's recommendation. Mr. Pynes stated that the department had 46 police officers and 6 part times. The Department is asking for one more police officer. Councilman McDonald commented on spending \$42K on a beach jeep and because of the sand and salt recommends buying a used one. Councilman McDonald stated that he would prefer that Street Department get more manpower, than the Code Department

Councilwoman Mireles asked if the bank drive- in would be demolished and that the roof was falling. Councilwoman Mireles asked about an audio system for council. Councilwoman Mireles suggested said that they could move 2 new labors type from the Code Department and place in the Street Department. She felt they needed the most help in improving the streets, sidewalks.

Mr. Pynes recommends the effective tax rate of \$0.628005 for this fiscal year 2016-2017.

Melanie Oldham of 922 W. 5th Street stated that Gulf Chemical & Metallurgical has filed bankruptcy and TCEQ has assessed a fine of 9 million dollars. According to the contract the City could receive 4.5 mil from the chemical plant and be used for supplement environmental projects. She suggested the City hire a city planner and forms a committee and has a council member representing their ward and needs. She concurs with the idea of pulling 2 labors from Code and placing them in the Street Department. She hopes that with this new event coming up "George Lopez" raises money for the Freeport Historical Museum. She agrees with the City's compliance plan for American with Disabilities Act.

Ed Garcia of 1924 North Ave. G, Velasco Townsite is concerned that Velasco side of town does not have a functional fire department. In the past the City had 2 functional fire stations. He sees no see any changes or efforts on developing a volunteer fire department.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Mayor Norma M. Garcia adjourned the meeting at 6:57 p.m.

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Mayor Norma Moreno Garcia  
City of Freeport, Texas

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City Secretary Delia Munoz  
City of Freeport, Texas



Norma Moreno Garcia  
Mayor

Jeff Pynes  
Chief Executive Officer  
City Manager

September 16, 2016

Gilbert Arispe  
Assistant City Manager

To: Mayor and City Council

From: Bob Welch-Finance Director

The entire budget being presented is the same as the budget that was presented on August 24, 2016 except for the following changes that were recommended by Public input and/or meetings with City Council members.

The recommended changes are as follows:

Delete Beach Jeep- Police Department	\$ (42,000)
Delete (2) Employees- Code Department	(89,750)
Add (1) Labor position to Street Department	44,877
Add Sound System – Mayor & Council	15,000
Add raise to Municipal Judges Pay- Court Dept.	24,000
Add increase in Attorney Fees- Wallace Shaw	50,727
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Total change to 2016-2017 Budget - Increase	\$ 2,854

Please contact me if you have any questions or need any additional information.

Bob Welch  
Finance Director



ORDINANCE NO. 2016-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; ADOPTING A BUDGET FOR SAID CITY FOR THE FISCAL YEAR 2016-2017; PROVIDING FOR THE FILING THEREOF; APPROPRIATING FUNDS FOR THE VARIOUS EXPENDITURES THEREIN ENUMERATED AND AUTHORIZING THE CITY MANAGER TO EXPEND SUCH FUNDS AND EXECUTE AGREEMENTS FOR SUCH EXPENDITURES; CONTAINING EXCEPTIONS; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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, Article 9 of the Home Rule Charter of the City requires the adoption of an annual budget; and,

WHEREAS, under Section 102.001(b) of the Local Government Code, because the City has a city manager form of government, the city manager is the budget officer of the City municipality and under Section 102.002 of said Code and Chapter 9 of said Charter, the city manager is required to prepare a proposed annual budget for the municipality and, under Section 102.03(a) of said Code and Chapter 9 of said Charter, is required to file the same with the city secretary before the 30th day before the date the governing body of the municipality makes its tax levy for the fiscal year; and,

WHEREAS, under Chapter 9 of said Charter, the governing body of the municipality is required to adopt a budget not later than fifteen (15) days prior to the beginning of the fiscal year; and,

WHEREAS, under Section 102.006(a) and (b) of the Local Government Code and Chapter 9 of said Charter, the governing body of the municipality is required to conduct a public hearing on such proposed annual budget; and



WHEREAS, under Section 102.006(c) of the Local Government Code and Chapter 9 of said Charter, public notice of the date, time and location of such hearing must be given, under Section 102.0065(c) and Section 102.011 of said Code the provisions of said Charter control as to the method of giving such notice and under Chapter 9 of said Charter said notice must be published at least 15 days before the date of such hearing in the official newspaper of the City; and,

WHEREAS, under Section 102.006(b) of the Local Government Code, the public hearing on the proposed annual budget must be held before the date the governing body makes its tax levy for the fiscal year covered by such budget, under Section 102.007(c) of said Code and Chapter 9 of said Charter, at the conclusion of such hearing, the governing body must take action on such proposed annual budget and under Section 102.009(a) of said Code and Chapter 9 of said Charter, the governing body of the City may levy taxes only in accordance with such budget.

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 adoption of the 2016-2017 ANNUAL BUDGET, the City Council hereby makes the following findings:

(1) The proposed budget for the City's Fiscal Year 2016-2017, a copy of which is attached hereto as Exhibit "A", is the result of several workshop meetings, each of which were conducted in accordance with and notice of each of which was given in the manner required by the Texas Open Meetings Act, now codified as Chapter 551 of the Government Code.

(2) On the 12<sup>th</sup> day of August, 2016, the City Manager filed with the City Secretary the original of such proposed annual budget.

(3) A public hearing on such proposed budget was held on the 16<sup>th</sup> day of September, 2016, beginning at 6:00 p.m., in the Municipal Courtroom of the Police and Courts Building of the City of Freeport, Texas, located therein at 430 Brazosport Boulevard.

(4) Notice of such hearing was published in the Brazosport Facts, a newspaper having general circulation within the City, on the 30<sup>th</sup> day of August, 2016, and again on September 16, 2016.

(5) This ordinance is being adopted at the conclusion of such hearing and on the same date as the date on which such hearing was held.

(6) The contingent appropriations in such budget do not exceed three percent (3%) of the total budget appropriations.

(7) The estimated expenditures of the General Fund and Debt Service Fund stated in such budget do not exceed total estimated resources of each fund.

SECTION TWO (2) - Proposed Annual Budget Adopted; Appropriations

The PROPOSED ANNUAL BUDGET for the City's FISCAL YEAR 2016-2017, in its complete form, as heretofore filed with the City Secretary, and with any changes thereto made following such workshop meetings and the public hearing mentioned above, attached hereto and made a part hereof as Exhibit ~~A~~, is hereby ADOPTED; the several amounts set forth therein as proposed expenditures are hereby APPROPRIATED to and for the objects and purposes therein specified and the City Manager is hereby AUTHORIZED to expend and to execute agreements for the expenditure of the funds therein budgeted for the purposes and in the amounts specified in such budget UNLESS the item purchased or the amount expended at any one time is required to be advertized for bidding or City Council action or approval is otherwise required by the general law of the state, an ordinance or any provision of the Home Rule Charter of the City or by the City Council.

THIS BUDGET WILL RAISE MORE REVENUE FROM PROPERTY TAXES THAN LAST YEAR' S BUDGET BY AN AMOUNT OF \$79, 896, WHICH IS A 3. 23 PERCENT INCREASE FROM LAST YEAR' S BUDGET. THE PROPERTY TAX REVENUE TO BE RAISED FROM NEW PROPERTY TAX REVENUE FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR IS \$88, 540.

SECTION THREE (3) - Filing of Copies

A copy of this ordinance and of the attached complete copy of such budget, attached hereto as Exhibit #A, shall be filed with the City Secretary of the City of Freeport, Texas and shall be maintained with the official records of the City. Certified copies thereof shall be filed by the City Secretary with the County Clerk of Brazoria County, Texas and the office of the State Comptroller of Public Accounts for the State of Texas.

SECTION FOUR (4) - Severance Clause

Any section or provision of this ordinance found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction 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 (5) - Effective Dates

This ordinance shall be effective from and after its passage and the annual budget adopted hereby shall be in effect for the Fiscal Year of the City beginning October 1, 2016, and ending September 30, 2017.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Norma Moreno Garcia, 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

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Item 7:

Consideration of approving Ordinance No. 2016-2119 adopting a budget for fiscal year 2016-2017 for the City of Freeport.

Record Vote : Aye \_\_\_\_\_ Nay \_\_\_\_\_  
Aye \_\_\_\_\_ Nay \_\_\_\_\_  
Aye \_\_\_\_\_ Nay \_\_\_\_\_  
Aye \_\_\_\_\_ Nay \_\_\_\_\_  
Aye \_\_\_\_\_ Nay \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

AN RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AUTHORIZING THE MAYOR AND CITY SECRETARY TO EXECUTE AND ATTEST, RESPECTIVELY, A LICENSE GRANTING TO GEORGE GALA AND DENNIS HENDERSON THE EXCLUSIVE USE OF 0.180 ACRES OUT OF THE RIGHT-OF-WAY OF THE PUBLIC STREET KNOWN AS EAST BRAZOS BOULEVARD; 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 726.003 and 726.004 of the Transportation Code and Sections 2.01 and 2.03 and Item (p) of Article 3.07 of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Resolution; and,

WHEREAS, Licensee own the property adjoining the licensed premises and the purpose of this license is to permit Licensee to use the licensed premise for the loading of seafood processed on the adjoining premises; and,

WHEREAS, the granting of the license hereinafter authorized will be in the public interest and will benefit the public by allowing the owner of the adjoining premises to more expeditiously load seafood processed on the adjoining premises onto trucks using East Brazos Boulevard for ingress to and egress from such premises; 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 its inhabitants.

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

First, the Mayor and City Secretary of the City are hereby authorized and directed to execute and attest, respectively, granting to GEORGE GALA AND DENNIS HENDERSON, hereinafter "the Licensees", an exclusive license to use 0.180 acres out of the right-of-way of the public street known as East Brazos Boulevard, more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, for the loading of seafood processed on the adjoining premises.

Second, if any portion of this resolution is declared to be void, the remaining provisions shall be severable therefrom and shall remain in full force and effect.

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

Fourth, 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 \_\_\_\_\_, 2016.

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Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

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Delia Munoz, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

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Wallace Shaw, City Attorney,  
City of Freeport, Texas

C:\Freeport.Rsl\Glucketal.ROWLicense-Rsl

LICENSE TO USE RIGHT OF WAY

PARTIES: The CITY OF FREEPORT, TEXAS, a municipal corporation lying and situated in Brazoria County, Texas, hereinafter designated "LICENSOR", GEORGE GALA and DENNIS HENDERSON, hereinafter collectively "LICENSEE".

GRANT OF LICENSE: Licensor, for and in consideration of the payment by Licensee to Licensor of Fifty and no/100 (\$50.00) Dollars per year, payable in advance, on the first day of each year, beginning July 1, 2016, and ending June 30, 2026 and the reimbursement of the Licensor for the cost of having this license prepared by the City Attorney, being the further sum of \$165.00, hereby grants unto Licensee, for the purposes set forth below and none other, an exclusive license to and authorizes and licenses Licensee to exclusively use and enjoy a portion of the right-of-way of the dedicated and opened street in the Freeport Townsite, within the City of Freeport, in Brazoria County, Texas, known as East Brazos Boulevard, hereinafter called "the licensed premises", to-wit:

0.180 acres out of the right-of-way of East Brazos Boulevard more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes.

Provided, however, Licensor hereby reserves all necessary easements for drainage, utility lines, cables, poles and mains presently in use or that may be required in the future and the right of access to the licensed premises for the purpose of installing or maintaining the same.

PURPOSE: Licensee owns the property adjoining the licensed premises, hereinafter "the adjoining premises", and the purpose of this license is to permit Licensee to use the licensed premise for the loading of seafood processed on the adjoining premises; and for this purpose, may improve the surface of the licensed premises for truck parking and construct a 15 foot by 15 foot loading dock with retaining wall on the licensed premises.

INITIALED FOR IDENTIFICATION: \_\_\_\_\_



Provided, however, no other improvements shall be made to the licensed premises by the Licensee during the existence of this license; and any such other improvement may be removed by the Licensor without notice to the Licensee. Provided further, with the written permission of the Building Official of Licensor, the Licensee may improve the surface of the licensed premises in another manner designated in such written permission.

TERM: The primary term of this license shall be for a period of ten (10) years, beginning July 1, 2016, and ending June 30, 2026, unless sooner terminated as hereinafter provided. Licensee shall have the option of renewing this license for any additional ten (10) years, beginning July 1, 2026, and ending June 30, 2036, such option to be exercised by written notice to Licensor prior to June 30, 2026. At the end the initial or renewal term, as the case may be, or other termination of this License, Licensee shall deliver up the licensed premises in good repair and condition, reasonable wear and tear and damage by fire, tornado or other casualty only excepted.

ASSIGNMENT PROHIBITED: This license is personal to Licensee and Licensee shall not assign this license or any interest herein without the prior written consent of Licensor.

NOTICE: Any demand to be made or notice to be given hereunder to any party shall be made or given as follows:

If to the Licensor, to the City Manager at 200 West Second Street, Freeport, Texas 77541; and if to Licensee, addressed to P.O. Box 2008, Freeport, TX 77542-2008.

WAIVER: NO WAIVER AT ANY TIME OF THE RIGHT TO TERMINATE THIS LICENSE SHALL IMPAIR THE RIGHT OF THE LICENSOR TO INSIST UPON SUCH TERMINATION IN THE EVENT OF SUBSEQUENT BREACH OR DEFAULT BY LICENSEE, NOR SHALL THE ACCEPTANCE OF RENT AT ANY TIME CONSTITUTE SUCH WAIVER OF DEFAULT OR WAIVER OF DAMAGES, AND IN ADDITION TO ANY OTHER REMEDIES WHICH THE LICENSOR MAY HAVE, THE LESSOR MAY APPLY FOR AND OBTAIN AN INJUNCTION OR USE ANY OTHER LEGAL PROCESS TO ENFORCE THE RIGHTS OF THE LICENSOR.

INITIALED FOR IDENTIFICATION: \_\_\_\_\_

UTILITIES: No utilities shall be furnished to the licensed premises without the prior written consent of the Licensor.

INDEMNITY: LICENSEE AGREES TO INDEMNIFY AND SAVE HARMLESS the LICENSOR, ITS OFFICERS, AGENTS, EMPLOYEES, SUCCESSORS and ASSIGNS, of and from all fines, suits, claims, demands, costs of court, attorney's fees and actions of any kind by reason of any breach, violation, or non-performance of any condition hereof on the part of Licensee. Licensor shall not be liable for any injury or damage to persons or property happening in or about the licensed premises, including the person and property of Lessee and the agents, employees and tenants of Licensees and his and their invitees, and the Licensee agrees to indemnify and save harmless the Licensor, its officers, agents, employees, successors and assigns, from any liability therefore. The Licensee shall indemnify and hold harmless the Licensor, its officers, agents, employees, successors and assigns, of and from any and all damages or liability for anything arising from or out of the condition of the licensed premises or the use thereof by the Licensee and the agents, employees and tenants of Licensee and his and their invitees.

INSURANCE: Licensee agrees to obtain and maintain at Licensee's expense during the existence of this license a policy of PUBLIC LIABILITY insurance in the amount of at least the maximum liability for municipalities prescribed by the Texas Tort Claims Act with LICENSOR NAMED AS an ADDITIONAL INSURED.

BANKRUPTCY, ETC: In the event that the assets of the Licensee shall become subject to the jurisdiction of the bankruptcy court, voluntarily or involuntarily, or should the Licensee make a voluntary assignment for the benefit of creditors, or in the event that a receiver for the Licensee shall be appointed, then, at the option of the Licensor and upon ten (10) days notice to the Licensee or the legal representative of the Licensee, this License shall cease and come to an end.

INITIALED FOR IDENTIFICATION: \_\_\_\_\_

REMOVING CLOUD FROM TITLE: Upon the expiration of this License or upon its termination during the existence hereof pursuant to its terms, Licensee covenants to execute, acknowledge and deliver to Licensor at the cost of Licensee such written instruments evidencing the same as Licensor may require. Further, it is expressly agreed that an affidavit reciting the facts of such expiration or termination when recorded in the Public Records of the county wherein the above described property is located shall be prima facie evidence of the truth of the statements contained in such affidavit.

TERMINATION: This license shall terminate unless accepted by the Licensee within ninety (90) days of the date of execution set forth below. This license may also be terminated by the Licensor upon ninety (90) days prior written notice to the Licensee in the event Licensor's City Council by a three-fourths vote of the entire City Council decides to terminate this license for any reason.

CONSTRUCTION OF LICENSE AND BINDING EFFECT: When the context so requires, the singular shall include the plural number, and conversely, and the masculine shall include the feminine and neuter genders; IT IS EXPRESSLY AGREED AND UNDERSTOOD that this license contains all agreements, representations, covenants and warranties, expressed or implied, relative to the operation of this license to use the licensed premises and the fee therefor, and no prior agreement, if any, shall be binding upon the parties hereto unless contained herein; and in the event any provision of this license is declared invalid for any reason by any court, such invalidity shall not affect the remaining provisions of this license but effect shall be given to the intent manifest by the portion held invalid or inoperative. Venue concerning any dispute regarding this license shall be in the county or district court in Brazoria County, Texas, having subject matter jurisdiction. This license shall be governed by the law of the State of Texas and shall be binding upon the parties hereto as well as their respective heirs, executors, administrators, successors and assigns.

INITIALED FOR IDENTIFICATION: \_\_\_\_\_

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF FREEPORT, TEXAS, LICENSOR

By \_\_\_\_\_  
Norma Moreno Garcia, Mayor

ATTEST:

\_\_\_\_\_  
Delia Munoz, City Secretary

ACCEPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
George Gala

\_\_\_\_\_  
Dennis Henderson

THE STATE OF TEXAS X

COUNTY OF BRAZORIA X

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by NORMA MORENO GARCIA, as Mayor of the City of Freeport, Texas.

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF FLORIDA X

COUNTY OF \_\_\_\_\_ X

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by GEORGE GALA.

\_\_\_\_\_  
Notary Public, State of Florida

THE STATES OF FLORIDA           X  
  X  
COUNTY OF \_\_\_\_\_           X

      This instrument was acknowledged before me on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2016, by DENNIS HENDERSON.

\_\_\_\_\_  
Notary Public, State of Florida

C\Freeport.Lic\GLICK, ET AL-E BRAZOS BLVD-ROW-LIC-REV



# **Doyle & Wachtstetter, Inc**

Surveying and Mapping • GPS/GIS

**0.180 ACRE  
S. F. AUSTIN 1/3 LEAGUE, ABSTRACT 28  
BRAZORIA COUNTY, TEXAS  
PAGE 1 OF 2**

**ALL THAT CERTAIN 0.180 ACRE** of land being a portion of East Brazos Boulevard north of Block 1 of the Freeport Townsite recorded in Volume 2, Page 95 of the Brazoria County Plat Records, situated in the S. F. Austin 1/3 League, Abstract 28 and more particularly described by metes and bounds using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone, NAD 83 in which the directions are Lambert grid bearings and the distances are horizontal surface level lengths as follows:

**BEGINNING** at a found 1/2" iron rod in the north right-of-way line of East Brazos Boulevard marking the southeast corner of a called 0.208 acre tract conveyed to George Gala and Dennis Henderson in County Clerk's File 09-004080 of the Brazoria County Official Records, same being the southwest corner of the eastern portion of a called 2.423 acre tract conveyed to Freeport Waterfront Properties, L.P. in County Clerk's File 14-053870 of the Brazoria County Official Records, same being the north limits of said Freeport Townsite, same being in the south line of the Freeport Terminal Company called 17.4 acre tract recorded in Volume 120, Page 65 of the Brazoria County Deed Records;

**THENCE** North 84°29'46" East, along the north right-of-way line of East Brazos Boulevard, same being the south line of said 2.423 acre tract, same being the south line of said Freeport Terminal Company tract, a distance of 132.90 feet to a found 1/2" iron rod for corner;

**THENCE** North 80°08'25" East, along the north right-of-way line of East Brazos Boulevard, same being the south line of said 2.423 acre tract, same being the south line of said Freeport Terminal Company tract, at a distance of 29.23 feet pass a found 1/2" iron rod and continue to a total distance of 87.02 feet to a set bridge spike for corner;

**THENCE** South 4°32'04" East, a distance of 46.30 feet to a set PK nail for corner at the north edge of an existing asphalt road (East Brazos Boulevard);

**THENCE** along the north edge of said asphalt road with the following calls:

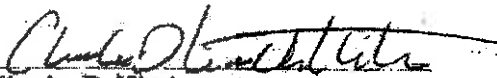
- North 87°18'53" West, a distance of 84.53 feet to a set bridge spike for corner;
- North 89°06'16" West, a distance of 100.45 feet to a set bridge spike for corner;
- South 87°34'12" West, a distance of 35.15 feet to a set PK nail for corner;
- South 85°41'43" West, a distance of 16.39 feet to a set PK nail for corner;
- South 84°03'37" West, a distance of 31.12 feet to a set PK nail for corner;
- South 82°05'49" West, a distance of 15.35 feet to a set PK nail for corner;
- South 80°07'43" West, a distance of 39.14 feet to a set PK nail for corner and
- South 85°27'04" West, a distance of 79.57 feet to a set PK nail for corner in the north right-of-way

line of East Brazos Boulevard, same being the south line of a called 0.5365 acre tract conveyed to George Gala and Dennis Henderson in County Clerk's File 14-039360 of the Brazoria County Official Records, same being the south line of said Freeport Terminal Company tract;

**0.180 ACRE**  
**S. F. AUSTIN 1/3 LEAGUE, ABSTRACT 28**  
**BRAZORIA COUNTY, TEXAS**  
**PAGE 2 OF 2**

**THENCE** North  $76^{\circ}21'58''$  East, along the north right-of-way line of East Brazos Boulevard, same being the south line of said 0.5365 acre tract, same being the south line of said Freeport Terminal Company tract, at a distance of 80.11 feet pass a point marking the southwest corner of aforementioned 0.208 acre tract and continue to a total distance of a distance of 118.46 feet to a point for corner;

**THENCE** North  $84^{\circ}29'46''$  East, along the north right-of-way line of East Brazos Boulevard, same being the south line of said 0.208 acre tract, same being the south line of said Freeport Terminal Company tract, a distance of 63.87 feet to the **POINT OF BEGINNING**, containing 0.180 acre of land, more or less.

  
**Charles D. Wachtstetter**  
**Registered Professional Land Surveyor**  
**Texas Registration Number 4547**  
**June 27, 2016**

*This description is based on a survey, a plat of which, dated June 27, 2016 is on file in the office of Doyle & Wachtstetter, Inc.*

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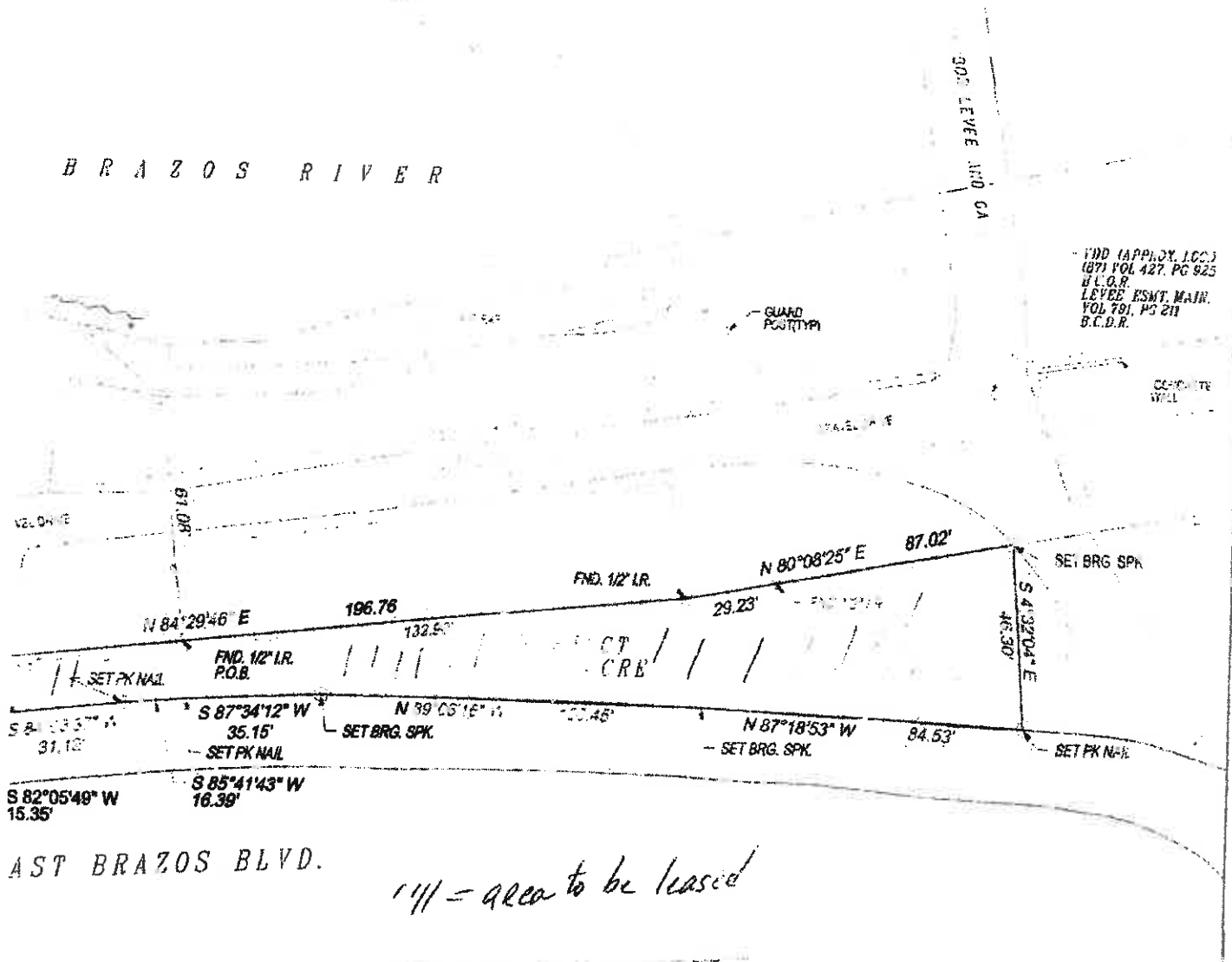
**131 Commerce Street • Clute, Texas 77531-5601**  
**Phone: 979-265-3622 • Fax: 979-265-9940 • Email: [DW-Surveyor.com](mailto:DW-Surveyor.com)**

Exhibit "A" Page 2

**P694**

**S.F. AUSTIN 1/3 LEAGUE  
ABSTRACT 28**

B R A Z O S R I V E R



FDD (APPROX. 100)  
(87) VOL 427, PG 925  
B.L.O.R.  
LEVEE ESMT. MAIN  
VOL 791, PG 211  
S.C.D.R.

EAST BRAZOS BLVD.

*1111 = area to be leased*

**SURVEY PLAT**  
OF A  
**0.180 ACRE TRACT**  
BEING A PORTION OF  
**EAST BRAZOS BOULEVARD**  
**NORTH OF BLOCK 1**  
OF THE  
**FREEMONT TOWNSITE**  
RECORDED IN  
VOLUME 2, PAGE 95  
OF THE  
BRAZORIA COUNTY PLAT RECORDS  
IN THE  
**S.F. AUSTIN 1/3 LEAGUE**  
**ABSTRACT 28**  
**BRAZORIA COUNTY, TEXAS**  
FOR  
**TRICO**

P2

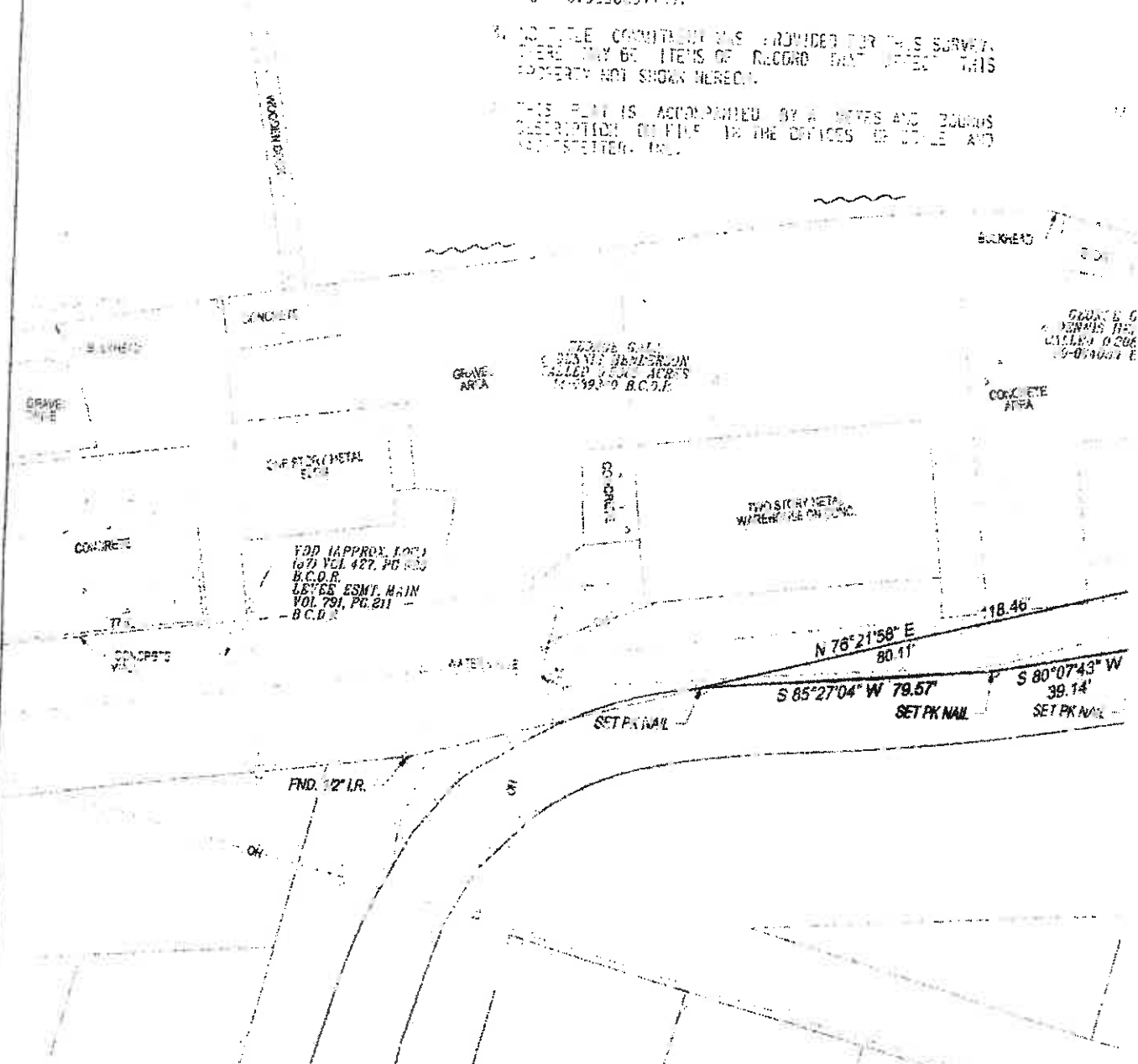
**Doyle & Wachtstetter, Inc.**  
Surveying and Mapping GPS/GIS  
131 COMMERCE STREET, CLUTE, TEXAS 77531  
OFFICE: 979.265.3522 FAX: 979.265.9940 FIRM NO.: 10024900



# BRAZORIA COUNTY TEXAS

## NOTES:

1. ALL COORDINATES AND BEARINGS ARE RELATIVE TO THE 1983 STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, ZONE 17N 831.
2. ALL DISTANCE AND HORIZONTAL SLOPE LEV. LENGTHS ARE 0.9999257169.
3. NO TITLE COMMITMENT WAS PROVIDED FOR THIS SURVEY. THERE MAY BE ITEMS OF RECORD NOT APPLICABLE TO THIS PROPERTY NOT SHOWN HEREON.
4. THIS PLAN IS ACCOMPANIED BY A NOTES AND BOUNDS DESCRIPTION ON FILE IN THE OFFICES OF TITLE AND REGISTERED, INC.



I, CHARLES D. WACHTSTETTER, REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THE ABOVE PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION, ON THE GROUND, AND THAT THERE ARE NO EXCESSES NOR INTRUSIONS ON THIS PROPERTY, EXCEPT AS SHOWN.  
DATE SURVEYED: JUNE 27, 2016

## LEGEND

- FOUND IRON PIPE/POD
- BRIDGE SPIKE/PA NAIL
- ⊙ POWER POLE
- WATER METER
- OH— OVERHEAD WIRE
- > GUY ANCHOR
- \*— CHAIN LINK FENCE



*Charles D. Wachtstetter*  
CHARLES D. WACHTSTETTER  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NUMBER 4547

## PROPERTY MANAGEMENT

### MEMO

September 1, 2016

—  
Jeff Pynes  
City Mgr

re: Undivided 1/2 interest, lots 21-22, Block 718  
Known as 1217 & 1219 North Avenue P, Velasco Townsite  
Tax ID 8110-3120-000

Please place the following item on the September 15, 2016, City council agenda:

Discuss / consider the sale of City interest in the 1/2 undivided interest in lots 21 & 22, block 718, Velasco Townsite, known as 1217 & 1219 North Avenue P, Velasco Townsite.

This is a re-agenda from the Council meeting of August 15, 2016, item #6, for address correction.

Find attached the following documents for Council consideration:

- a. Trust Property Sale Information Sheet
- b. County Bid Analysis
- c. Trust Property Sale Summary
- d. Pictometry aerial view of property

N C Hickey  
Property

Approved for Council Agenda:

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Jeff Pynes

4 Attach

Trust Property Sale Information

# TRUST PROPERTY SALE SUMMARY

Agenda Item \_\_\_\_\_

## **Recommended for sale by County Resale Committee:**

R. Garrett, Tax Assessor

C. Gardner, County Auditor

Brazoria County Judge

D. Payne, County Commissioner, Pct 1

Civil Division Representative

PBFCM Representative present

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## PROPERTY

Date: September 1, 2016

Agenda item: \_\_\_\_\_

Lots 21 - 22, Block 718  
1217 - 1219 North Avenue P  
Velasco Townsite

Tax ID	8110-3120-000
Lot(s) size	25 x 125 ft. each
Auctioned at Sheriff Sale	July 13, 2002
Offer by	Chris Gilbert, West Columbia
Offer Amount	\$100.00

A re-agenda from August 15, 2016, item #8, to correct address.

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## COUNCIL ACTION

Approve       Reject       No Action       Re-agenda

Motion \_\_\_\_\_, Second \_\_\_\_\_ Vote:  Yea \_\_\_\_\_  No \_\_\_\_\_

**BID ANALYSIS**

**Cause Number:** 19020\*T02      **Account Number:** 8110-3120-000  
**Offer Amount:** \$100.00      **Value \$:** \$230.00  
**Person Offering:** CHRIS GILBERT      **Adjudged Value\$:** \$100.00

**Judgement Information**

Taxing Entity	Tax Years	Amount Due
BC	1991-2001	\$8.08
BCED	1991-2001	\$0.00
Brazosport ISD	1991-2001	\$29.84
BRHND	1991-2001	\$1.73
Brazosport College	1991-2001	\$1.83
Velasco Drainage	1991-2001	\$1.84
City of Freeport	1991-2001	\$16.96
<b>Total</b>		<b>\$60.28</b>

**Costs**

Court Costs	\$0.00	Sheriff Fees	
Publication Fees		Research Fees	
Ad Litem		Recording fee's	
Liens		Certified Mail	
Cost of Deed		Deed file date	
<b>Total</b>		<b>\$0.00</b>	

**Post Judgement Information**

Taxing Entity	Tax Year's	Amount Due
BC	2002	\$0.60
BCED	2002	\$0.00
Brazosport ISD	2002	\$2.00
BRHND	2002	\$0.09
Brazosport College	2002	\$0.13
Velasco Drainage	2002	\$0.09
City of Freeport	2002	\$1.10
<b>Post Judgment Total</b>		<b>\$4.01</b>

**Proposed Distribution**

**Offer Amount**      **Costs**  
 \$100.00      \$0.00  
**Net to Distribute \$**      **\$100.00**

BC	13.40%	\$13.40
BCED	0.00%	\$0.00
Brazosport ISD	49.50%	\$49.50
BRHND	2.87%	\$2.87
Brazosport College	3.04%	\$3.04
Velasco Drainage	3.05%	\$3.05
City of Freeport	28.14%	\$28.14

# CONNECTEXPLORER



map: Mosaic 01/17/2015 - 02/26/2015 Select Date