



**AGENDA
REGULAR MEETING
FREEPORT CITY COUNCIL
MONDAY, OCTOBER 2, 2023 AT 6:00 PM**

Mayor:

Brooks Bass

Council Members:

Jeff Pena

Jerry Cain

George Matamoros

Winston Rossow

City Manager:

Timothy Keltz

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, OCTOBER 2, 2023 AT 6:00 PM, AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS

This meeting will be live streamed via Facebook Live and may be accessed on the City of Freeport Facebook page: <https://www.facebook.com/freeporttexas>

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER: The Mayor will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.

INVOCATION AND PLEDGE OF ALLEGIANCE: (Council Member)

CITIZENS' COMMENTS:

Members of the public are allowed to address the City Council at this time, and must include name and address. Note, specific factual information or a recitation of existing policy may be furnished in response to an inquiry made, but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open meetings Act unless said notice appears herein. The public is reminded that there is a (4) minute time limit as approved by City Council on June 21, 2010.

CONSENT AGENDA:

Consent Agenda items are considered to be routine in nature and may be acted upon in one

motion. Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.

1. Consideration and possible action on the approval of City Council Meeting Minutes, from September 18, 2023. **(Betty Wells)**
2. Consideration and possible action to approve the Brazoria County Firefighter's Association Fire Protection Agreement with Brazoria County. **(Christopher Motley)**

COUNCIL BUSINESS – REGULAR SESSION:

3. **Public Hearing:** Consideration and possible action approving replat for Willowbreeze Farm Section II a Subdivision of 55.168 Acres out of a 73.33 Acre Tract Being the same tract conveyed to SBK Family Homes LLC a Texas Limited Liability Company as recorded in Clerk's File No. 2022-007505 of the Official Records of Brazoria County, Texas. William McDermott Survey Abstract 341 Brazoria County, Texas **(Kacey Roman)**
4. **Public Hearing:** Consideration and possible action amending an ordinance establishing regulations on the placement of portable storage containers. **(Kacey Roman)**
5. Discussion regarding Rental Inspection Program. **(Kacey Roman)**
6. Consideration and possible action approving Resolution No. 2023-2819, nominating candidate(s) for a position on the Board of Directors of the Brazoria County Appraisal District. **(Tim Kelty)**
7. Consideration and Possible action authorizing additional funding for 2023 Super Feast **(Tim Kelty)**
8. Consideration and possible action approving Resolution No. 2023-2817 of appointment for the open position on the Freeport EDC. **(Tim Kelty)**
9. Consideration and possible action approving Resolution No. 2023-2818 of appointment for the open position on the Senior Citizen Commission. **(Tim Kelty)**
10. Consideration and possible action on designation of City Representative to HGAC 2024 General Assembly. **(Tim Kelty)**
11. Consideration and possible action regarding Ordinance 2023-2709 amending regulations for amplified sound. **(Tim Kelty)**
12. Consideration and possible action approving the sale of City owned levee property located at, and adjacent to, 104 Mystery Harbor Lane, to Chris Duncan **(Tim Kelty)**
13. Consideration and possible action granting a 2.7 acre drainage easement to the Velasco Drainage, between Brazosport Blvd., and the Brazos River south of Riverside Park. **(Tim Kelty)**

14. Consideration and possible action to ratify the purchase of public safety vehicles (**Cathy Ezell, Jennifer Howell**)
15. Consideration and possible action approving the purchase of a vehicles for the Public Works Department. (**Cathy Ezell, Lance Petty**)

WORK SESSION:

16. **The City Council may deliberate and make inquiry into any item specifically listed as a Subsection under the itemized Sections A-H below, an item appearing on the City Council agenda for this meeting, on matters related to community events, or on matters that are not within the jurisdiction of the City for consideration by City Council. The City Council may not deliberate on any City matters not specifically disclosed under this Work Session or on this posted City Council Meeting agenda. City Council members and the Mayor always reserve the right to request that a matter be placed on a future agenda for consideration**
 - A. Mayor Brooks Bass announcements and comments.
 - B. Councilman Pena Ward A announcements and comments.
 - C. Councilman Cain Ward B announcements and comments.
 - D. Councilman Matamoros Ward C announcements and comments.
 - * Hotel Occupancy Taxes (HOT)
 - E. Councilman Rossow Ward D announcements and comments.
 - F. City Manager Tim Kelty announcements and comments.
 - G. Updates on current infrastructure.
 - H. Update on reports / concerns from Department heads.
 - Kacey Roman - Citizen Serve website portal

ADJOURNMENT:

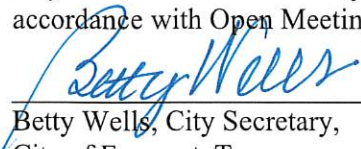
17. Adjourn

Items not necessarily 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).

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

ACCESSIBILITY STATEMENT This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 233-3526.

CERTIFICATE I certify the foregoing notice was posted in the official glass case at the rear door of the City Hall, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, before 6:00 p.m. in accordance with Open Meetings Act.


Betty Wells, City Secretary,
City of Freeport, Texas



State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, September 18, 2023 at 6:00 PM 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 Brooks Bass
- Councilman Jeff Pena
- Councilman Jerry Cain
- Councilman George Matamoros
- Councilman Winston Rossow

Staff:

- Tim Kelty, City Manager
- Lance Petty, Assistant City Manager/PWD
- Tommy Ramsey, Interim City Attorney
- Clarisa Molina, Assistant City Secretary/Administrative Assistant
- Cathy Ezell, Finance Director
- Toby Cohen, IT Manager
- Donna Fisher, Human Resource Director
- Chris Motley, Fire Chief
- Kacey Roman, Building Official
- Ana Silbas, Main Street Coordinator
- Robert Johnson, EDC Director
- Jennifer Howell, Police Chief

Visitors:	David McGinty	Sam Reyna
	Nicole Mireles	Margaret Bachman
	Chris Duncan	Oscar Aquines
	Jason Hayes	

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER:

Mayor Bass called the meeting to order at 6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by City Manager Tim Kelty.

CITIZENS' COMMENTS:

Alyssa Cantu from Brazosport High School was introduced by Mayor Bass as our Fair Queen Candidate for 2023. Mayor Bass said she is looking for sponsors. These funds go to the Fair Association and they help with

numerous scholarships. Ms. Cantu said she is a Senior at Brazosport High School. She said she is honored to be nominated for this. She said she would be grateful if she would be allowed to hang flyers and to receive any sponsors.

Ana Silbas, Main Street Coordinator, said she wanted to share a few updates. She announced the Freeport Historical Commission and Main Street Advisory Board will be having a Board training workshop on September 21st from 5 PM to 8 PM in the 3rd floor conference room at City Hall. She announced the Main Street Fall Market on October 21st from 11 AM to 4 PM in downtown. She said there is still time for vendors to sign up. She also announced Freeport Main Street will be hosting a Dia de los Muertos procession on November 2nd at 6 PM, which will include a community procession led by Father Sebastian. There will be a live Mariachi performance as well as food and cultural vendor items.

David McGinty 521 West Broad, said he wanted to request an agenda item. He talked on a broader scale about the code office and issues we are having. He said it goes way beyond the sound and he would like an agenda item to discuss all of it.

Sam Reyna 2002 North Avenue G, spoke of the last EDC meeting, he said a citizen spoke and asked that Councilman George Matamoros be removed. He read a statement and said there is no State Law or local ordinances that states a Councilmember cannot be on the EDC Board. He said he applauds Councilman Matamoros for volunteering his time.

PRESENTATIONS/ANNOUNCEMENTS:

Presentation of Employee of the Month, for the Month of August.

City Manager Tim Kelty presented Employee of the Month for the month of August 2023 to Evelyn Betancourt.

EDC Annual Presentation

EDC Director Robert Johnson presented to council his annual report on Economic Development for the Freeport EDC. Mr. Johnson covered grants, marketing, and projects for the coming year.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council Meeting Minutes, from September 5, and September 11, 2023.

Consideration and possible action of approving road closure for Homecoming Parade.

Consideration and possible action on the approval of road closures for Fall Market Days on October 28, 2023.

Consideration and possible action on the approval of road closures for Dia De Los Muertos Procession on November 2, 2023.

A motion was made by Councilman Matamoros to approve the Consent Agenda, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved the Consent Agenda.

COUNCIL BUSINESS – REGULAR SESSION:

Consideration and possible action of approving Ordinance No. 2023-2708, vacating and selling the 20' alley right of way in Velasco Townsite, Block 712 between lots 1-4 and 21-24 and approving the City Manager to sign and the City Secretary to attest to a deed transferring real property.

Building Official Kacey Roman presented to council Ordinance No. 2023-2708 vacating and selling a 20' alley right of way in Velasco Townsite. She explained the replat being eight lots, and the owners wanting to turn into one lot. She spoke of the owner wanting to purchase the alleyway, and turn it into a utility easement. The alley is undeveloped and blocked at both ends. A brokers opinion of value set the ROW value at \$1,850 which is what is being offered for the purchase of the alley.

A motion was made by Councilman Matamoros to approve Ordinance No. 2023-2708 vacating and selling the 20' alley right of way in Velasco Townsite, block 712 between lots 1-4 and 21-24 and approving the City Manager to sign and the City Secretary to attest to a deed transferring real property. seconded by Councilman Rossow with all present and voting "Aye" 5-0 council unanimously approved Ordinance No. 2023-2708.

Public Hearing; Public Hearing, consideration and possible action approving replat of Block 712 Subdivision, a One Lot Subdivision Composed of Lots 1-4 And 21-24 and a Portion of a 20' Wide Alley in Block 712 of the Velasco Townsite as recorded in Volume 32, Page 14 of The Brazoria County Plat Records in The Christian Henniger Survey Abstract 211 and The Samuel Angier Survey Abstract 8 Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 6:34 PM

Building Official Kacey Roman presented to council the consideration and possible action approving replat of Block 712 Subdivision, a One Lot Subdivision Composed of Lots 1-4 And 21-24 and a Portion of a 20' Wide Alley in Block 712 of the Velasco Townsite as recorded in Volume 32, Page 14 of The Brazoria County Plat Records in The Christian Henniger Survey Abstract 211 and The Samuel Angier Survey Abstract 8 Brazoria County, Texas. Ms. Roman said with the sale of the alleyway, we are asking for approval of the the replat. She said this went before Planning and Zoning last month and was approved if Council approved the sale of the alleyway.

Councilman Pena asked if this is commercial? Ms. Roman said yes.

Mayor Bass closed the Public Hearing at 6:38.

A motion was made by Councilman Cain to approve replat of Block 712 Subdivision, a One Lot Subdivision Composed of Lots 1-4 And 21-24 and a Portion of a 20' Wide Alley in Block 712 of the Velasco Townsite as recorded in Volume 32, Page 14 of The Brazoria County Plat Records in The Christian Henniger Survey Abstract 211 and The Samuel Angier Survey Abstract 8 Brazoria County, Texas, seconded by Councilman Pena. With all present voting "Aye" 5-0, council unanimously approved replat of Block 712 Subdivision, a One Lot Subdivision Composed of Lots 1-4 And 21-24 and a Portion of a 20' Wide Alley in Block 712 of the Velasco Townsite as recorded in Volume 32, Page 14 of The Brazoria County Plat Records in The Christian Henniger Survey Abstract 211 and The Samuel Angier Survey Abstract 8 Brazoria County, Texas.

Consideration and possible action approving the sale of City owned levee property located at, and adjacent to, 104 Mystery Harbor Lane, to Chris Duncan

Chris Duncan spoke to council about the city-owned levee property located at, and adjacent to 104 Mystery Harbor Lane. He said he received a copy of the appraisal last week. He said he has a couple of issues to discuss. He said one is the appraisal, the one presented by Mr. Duncan is much lower than the one presented by the City. He asked if there is a deed restriction or not. He said the second issues is the requirement to develop a specific dollar value, of \$350,000 within a three-year timeline to build. He said he does not know of anyone who bought property on the river that had a requirement of a minimum cost. He spoke of the three-year timeline to build, and other properties which had a timeline to build, and they still have not built.

A motion was made by Mayor Bass to table this item, seconded by Councilman Matamoros with all present and voting "Aye" 5-0 council unanimously tabled the item.

Consideration and possible action regarding Ordinance 2023-2709 amending regulations for amplified sound.

City Manager Tim Kelty presented to council possible action regarding Ordinance 2023-2709 amending regulations for amplified sound. Mr. Kelty said the ordinance that is in the council packet needs to have some revisions made by the City Attorney. He said we can still discuss the issues that are in the ordinance, but Mr. Kelty said he does not recommend approval of the ordinance tonight. He said in the proposed ordinance there is a new section that limits decibel levels, that will allow enforcement.

Nicole Mireles 2002 N. Ave G, spoke of her concerns about the City allowing business owners to open, get their occupancy, spend a lot of money to get the business up and running, and then the City comes back and points out the music is too loud. Why not tell them up front? She said her opinion is, we need to do better.

Mr. Kelty said this ordinance is a city-wide ordinance, and it will affect every business and property in the city. He said this ordinance proposes limitations of 65 decibels in daytime hours, and 58 decibels during night hours on residential properties. On non-residential properties, it proposes 68 decibels at all times as a limitation, as measured at the property line.

A motion was made by Mayor Bass to table this item, seconded by Councilman Cain with discussion that followed.

Councilman Pena said he appreciates the decimeter being used. He said it is unfair when you have acoustics in play that will amplify in closed quarters. He said a better test would be to put the speaker outside.

Councilman Cain spoke of the comparison of the app and the decibel reader Mr. Kelty has, he said they are relatively close. He said the noise of the vehicle driving on the highway exceeded 68 decibels.

Mayor Bass called the motion to a vote, with all present voting "Aye" 5-0 council unanimously approved to table the item.

Consideration of awarding a competitive sealed bid 2023-03 annual fuel and alternative fuel contract to MidTex Oil LP.

Finance Director Cathy Ezell presented to council the consideration of awarding a competitive sealed bid 2023-03 annual fuel and alternative fuel contract to MidTex Oil LP. Ms. Ezell said we did go out for bids for fuel and alternative fuels, hydraulic fluid, and we only received one bid for fuel and that was with Mid-Tex Oil LP. She said two were received for the alternative. She said this was our second go around for going out for bids. She said staff is recommending going with Mid-Tex for fuel and alternative fuels.

Councilman Pena said he does not like single bids, and wants a way to remedy this.

A motion was made by Mayor Bass to approve awarding a competitive sealed bid 2023-03 annual fuel and alternative fuel contract to MidTex Oil LP, seconded by Councilman Matamoros with all present voting 4-1 motion passed. Councilman Pena voted "Nay".

Consideration and possible action of approving Resolution No. 2023-2816 amending the annual investment policy.

Finance Director Cathy Ezell presented to council the possible action of approving Resolution No. 2023-2816 amending the annual investment policy. Ms. Ezell said this is so we can have brokers and dealers. This gives us more opportunity to make more money on the money we have now.

A motion was made by Councilman Cain to approve Resolution No. 2023-2816 amending the annual investment policy, seconded by Councilman Matamoros with all present voting 4-1 council approved Resolution No. 2023-2816. Councilman Pena voted "Nay"

WORK SESSION:

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Mayor Brooks Bass announcements and comments.

Councilman Pena Ward A announcements and comments.

Councilman Pena announced he had done a project with the Senior Citizens at their meeting this morning. He said there were about 45 seniors in attendance this morning. He announced the upcoming events for this group. He said he wanted to repeat the gas leaks. He spoke of the lights downtown that are not working. He asked if there are any current water leaks we are aware of? He asked about the meetings being on Facebook Live and now being moved to YouTube. He said some people are having technical difficulties on YouTube. He asked if the meetings could be on both? He asked that all replats have a map attached. Councilman Pena asked that there be additional security in executive session tonight.

Councilman Cain Ward B announcements and comments.

Councilman Cain thanked everyone that came to the meeting tonight. He said we have a lot of good stuff going on in Freeport right now, and in the very near future. He said October 2nd, we have Dia de los Muertos, October 3rd, National Night Out, October 7th we have a community-wide cleanup, October 26th is Fright Night, and October 28th is the Fall Market Days. He said on the north side of 1700 Block 9th Street, concrete repairs had been completed and they have started on the south side of that street. He said he understands once this is done Centerpoint will start the electrical connection to the new light poles.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros thanked everyone for coming to the meeting, or watching online. He also thanked the residents who spoke during the citizens' comments. He announced on September 23rd at the Municipal Park Pavilion beginning at 9 A.M. and lasting until 10:30 A.M. he would be holding donuts with George Town Hall for all Ward C residents and any other City of Freeport residents who want to attend. He said on September 26th at Freeport Riverplace from 12 noon until 6:30 P.M. the Brazoria County Hispanic Chamber, in conjunction with the Freeport EDC will host a business expo. He said he would like to invite all Freeport businesses to this expo. He said he has been driving around his Ward and other parts of the city, and he has noticed a lot of hard work that the Public Work Department has been putting in. He said this hard work does not go unnoticed.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow said Ward D is in good shape. He said he rides around a lot and looks at the whole city, and we are doing a great job. He said he is glad he lives in the City of Freeport, there are a lot of positive things going on. He said you will never hear me bad mouth the city. He said the guys and gals that work for the city are the ones doing the work, it is not us sitting up here. He said he appreciates what the people in charge are doing. He said he does not appreciate being bad mouthed on social media.

City Manager Tim Kelty announcements and comments.

- La Caza Azul

- Outriggers Sign

-O.A. Flemming property

City Manager Tim Kelty said we have National Night Out on October 3rd from 6 PM to 8 PM. Mr. Kelty spoke of La Caza Azul. He said at the last meeting we had there were a lot of people who got up and spoke. Mr. Kelty said the City, Ms. Roman and the EDC have been working with La Caza Azul and we are excited about them bringing their business to the city. Mr. Kelty said, originally, when they came to Freeport the owner talked about a food truck court. He said a temporary CO was issued verbally.

Ms. Roman spoke of the owner wishing to get the permits in stages, the first being concrete for the parking lot. She spoke of the temporary CO for the food truck court. She said now there will be new requirements for the business they are currently operating. She spoke of the replat that is a requirement, with buildings being added. Ms. Roman spoke of the huge increase in the number of food trucks permitted to operate in the city. She said we have had an increase in new businesses opening as well.

Cassie, one of the owners of La Caza Azul, spoke of the parking lot and being allowed to put it down. She said they never touched the structure when they were forced to replat. She said at this point they made changes. She said the food truck list that was just mentioned is not an updated list. She said she called them all. She spoke of the registered contractors in the City. She spoke of the CO's. She said this is very frustrating. She said it feels like we are getting pushed back.

Sara said she is a patron of La Caza Azul. She spoke of the numbers mentioned in local food trucks, and said she would like to know the longevity of the businesses in Freeport. She said if we are continually opening new businesses, but are we seeing Freeport grow?

Oscar said he is the father of Cassie and he is proud. He said he wants to say they are kids, and they want success, they want to grow. He said they are 22 years old and they are trying to be successful and bring something to the city. He said let's make some changes.

Suzette Aquinas said Cassie has passion and fire, she will not stop. She said she has paved a way, not just for her but for others around her. She said Cassie is inspiring other local businesses that have yet to launch. She said we are not trying to close, or be a burden on the city. She said we want to make a positive impact.

Police Chief Howell said Caza Azul spoke of being harassed by the Police Department. Chief Howell said on the weekend of September 1, there were a total of six complaints that came in and that is why we were brought to that location. Chief Howell said a citation was not written until the sixth complaint call. She said the following weekend there were no complaints, but a video was shown of a Police Officer driving back and forth. Chief Howell said there was talk of retaliation from incidents in other bars on Gulf Blvd, and the heightened police presence was because of that and concerns regarding activities potentially migrating in from the beach. The Police presence kind of helps deter things from happening that they were concerned about. Chief Howell said Cassie is correct, there was more police presence but it was not directed at them.

City Manager Tim Kelty spoke of the Outriggers sign. He said the sign on 2nd and Oak Street was placed there almost a year ago. He spoke of the notice given that the sign was illegal where it was placed. Mr. Kelty spoke of the ordinance that was adopted to help the business owner that would allow a sign. He said, however, the sign is still required to be permitted. Mr. Kelty said the owner of Outriggers has been notified many times to apply for a permit.

Ms. Roman said she explained the requirements in order to get the off-premise-sign permit. She said we still do not have an application. She said a citation has been issued to the property owner, Percy B. Croft, not the business owner, Jason Hayes. Ms. Roman said getting this sign would need to be wind storm certified to bring

it up to code. It has to be anchored, we require a copy of the survey, and a wind storm drawing. Ms. Roman said these property lines don't change. A 30-year survey will still be valid.

Jason Hayes owner of Outrigger, said it will be almost \$5000 to keep his sign there with the updated survey and the windstorm engineers. He said it is a lot of jumping through rules and regulations to have a sign. He said he thought the change to the ordinance would be so the sign could stay. He said, but once he came in to get the permit, there were added rules and regulations. He spoke of the noise ordinance.

City Manager Tim Kelty said there has been a lot of discussion on social media regarding the plans of O.A. Fleming. He said this is a nine-block area, and the City has not yet taken ownership of the property. We are hoping that we are getting close to this, with the land swap with the ISD. He said the plan which council has talked about and is a requirement from the ISD for the sale is that the property be used for residential development. Mr. Kelty said the ISD wants residential development to help increase their student population. He spoke of the park development that will be a small area in this nine-block property.

Updates on current infrastructure.

City Manager Tim Kelty spoke of the sewer system grant that we received from the GLO. He said it is about a six million dollar project that is currently underway. He said the project is proceeding, and it will take about 10 months. He also said we were originally going to open bids for the first phase of the WWTP. This is the other six million dollar grant we received from the GLO. He said in the pre-bid meeting there was discussion on the "*buy American Steel*" requirement. He said this would drive the cost up. The architect and our grant consultant confirmed with GLO and the Federal Government that we do not have to comply with that. The bid opening has been extended so we can make the modification and the addendum to remove that requirement.

Update on reports / concerns from Department heads.

CLOSED SESSION:

Executive Session regarding a.) (Personnel Matters) City Managers Annual Review

A motion was made by Mayor Bass to include City Manager Tim Kelty in Executive Session, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved the motion.

A motion was made by Councilman Pena to have security included in Executive Session, with lack of a second motion fails.

Council entered executive session.

COUNCIL BUSINESS – REGULAR SESSION:

Take any action resulting from Executive Session.

Executive Session recessed, and Council entered into Regular Session.

No action was taken from Executive Session.

ADJOURNMENT:

Adjourn

On a motion by Councilman Cain to adjourn, seconded by Councilman Pena, with 5-0 vote, Mayor Bass adjourned the meeting.

Brooks Bass, Mayor

Betty Wells, City Secretary



City Council Agenda Item #2.

Title: Consideration and possible action to approve the Brazoria County Firefighter's Association Fire Protection Agreement with Brazoria County.

Date: October 2, 2023

From: Christopher Motley, Fire Chief

Staff Recommendation: Staff recommends approving the Brazoria County Firefighter's Association Fire Protection Agreement with Brazoria County for 2023-24. Second recommendation is to authorize the Fire Chief to sign the agreement.

Item Summary: Freeport Fire & EMS provides fire protection into the unincorporated areas of Brazoria County or to neighboring communities requesting mutual aid. Freeport Fire & EMS Department depends on mutual fire protection to address manpower and equipment needs in fire protection. This agreement is renewed annually with the individual fire department and Brazoria County Firefighter's Association (BCFFA). Each department must meet ten objectives in the contractual agreement to be in compliance of the agreement. As part of compliance the department is compensated \$20,000.00.

Background Information: Fire Chief John A. Stanford, Jr., was involved in the creation of the BCFFA PAC to address fire protection needs in the community. A part of the PAC was to address fire engine replacement owned by Brazoria County. The BCFFA Fire Protection Agreement was created after Brazoria County Commissioners were faced with replacing at least a dozen fire trucks since 1986. Prior to creating the fire protection agreement, Brazoria County provided each fire department with a fire engine. The replacement of a large number of fire engines at one time creates a financial challenge. In lieu of a fire truck replacement, Brazoria County Commissioner and BCFFA entered into an agreement provide an annual payment to participating departments to be used towards fire engine replacement or operational needs.

Special Considerations: None

Financial Impact: No financial impact on the City. The Freeport Fire & EMS Department is compensated \$20,000.00

Board or 3rd Party Recommendation: None

Supporting Documentation:

1. Brazoria County Fire Protection Agreement 2023 24



Brazoria County Firefighter's Association

United To Serve the People of Brazoria County

In order to receive the prescribed funding from Brazoria County pursuant to Commissioners Court Order No. **V.A.3.a** of **December 09, 2014** - Regular Session for the year beginning **October 1, 2023**.

The _____ agrees to the following terms and conditions:
(Department Name)

1. **Each Department by way of this signed document agrees to provide fire protection within their assigned ETJ or as called upon for mutual aid within Brazoria County.** The agreement must be signed by the highest-ranking official associated with the Department.
2. Each Department must submit an annual report as to the department's equipment resources and personnel utilizing the format provided by the BCFFA.
3. Each Department must submit a copy of their annual report from TXFIRS/NFIRS current from the previous October to the end of September.
4. Each Department must have in service and available for call at least one Class "A" unit as defined by the BCFFA. In the event a department unit is temporarily out of service and no other units are available as a replacement, suitable arrangements must be made for coverage by the nearest department.
5. Each department will maintain as minimum liability insurance in the amount of \$100,000/\$300,000/\$100,000 and furnish proof to BCFFA and Brazoria County.
6. Each Department will properly house and maintain truck and equipment.
7. Each Department will participate as an active member of the BCFFA, Brazoria County Fire Chiefs' Committee, and State Fireman's and Fire Marshall's Association. An active member of the BCFFA must meet the requirements set by the BCFFA including attendance at County Meetings and Chief's Association Meetings as required by BCFFA. **Required attendance shall include a minimum of 4 Chief's Association meetings and 4 County Association Meetings.**
8. Each Department will submit a Complete Department budget summary for the year. This budget summary shall include all income and expense as defined in a standard form provided and approved by the BCFFA and Brazoria County. This budget will represent the yearly budget for the year looking forward.
9. Reports and Budgets will be due in November. For each month that the required information is not provided, the Department will forfeit 10% of the original funded amount. The forfeited funds will be placed in the general fund of the association.
10. Each Department will be required to have the requested information reviewed and approved by the Regulatory Committee which is a sub-committee of the BCFFA. This committee will determine if all of the requirements have been met and will issue a check to each Department that has met the requirements of this agreement.

A breach of this agreement by "the Department" or any part thereof may/shall forfeit the Department's rights to receive funding from either the County or the BCFFA.

I _____ acting as the agent for
(Highest-ranking official of Department)

_____ agree that this Department will follow
(Department Name)
the requirements above to receive County funding.

_____ Department Representative _____ (date)
(Signature)

_____ Regulatory Committee Chairman _____ (date)
(Signature)



City Council Agenda Item #3.

Title: **Public Hearing:** Consideration and possible action approving replat for Willowbreeze Farm Section II a Subdivision of 55.168 Acres out of a 73.33 Acre Tract Being the same tract conveyed to SBK Family Homes LLC a Texas Limited Liability Company as recorded in Clerk's File No. 2022-007505 of the Official Records of Brazoria County, Texas. William McDermott Survey Abstract 341 Brazoria County, Texas

Date: October 2, 2023

From: Kacey Roman, Building and Code Director

Staff Recommendation: Staff recommends Council approve the replat request following the public hearing to receive citizen input.

Item Summary: This property is located on Hammond Road (near FM 2004/FM523) outside of the Freeport City Limits, in the ETJ. The owner is replating the current existing property out of a 55.168 acre tract, due to FEMA Flood Zone changes.

Background Information: The owner on record at the Brazoria County Appraisal District is SBK Family Homes of Pearland, Texas. The prospective owner would like to purchase lot 33 to use for agricultural purposes, to keep horses on the property for his daughter. There is no immediate intent to build on the property.

Special Considerations:

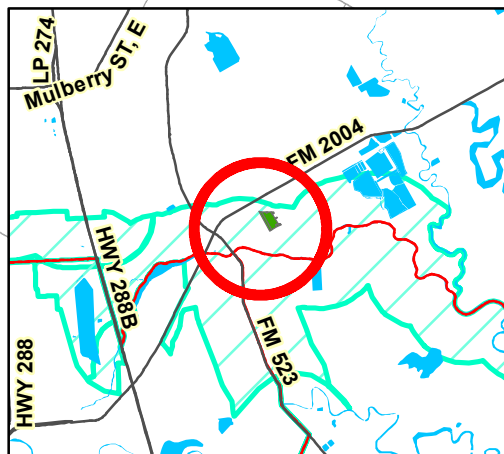
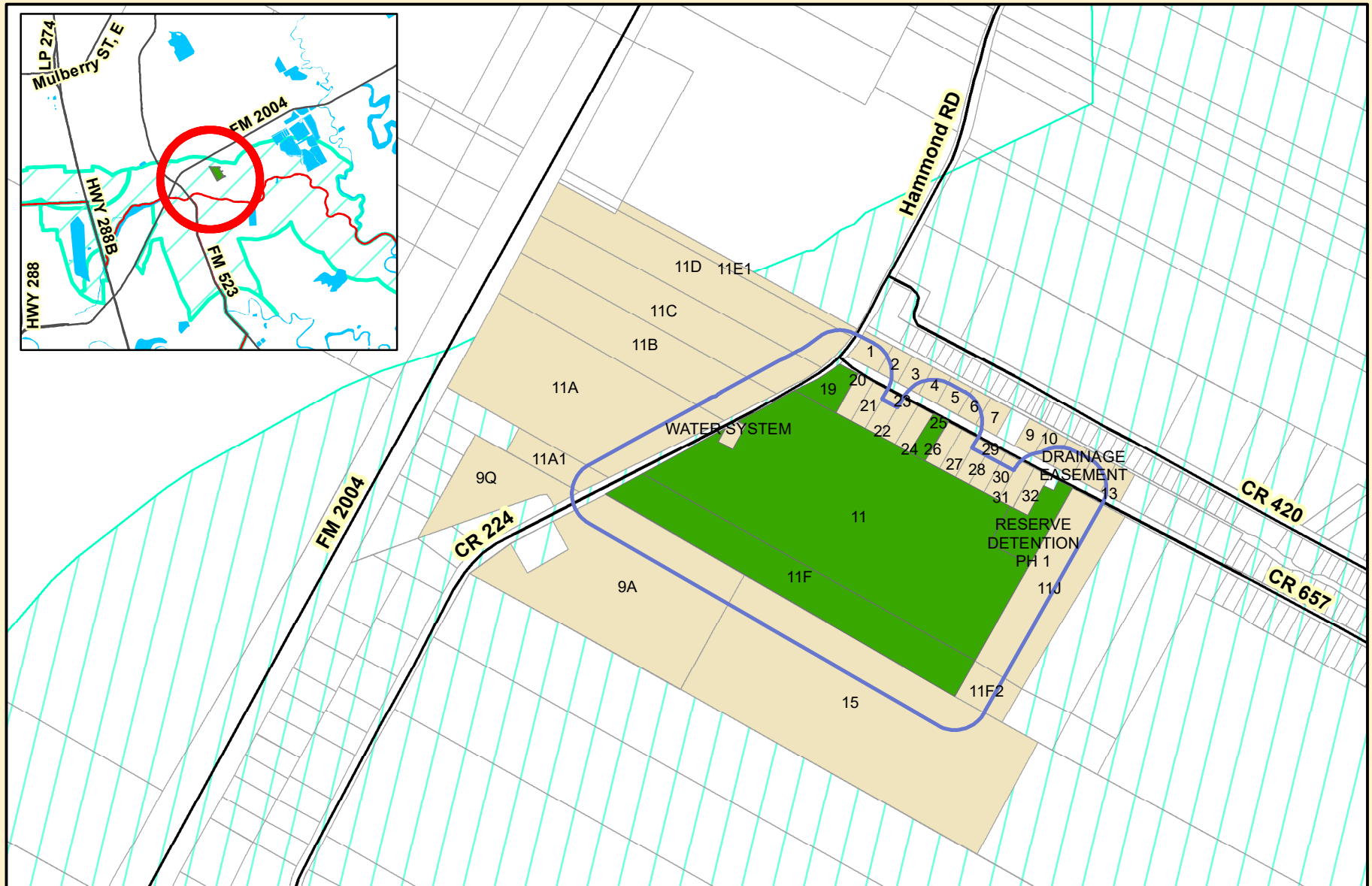
Financial Impact:

Board or 3rd Party Recommendation: Planning and Zoning voted to approve the replat on Thursday, 9/26/23.

Supporting Documentation:

1. Willow Breeze FarmSecII- Terry
2. WillowBreeze

Page 17 of 143



Legend	
■	169712 669659 669665 669673
■	200' Buffer
—	Roads
—	Water
—	Parcels
—	Buffered Parcels
—	City of Freeport ETJ

Replat Property Location Map

Property ID: 169712, 669659, 669665 & 669673

0 120 240 480 720 960 1,200 Feet

Author: Laura Cramer

Document Path: S:\GIS Data\169712 669659 669665 669673 200ft w template





City Council Agenda Item #4.

Title: **Public Hearing:** Consideration and possible action amending an ordinance establishing regulations on the placement of portable storage containers.

Date: October 2, 2023

From: Kacey Roman, Building and Code Director

Staff Recommendation: Staff recommendation is to approve modification of ordinance as suggested by the Planning and Zoning Commission.

Item Summary: There has been a request made to allow for Shipping Containers to be used as permanent storage in Commercial Zones. City Ordinance currently prohibits this. Containers are allowed for Temporary Use only in Residential Zones and Downtown, and under the new ordinance as Permanent improvements with Limited Use Restrictions in Commercial Zones.

Background Information: The following suggested changes were made at the July 7, 2023, Planning and Zoning Workshop:

Portable Storage Units –

- Require a Building Permit and Inspection.
- Must be Anchored for Windstorm Standards.
- Containers may not be stacked.
- Must be painted to match principal structure.
- May not have any logos, numbering, or writing visible.
- Must be maintained with no rust.
- Screening - If a commercial property is adjacent to a Residential Zone, then it must have an 8-foot opaque fence, or a type C buffer zone.
- Setback – 10 feet from fence
- Height Restriction - 114 inches from ground to top of container. (9 1/2 feet)
- Remove restrictions on truck containers with the chassis attached to it.

Residential Zones -

- Table 155.404-1 “... may remain in place for **30 days** after project completion.”

The current Zoning Ordinance only allows for Portable Storage Units for Temporary Use with the following requirements:

- less than 20 feet in length,
- placed on hard improved surface
- 10 feet away from property line
- All Items contained within storage unit
- For use only during Construction/Renovation + 1 week
 1. Any other use - 10 days only

This includes truck containers, with or without the chassis attached to it; moving vans; portable on demand (POD) moving containers; pre-assembled storage structures; and shipping containers.

Special Considerations: Currently there are over 100 Shipping Containers being used for permanent storage all over the City of Freeport, in all zones. These containers are up to 40 feet in length, placed on grass, not anchored, etc. Standard shipping containers are 40 feet long, and 8’6” tall.

Financial Impact: None

Board or 3rd Party Recommendation: The Planning and Zoning Commission voted to recommend the ordinance modifications on Thursday, September 26, 2023.

Supporting Documentation:

1. Container Ordinance 3260938 (002)

ORDINANCE NO. 2023-2710

AN ORDINANCE AMENDING THE CITY OF FREEPORT'S ZONING ORDINANCE BY AMENDING SECTION 155.201 – DEFINITIONS BY AMENDING THE DEFINITION OF PORTABLE STORAGE UNIT; BY AMENDING SECTIONS 155.401-1 – LAND USE TABLE, SPECIFICALLY TABLE 155.401-1, PERMITTED USES BY DISTRICT, BY ADDING THE PORTABLE STORAGE UNIT AS A NEW LAND USE IN THE SELF-SERVICE STORAGE USE CATEGORY UNDER THE COMMERCIAL AND OFFICE DESIGNATION AND AS A NEW LAND USE IN THE WAREHOUSING AND FREIGHT MOVEMENT USE CATEGORY UNDER THE INDUSTRIAL DESIGNATION, AND THESE TWO NEW PORTABLE STORAGE UNIT CATEGORIES WILL BE DESIGNATED AS A “LIMITED USE” OR “L” ONLY UNDER C-1, C-2, C-3, W-1 AND UNDER THE ABOVE DESCRIBED APPROPRIATE DESIGNATIONS; BY AMENDING SECTION 155.402 BY ADDING A NEW PARAGRAPH (2) TO SECTION 104.402(C), A NEW PARAGRAPH (2) TO SECTION 104.402(D), AND A NEW PARAGRAPH (2) TO SECTION 104.402(E), PROVIDING NEW LIMITED USE STANDARDS FOR PORTABLE STORAGE UNITS; BY AMENDING SECTION 155.404 – TEMPORARY USE STANDARDS, SPECIFICALLY TABLE 155.404-1, TEMPORARY USES STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY BY CHANGING THE DURATION OF PORTABLE STORAGE UNITS; CONTAINING A PREAMBLE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AND PROPERLY PUBLISHED FOR HEARING AS REQUIRED BY LAW; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A REPEALER CLAUSE; CONTAINING A PENALTY CLAUSE UP TO \$2000 PER OFFENSE AND THAT EACH AND EVERY OCCURRENCE SHALL CONSTITUTE A SEPARATE OFFENSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Freeport (the “City”) recognizes that portable storage units have become a necessary part of storage for certain businesses in the City;

WHEREAS, the City Council seeks to assure that use of such portable storage units is allowed as a permanent limited use in certain zoning districts with certain restrictions to protect the safe use of such units and general aesthetics for the surrounding properties;

WHEREAS, the City may establish by ordinance, general rules and regulations governing the zoning of land within its corporate limits in order to promote the health, safety, and general welfare of the City and to promote the safe, orderly and healthful development of the City; and

WHEREAS, the City Council has determined, based upon the findings stated above, that the regulations established by this Ordinance are necessary for the good government, peace and order of the City; and

WHEREAS, City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

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

Section 1. The findings and recitations set out in the preamble to this ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

Section 2. Section 155.201 – Definitions of the Code of Ordinances of the City is hereby amended by deleting the definition of Portable Storage Unit and replacing it with the following definition:

PORTABLE STORAGE UNIT means an enclosed storage container that may be used to transport goods but may then also be stationary on a single site for any period of time before or after transport. This definition includes truck containers, without the chassis attached to it; moving vans; portable on demand (POD) moving containers; pre-assembled storage structures; and shipping containers.

Section 3. Section 155.401 – Land Use Table, specifically Table 155.401-1, Permitted Uses by District, of the Code of Ordinances of the City is hereby amended by adding Portable Storage Unit as a new Land Use in the Self-Service Storage Use Category under the Commercial and Office designation and as a new Land Use in the Warehousing and Freight Movement Use Category under the Industrial designation, and these two new Portable Storage Unit categories will be designated as a “Limited Use” or “L” only under C-1, C-2, C-3, W-1 and under the above described appropriate designations. The new Portable Storage Unit Land Uses are subject to the below described new Limited Use Standards provided for in Section 155.402, specifically under Standards for Commercial and Office Limited Uses, Standards for Industrial Limited Uses, and Standards for W-1 Waterfront – Resort/Marina Limited Uses.

Section 4. Section 155.402 is hereby amended by adding a new Paragraph (2) to Section 104.402(C), a new Paragraph (2) to Section 104.402(D), and a new Paragraph (2) to Section 104.402(E) to now read as follows:

“Section 155.402 LIMITED USE STANDARDS

* * *

(C) Standards for Commercial and Office Limited Uses.

(2) *Portable Storage Unit.*

- (a) *Permit.*** All portable storage units shall require a building permit and inspection.
- (b) *Placement.*** No portable storage unit shall be placed on a lot without being placed on a hard-surfaced slab (concrete or asphalt) or concrete blocks, and properly anchored for its windstorm rating.

- (c) *Stacking.* No portable storage units shall be stacked on top of another portable storage unit.
- (d) *Paint.* All portable storage units must be painted with the same color scheme as the principal structure on the property, and cannot have any logos, numbering, or other visible writing on the unit.
- (e) *Maintenance.* All portable storage units must be maintained to eliminate any rust on such units.
- (f) *Screening.* If a portable storage unit is adjacent to a Residential Zone, then such unit must have an 8-foot opaque fence or Type-C buffer zone to screen from public view.
- (g) *Setback.* All portable storage units must be setback ten (10) feet from a fence or property line.
- (h) *Height.* All portable storage units must have a maximum height of 114 inches, measured from natural grade ground level to the top of the container.

(D) Standards for Industrial Limited Uses.

(2) *Portable Storage Unit.*

- (a) *Permit.* All portable storage units shall require a building permit and inspection.
- (b) *Placement.* No portable storage unit shall be placed on a lot without being anchored to a hard-surfaced slab (concrete or asphalt), and properly anchored for its windstorm rating.

- (c) *Stacking.* No portable storage units shall be stacked on top of another portable storage unit.
- (d) *Paint.* All portable storage units must be painted with the same color scheme as the principal structure on the property, and cannot have any logos, numbering, or other visible writing on the unit.
- (e) *Maintenance.* All portable storage units must be maintained to eliminate any rust on such units.
- (f) *Screening.* If a portable storage unit is adjacent to a Residential Zone, then such unit must have an 8-foot opaque fence or Type-C buffer zone to screen from public view.
- (g) *Setback.* All portable storage units must be setback ten (10) feet from a fence or property line.
- (h) *Height.* All portable storage units must have a maximum height of 114 inches, measured from natural grade ground level to the top of the container.

(E) Standards for W-1 Waterfront- Resort/Marina Limited Uses.

(2) *Portable Storage Unit.*

- (a) *Permit.* All portable storage units shall require a building permit and inspection.
- (b) *Placement.* No portable storage unit shall be placed on a lot without being anchored to a hard-surfaced slab (concrete or asphalt), and properly anchored for its windstorm rating.

- (c) *Stacking.* No portable storage units shall be stacked on top of another portable storage unit.
- (d) *Paint.* All portable storage units must be painted with the same color scheme as the principal structure on the property, and cannot have any logos, numbering, or other visible writing on the unit.
- (e) *Maintenance.* All portable storage units must be maintained to eliminate any rust on such units.
- (f) *Screening.* If a portable storage unit is adjacent to a Residential Zone, then such unit must have an 8-foot opaque fence or Type-C buffer zone to screen from public view.
- (g) *Setback.* All portable storage units must be setback ten (10) feet from a fence or property line.”
- (h) *Height.* All portable storage units must have a maximum height of 114 inches, measured from natural grade ground level to the top of the container.

Section 5. Section 155.404 – Temporary Use Standards, specifically Table 155.404-1, Temporary Uses Standards, of the Code of Ordinances of the City is hereby amended by changing the Duration of Portable Storage Units to now read as follows:

“If used for construction or renovation, may remain in place for thirty (30) days after project completion. If used for another purpose, ten (10) days.”

Section 6. It is hereby declared to be the intention of the City Council that the sections,

paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgement or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 7. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

Section 8. Any person violating this section shall be guilty of a misdemeanor and upon conviction therefor, shall be fined not to exceed \$2000, and each day any such violation continues or occurs shall constituted a separate offense.

Section 9. 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.

READ, PASSED AND ADOPTED this ____ day of _____, 2023.

Brooks Bass, Mayor

ATTEST:

Betty Wells, City Secretary

APPROVED AS TO FORM ONLY:

David W. Olson, Interim City Attorney



City Council Agenda Item #5.

Title: Discussion regarding Rental Inspection Program.

Date: October 2, 2023

From: Kacey Roman, Building and Code Director

Staff Recommendation: Staff recommends discussion and guidance regarding the creation of a Rental Inspection Program.

Item Summary: This item has been requested by the Mayor. Many citizens have contacted Code Enforcement with complaints regarding hazardous living conditions in their rental units. Most are afraid of being evicted, and will not allow interior inspections, even though they have a long list of items that are not being fixed. A rental inspection program would be a proactive program that would allow units to be repaired before they are allowed to be rented.

This type of program has been successfully implemented in cities all across the State of Texas; Plano, Clute, Lake Jackson, Arlington, Dallas, Lewisville, Houston, etc.

Background Information: There are approximately 1,040 apartment units in the City of Freeport, Texas.

Special Considerations:

Financial Impact:

Board or 3rd Party Recommendation:

Supporting Documentation:

1. Apartment Inspection Checklist Form
2. Rental Presentation to Council



1ST Inspection: ☐ 2nd Inspection: ☐ 3rd Inspection (\$25 Fee): ☐ 4th Inspection (\$50 Fee): ☐

*****Failed Unit Inspections must have a Re-Inspection before move in*****

Based on an inspection, the items documented identify the violations in operations or facilities which must be corrected.

Failure to comply with any time limits for corrections specified within this notice may result in cessation of your operation,
or court citations may be issued.

*All requirements for Minimum Building and Property Maintenance Standards
are in accordance with the following currently adopted International Code Council Building Codes
and the City of Freeport Code of Ordinances:*

*International Property Maintenance Code
International Residential Code
International Building Code
International Fire Code
International Plumbing Code
International Energy Conservation Code
National Electric Code*



Proposed Rental Registration and Inspection Program

Why are we proposing to inspect Rental Units?

- Everyone deserves a safe and habitable place to live.
- Inspections provide documentation for both property owner/manager and tenant of property conditions.

42.6% of All Citizens in Freeport are Renters according to Census.gov

Housing	
i Housing units, July 1, 2022, (V2022)	X
i Owner-occupied housing unit rate, 2017-2021	<u>57.4%</u>
i Median value of owner-occupied housing units, 2017-2021	\$90,800
i Median selected monthly owner costs -with a mortgage, 2017-2021	\$1,369
i Median selected monthly owner costs -without a mortgage, 2017-2021	\$420
i Median gross rent, 2017-2021	\$958

Families & Living Arrangements	
i Households, 2017-2021	<u>3,882</u>
i Persons per household, 2017-2021	2.78
i Living in same house 1 year ago, percent of persons age 1 year+, 2017-2021	84.0%
i Language other than English spoken at home, percent of persons age 5 years+, 2017-2021	40.1%

There are approximately 10,696 residents of Freeport.
There are **1,040 Rental Units** in Apartment
Complexes in Freeport, Texas.

Program Proposal

- The program will begin with Multi-Family Apartment Complexes with 4 or more units.
- In the future, the program can be expanded to include smaller complexes and rental houses.

Program would be instituted in Stages

- **Stage 1; Educational 3-month period**
 - Scheduled site visits with Apartment staff to show what we will be inspecting, and what would be considered violations.
- **Stage 2; next 3 months Random Site Visits, and Exterior Inspections**
 - Visit locations and inspect exteriors. Inspect any vacant units available.
- **Stage 3; After 6 months, begin Routine Inspections**
 - Inspections will be required before an apartment can rent a vacant unit.
 - Monthly reports of vacant units will be required to submit to the City.

What will be inspected?

- Inspect per the 2015 International Property Maintenance Code.
- Provide one copy of the IPM Code to each multi-family complex.
- Have a full-time inspector on staff to inspect for compliance. Can conduct 2 – 3 inspections per hour, plus property maintenance issues.
 - Safe Built charges \$105/inspection
 - Bureau Veritas charges \$125/inspection
- Incorporate the annual fire inspection into the routine inspection.
- Extensive Repairs would be dealt with on a case-by-case basis, and an agreed upon Timeline of Repairs would be submitted for approval.

What would the Complex need to do?

- Register every complex with the Building Department.
- Post department contact information for tenant complaints.
- Maintain a copy of the IPMC on site for review by tenants.
- Correct items on the inspection form within the appropriate time frame.
- Submit a monthly report of vacant units to the City.

How is the program funded?

- Cost to the Rental Complex
\$3.00 per unit - per month will
be added to the water bill.
- Annual income would be
approximately \$37,440.00.

1	1010 Magnolia Street	146
2	203 Cherry	5
3	127 W 7 th	4
4	123 W 6 th	4
5	119 W 6 th	4
6	118 W 6 th	4
7	126 W 6 th	4
8	123 W 5 th	4
9	119 W 5th	4
10	310 Yaupon	61
11	1416 W 4 th	6
12	1700 N Ave K	16
13	1109 N Ave C	23
14	323 S Ave F	11
15	1001 N Ave J	80
16	905 N Ave J	100
17	902 N Ave J	140
18	1702 Skinner	100
19	850 N Ave N	156
20	401 S Brazosport	168
	Total	1040



Thank you for your Support!



City Council Agenda Item #6.

Title: Consideration and possible action approving Resolution No. 2023-2819, nominating candidate(s) for a position on the Board of Directors of the Brazoria County Appraisal District.

Date: October 2, 2023

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends Council discuss this nomination process and if desired adopt the resolution nominating up to 5 individuals to be included on the ballot for election.

Item Summary: Annually, the county, cities, ISDs, and all taxing units within Brazoria County may nominate individuals to appear on a ballot to serve on the Board of Directors for the Brazoria County Appraisal District. All nominees received are included on the ballot. In November, the elected body of each taxing entity will cast their allotted votes for candidates of their choosing to serve on the board. The Freeport City Council will have 18 votes to cast out of well over 1000 votes distributed to all the voting entities.

Background Information: The board of directors is an authoritative body of individuals that govern our local appraisal district. The board serves as part of the local property tax system equation of checks and balances. The board of directors hires the chief appraiser, and approves our annual budget.

The directors have no authority to set values or appraisal methods. The chief appraiser is appointed by and serves at the pleasure of the appraisal district board of directors. It is the responsibility of the chief appraiser to carry out the appraisal district's legal duties, hire staff, administer the annual appraisal process, and operate the appraisal office.

The following is a nonexclusive list of the primary responsibilities of the board of directors under the Property Tax Code:

- Establish the CAD's appraisal office;
- Hire a chief appraiser;
- Adopt the CAD's annual operating budget before Sept. 15 after fulfilling notice requirements and holding a public hearing;
- Select a chairman and a secretary from among ARB members;
- Notify taxing units of any vacancy on the board and elect by majority vote of members one of the submitted nominees;
- Elect from members a chair and secretary at the first meeting of the calendar year;

- Have board meetings at least once each calendar quarter;
- Develop and implement policies regarding reasonable access to the board;
- Prepare information describing the board's functions and complaint procedures; the information must be made available to the public and the appropriate taxing units;
- Notify those party to a complaint filed with the board of the status of the complaint unless otherwise provided;
- Appoint a taxpayer liaison officer (in counties having a population of over 125,000);
- Biennially develop a written plan for the periodic reappraisal of all property in the CAD's boundaries, hold a public hearing with the required notice, approve a plan by Sept. 15 of each even-numbered year, and distribute copies to participating taxing units and to the Comptroller as required;
- Make an agreement with newly formed taxing unit's governing body on an estimated budget allocation for the new taxing unit;
- Have prepared an annual financial audit conducted by an independent certified public accountant and deliver a copy of the audit to each voting taxing unit and made available for inspection at the CAD office;
- Designate the CAD depository at least once every two years;
- Receive taxing units' resolutions disapproving board actions;
- Adhere to requirements regarding purchasing and contracting under Local Government Code Chapter 252;
- Provide advice and consent to the chief appraiser concerning the appointment of an agricultural appraisal advisory board and determine the number of members on that advisory board;
- Adhere to laws concerning the preservation, microfilming, destruction or other disposition of records

Special Considerations: The names of current board members were provided to the city as potential nominees. They include: Tommy King of Alvin, Susan Spoor of Angleton, George Sandars of Pearland, Gail Robinson of Brazosport, and Bobby Brown of Sweenie/Columbia/Brazoria. Council may nominate any of these or any other candidates you might agree on.

Financial Impact:

Board or 3rd Party Recommendation:

Supporting Documentation:

1. Resolution for BCAD Board nominations 2023
2. Brazoria CAD letter regarding Board nominations

RESOLUTION NO. 2023-2819

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING
CANDIDATE(S) FOR A POSITION ON THE BOARD OF DIRECTORS OF THE BRAZORIA
COUNTY APPRAISAL DISTRICT**

WHEREAS, those eligible taxing units participating in the Brazoria County Appraisal District have the right and responsibility to nominate up to five candidate(s) to fill the five (5) positions of the Board of Directors of the Brazoria County Appraisal District for a term of office commencing on January 1, 2024 and extending through December 31, 2025; and

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

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

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

Section 2. That the following individuals be, and are hereby, nominated as candidate(s) for positions on the board of directors of the Brazoria County Appraisal District to be filled by those eligible taxing units participating in the Brazoria County Appraisal District for a two-year term of office commencing on January 1, 2024.

Name & Address: _____
Name & Address: _____
Name & Address: _____
Name & Address: _____
Name & Address: _____

Section 3. That the presiding officer of the governing body of this taxing unit be, and that he or she is hereby, authorized and directed to deliver or cause to be delivered a certified copy of this resolution to the chief appraiser of the Brazoria County Appraisal District on or before October 14, 2023.

PASSED, ADOPTED AND APPROVED this _____ day of _____ 2023.

Brooks Bass
Mayor

ATTEST:

Betty Wells,
City Secretary

BRAZORIA COUNTY APPRAISAL DISTRICT

MEMBERS OF THE BOARD

Bobby Brown
Kristin Bulanek
Tommy King
Gail Robinson
George Sandars
Susan Spoor

CHIEF APPRAISER

Marcel Pierel III
500 N. Chenango
Angleton, Texas 77515
979-849-7792
Fax 979-849-7984

September 1, 2023

Mr. Tim Kelty
City Manager of Freeport
200 W. Second St.
Freeport, TX 77541

Dear Mr. Kelty,

In reference to the selection of the Appraisal District Board of Directors, each voting taxing unit in Brazoria County nominates **by resolution**, up to five candidate(s) to fill the five (5) positions of the Board of Directors. These nominations (names and addresses) must be submitted to the Chief Appraiser before **October 15, 2023**. (See Step 1 on Calendar)

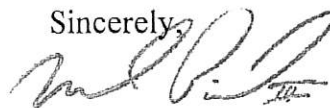
Enclosed is a list of the current board members with space to add different nominees if your board chooses to. (Nominate up to a total of five candidates)

Your 2022 total tax levy was **\$ 3,828,596**. This tax levy has entitled your taxing unit to **18** votes for the five (5) directors to be appointed to the Brazoria County Appraisal District.

The voting process will begin before October 30, 2023 once all nominations have been received.

Please address all submissions to Marcel Pierel, Chief Appraiser, at the above address, or you may email submissions to mpierel@brazoriacad.org or fax to 979-849-7984.

Sincerely,



Marcel Pierel III
Chief Appraiser

MP/td
Enclosure

BRAZORIA COUNTY APPRAISAL DISTRICT

MEMBERS OF THE BOARD

Bobby Brown
Kristin Bulanek
Tommy King
Gail Robinson
George Sandars
Susan Spoor

CHIEF APPRAISER

Marcel Pierel III
500 North Chenango
Angleton, Texas 77515
979-849-7792
Fax 979-849-7984

M E M O

To: All Voting Taxing Units
From: Marcel Pierel III, Chief Appraiser
Subject: 2023 Board of Directors Election For
Years 2024 – 2025
Date: September 1, 2023

Your taxing unit participates in selecting members of the Brazoria County Appraisal District's Board of Directors.

The board is composed of five members who serve two-year terms, all of which expire December 31, 2023.

If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a non-voting director.

This memorandum sets out the process of selecting directors for the two-year term that begins January 1, 2024.

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

Selection Procedures

The procedures for selecting members of the board of directors for the two-year term beginning on January 1, 2024 are as follows:

Step 1 --- Nomination

Before **October 15, 2023**, the voting units must **adopt a resolution nominating** up to five candidate(s) by formal action. The presiding officer of the voting unit must submit the nominees **name(s) and addresses** to the Chief Appraiser.

September 1, 2023

Step 2 -- Election

Before **October 30, 2023**, the Chief Appraiser will prepare and mail a ballot listing the nominees in alphabetical order by last name.

Before **December 15, 2023** each voting unit must cast its votes by **written resolution** naming the person or persons and the number of votes for whom it cast and submit a certified copy to the Chief Appraiser.

Ballots received by the Chief Appraiser after December 15, 2023 may not be counted.

The Chief Appraiser will count the votes, declare the results, and notify the five candidates who received the largest vote totals before December 31, 2023. The Chief Appraiser also notifies all taxing units and all nominated candidates of the outcome. If a tie occurs, the Chief Appraiser must solve it through any method of chance.

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

1. A calendar that lays out the procedures and dates for conducting the 2023 election.
2. Letter showing the number of votes your entity is entitled to cast in the ballot after candidate nominations are received. (See October 30 on the election calendar).
3. A suggested form of resolution for the **nomination(s) of a candidate(s)** to the board of directors of the Brazoria County Appraisal District.

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

Enclosures (3)

A handwritten signature in black ink, appearing to be 'M. B. [unclear]', with a date stamp '11/14' written below it.

**BRAZORIA COUNTY APPRAISAL DISTRICT
BOARD OF DIRECTORS
FOR YEAR 2023**

Mr. Bobby Brown
West Columbia, TX

Ms. Kristin Bulanek
Tax Assessor-Collector

Mr. Tommy King, Chairperson
Alvin

Ms. Gail Robinson
Lake Jackson

Mr. George Sandars, Secretary
Pearland

Ms. Susan Spoor, Vice-Chairperson
Angleton

BRAZORIA COUNTY APPRAISAL DISTRICT
2023 BOARD OF DIRECTORS ELECTION CALENDAR

Before Oct. 1
(Sep. 1, 2023)

The chief appraiser notifies each voting taxing unit of the process for the election of the Board of Directors and the number of votes it is entitled to cast.

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

Before Oct. 15

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

Before Oct. 30

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

Before Dec. 15

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

Before Dec. 31

The chief appraiser counts the votes and certifies the five candidates who received the largest vote totals. The chief appraiser notifies all taxing units (voting and non-voting) and all nominated candidates of the outcome.

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



City Council Agenda Item #7.

Title: Consideration and Possible action authorizing additional funding for 2023 Super Feast

Date: October 2, 2023

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends that Council authorize this additional funding

Item Summary: \$10,000 was approved in the budget for Super Feast. Organizers are saying it will cost \$15,000 to put it on and are requesting additional funds.

Background Information: Super Feast is an event held at Riverplace on Thanksgiving day that the City has sponsored for more than a dozen years. It is a community gathering at which Thanksgiving dinner is provided for guests, and at which we thank God for all the blessings he has bestowed on Freeport. It is a way to bring citizens together and strengthen the community. For at least the last 5 years, Pastor Earnie Hutchins from the Freedom House has been the primary organizer responsible for lining up the army of volunteers needed to set-up, cook, and serve the dinner, and tear down afterward.

Special Considerations: Pastor Earnie has stepped down from the leadership of that effort, but said the cost for the event last year approached \$15,000. Pastor Andy Dill of the First United Methodist Church has agreed to step up in Pastor Earnie's place and said he is looking for at least \$15,000 in costs to put it on this year. I am uncertain how the city's sponsorship of the event has changed over the years, but I know it has not increased from \$10,000 since at least 2017.

Financial Impact: If approved, a budget amendment will be prepared to increase the \$10,000 currently budgeted to \$15,000.

Board or 3rd Party Recommendation:

Supporting Documentation:

None



City Council Agenda Item #8.

Title: Consideration and possible action approving Resolution No. 2023-2817 of appointment for the open position on the Freeport EDC.

Date: October 2, 2023

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends selection of an individual and the approval of the proposed resolution to appoint a qualified individual to fill the remainder of the unexpired term of the vacant position on the EDC Board.

Item Summary: Mingo Marquez has resigned from the EDC Board. His term expires May 31, 2025. This resolution will appoint an individual to fill out the remainder of his term. At the time of this memo, the city received applications from individuals who are interested in serving on this Board.

This is an active volunteer board in the city, and filling the vacancy is important to allow for full representative discussion of important issues.

Background Information: None

Special Considerations: None

Financial Impact: None.

Board or 3rd Party Recommendation: Resolution for Board. Applications of individuals wanting to serve.

Supporting Documentation:

1. 2023 Resolution Freeport EDC appointment (DO)

RESOLUTION NO. 2023-2817

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON TO THE FREEPORT ECONOMIC DEVELOPMENT BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the term of office Mingo Marques has not expired from the Board Member of the Freeport Economic Development Board of the City of Freeport, Texas ("the City") he has resigned from his position, and is no wishing to serve;

WHEREAS, the term of appointment of the above-board member terminates on May 31, 2025;

WHEREAS, the City Council of the City desires to appoint the below named qualified person(s) as member(s) of said board of members for the remainder of the unexpired term.

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

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified person(s) to the Freeport Senior Citizen Board of the City for the remainder of an unexpired term, which expires on May 31, 2025, and until a successor for such person shall have been appointed and qualified, to-wit.

SECTION TWO (2): DUTIES

The above-named appointee shall perform all of the duties imposed on members of the Freeport Economic Development Board of the City by law.

SECTION THREE (3): OATH OF OFFICE

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

READ, PASSED AND ADOPTED this ____ day of _____, 2023.

APPROVED:

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST: _____
Betty Wells, City Secretary
City of Freeport, Texas



City Council Agenda Item #9.

Title: Consideration and possible action approving Resolution No. 2023-2818 of appointment for the open position on the Senior Citizen Commission.

Date: October 2, 2023

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends selection of individual and the approval of the proposed resolution to appoint qualified individual to serve on the above listed Board.

Item Summary: The Senior Citizen Commission has one position that has become vacant with Ms. Daine Crosby, no longer being able to serve on this board. All board members are appointed to fulfill 2-year terms and serve at the pleasure of the City Council. Members may be removed at any time and for any reason as voted on by the majority of City Council. This term will end in May 2024.

Background Information: None

Special Considerations: We have received one application for the Senior Citizens Commission Board from Linda Harrison to fill one vacant position.

Financial Impact: NA

Board or 3rd Party Recommendation:

Supporting Documentation:

1. 2023 Resolution Senior Citizen appointment

RESOLUTION NO. 2023-2818

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON TO THE FREEPORT SENIOR CITIZENS BOARD OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the term of office Diane Crosby has not expired from the Board Member of the Freeport Senior Citizen Board of the City of Freeport, Texas ("the City") but she is no longer able to serve;

WHEREAS, the term of appointment of the above-board member terminates on May 31, 2024;

WHEREAS, the City Council of the City desires to appoint the below named qualified person(s) as member(s) of said board of members for the remainder of the unexpired term.

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

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified person(s) to the Freeport Senior Citizen Board of the City for the remainder of an unexpired term, which expires on May 31, 2024, and until a successor for such person shall have been appointed and qualified, to-wit.

SECTION TWO (2): DUTIES

The above-named appointee shall perform all of the duties imposed on members of the Freeport Senior Citizen Board of the City by law.

SECTION THREE (3): OATH OF OFFICE

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

READ, PASSED AND ADOPTED this ____ day of _____, 2023.

APPROVED:

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST: _____
Betty Wells, City Secretary
City of Freeport, Texas



City Council Agenda Item #10.

Title: Consideration and possible action on designation of City Representative to HGAC 2024 General Assembly.

Date: October 2, 2023

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends appointment of elected representatives of the City Council to serve as the City's Representative and Alternate.

Item Summary: As a member of the Houston Galveston Area Council (HGAC), the City may select one elected official from its Council to serve on the HGAC General Assembly, and one elected official to serve as an Alternate.

The HGAC General Assembly meets approximately twice per year. Once for a caucus meeting, at which representatives are elected to serve on the HGAC Board of Directors (including 2 members from Small Home Rule cities like Freeport - under 25,000), and one Annual Meeting of the General Assembly held in the first quarter of each year. The Caucus meeting is planned for Thursday, November 9, 2023 from 11:00 am to 1:00 pm. It will be at the Briar Club (2603 Timmons Ln. Houston, TX 77027) in the Azalea Room.

Background Information: HGAC is a regional coalition of Cities, Counties, and ISDs that serves the interests of the areas government agencies. It focuses on Transportation Planning, Development, Public Procurement, and much more.

Special Considerations: Last year Councilman Pena was appointed as the City's representative, and Councilman Cain was appointed as the Alternate.

Financial Impact: NA

Board or 3rd Party Recommendation: NA

Supporting Documentation:

1. 2024 HGAC Home Rule Letter
2. HGAC 2024 Home Rule Designation Form (6) (1)



To: Mayors – Home Rule Cities
Subject: 2024 General Assembly Designations
From: Chuck Wemple
Date: September 22, 2023

The Houston-Galveston Area Council has had an exciting and eventful 2023. During the 88th Legislative Session this year, H-GAC monitored over a hundred bills in both the House and Senate that could potentially affect our members. We remain dedicated to better serving our member governments. We are working to do this by continuing to bring the conversation to your communities to listen to your needs and determining how we can help improve quality of life across the region. Thus far we have visited nine of our regions' counties, and plan to visit the remaining counties by the end of the year.

As we look forward to 2024, we ask that you continue contributing to our regional discussion by appointing elected representatives from your city to represent you and be a part of our decision-making process. H-GAC bylaws allow each member Home Rule city to designate an elected official to represent you on the General Assembly and at the Home Rule cities caucus meeting. At the caucus meeting, Home Rule cities from across the region will elect two members to represent all Home Rule cities on the H-GAC Board of Directors, and two members to serve as alternates.

I have attached the nomination form on which you can designate your representatives. Please email the completed form to Laura.Parker@h-gac.com. If more information concerning General Assembly and Board of Directors membership would be useful, please **contact** me at 713-993-4514 or Rick Guerrero at 713-993-4598.

A lunch meeting of Home Rule city representatives is scheduled for **Thursday, November 9, 2023** from **11:00 am to 1:00 pm**. It will be at the Briar Club (2603 Timmons Ln. Houston, TX 77027) in the Azalea Room. Your city's designees are highly encouraged to attend and help elect the 2024 Home Rule Cities' representatives to the H-GAC Board of Directors.

Thank you for your continuing participation and support for the Houston-Galveston Area Council. We look forward to working with you in the coming year.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Wemple', is positioned above a horizontal blue line.

Charles Wemple (Sep 22, 2023 10:59 CDT)

Chuck Wemple

Attachment

DESIGNATION OF REPRESENTATIVE AND ALTERNATE
HOUSTON-GALVESTON AREA COUNCIL
2024 GENERAL ASSEMBLY

BE IT RESOLVED, by the Mayor and City Council of Freeport, Texas that _____ be, and is hereby designated as its Representative to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2024.

FURTHER, that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should he/she resign, is _____.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the designation of the herein above named representative and alternate.

PASSED AND ADOPTED, this ____ day of _____, 2023.

APPROVED:

Mayor

ATTEST:



City Council Agenda Item #11.

Title: Consideration and possible action regarding Ordinance 2023-2709 amending regulations for amplified sound.

Date: October 2, 2023

From: Tim Kelty, City Manager

Staff Recommendation: Staff Recommends that Council discuss the proposed ordinance make any additional changes it feels merited and adopt the ordinance.

Item Summary: This ordinance will amend existing regulations regarding the production of amplified sound, providing city staff responsible for enforcing regulations clearer guidelines.

Background Information: The existing regulations of the City regarding amplified sound are very antiquated. They provide limited and arbitrary guidance to Staff in regard to enforcement. It is the city attorney's recommendation that the regulations be updated to more current and tested standards.

Special Considerations: The primary changes to the regulations include establishing decibel levels in added subsection 14 of Section 28-20, and in an added list of affirmative defenses in Section 28-21. The new section 28-21 on *Affirmative defenses* provides for an extensive list of instances when amplified sound is NOT in violation of the regulations. A new section 28-22 identifies specifically how sound shall be measured to determine if violations are occurring. Finally, Section 28-46 was amended to require residents to seek a permit ONLY when specified by the ordinance, or when seeking to exceed the limits set by the ordinance.

Financial Impact: NA

Board or 3rd Party Recommendation: NA

Supporting Documentation:

1. Proposed Ord. Amending Article II, Unreasonable Noise
2. Existing regulations regarding amplified sound

ORDINANCE NO. 2023-2709

AN ORDINANCE AMENDING THE CITY OF FREEPORT'S CODE OF ORDINANCES BY AMENDING ARTICLE II, UNREASONABLE NOISE, OF CHAPTER 28, NUISANCES, BY AMENDING SECTION 28-20 - CERTAIN ACTS AND SOUNDS DECLARED AS SPECIFIC NOISES, TO ADD A NEW SUBSECTION (14) TO SECTION 28-20 TO ESTABLISH MAXIMUM PERMISSIBLE SOUND LEVELS; ADDING A NEW SECTION 28-21 TO PROVIDE FOR AFFIRMATIVE DEFENSES; ADDING A NEW SECTION 28-22, RELATED TO SOUND MEASUREMENT DEVICES; AMENDING SECTIONS 28-46 AND 28-48 RELATING TO PERMIT PROCEDURES FOR SOUND AMPLIFYING EQUIPMENT; CONTAINING A PREAMBLE AND FINDINGS OF FACT; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AND PROPERLY PUBLISHED AS REQUIRED BY LAW; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A PENALTY CLAUSE UP TO \$500 PER OFFENSE AND THAT EACH AND EVERY OCCURRENCE SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING A REPEALER CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

* * * * *

WHEREAS, the City of Freeport (the "City") recognizes that excessive noise can be harmful to persons and is considered a nuisance;

WHEREAS, the City Council of City wants to establish maximum permissible sound levels to ensure that certain unreasonable noises are prohibited in the City;

WHEREAS, the City Council has determined, based upon the findings stated above, that the regulations established by this Ordinance are necessary for the good government, peace and order the City; and

WHEREAS, City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

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

Section 1. The findings and recitations set out in the preamble to this Ordinance are found

to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

Section 2. Section 28-20, of Article II, Unreasonable Noise, of Chapter 28, Nuisances, of the Code of Ordinances of the City of Freeport, Texas, is amended by revising subsection (7) to read as follows:

- “(7) The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in cases of necessity in the interest of public safety, and then only with a permit from the city council, which permit may be renewed for a period of three days or less while the need continues.”

Section 3. Section 28-20, of Article II, Unreasonable Noise, of Chapter 28, Nuisances, of the Code of Ordinances of the City of Freeport , Texas, is amended by adding a new subsection (14) to read as follows:

- “(14) In addition to the specific noises established by this section, it is unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound at any location beyond the property lines of the property on which the sound is being generated that when measured by a calibrated sound level meter exceeds the applicable dB(A) level listed below for the property on which the sound is received:

(a) Residential property:

1. 65 dB(A) during daytime hours.
2. 58 dB(A) during nighttime hours.

(b) Nonresidential property: 68 dB(A) at all times.

Any sound that exceeds the dB(A) levels set forth in this section is a violation of this chapter. Evidence that an activity or sound source produces a sound that exceeds the dB(A) levels specified in this section shall be prima facie evidence of a sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this chapter. Regardless of the measurable dB(A) level established in this chapter and measured in a manner provided in section 28-22, the creation of any sound causing persons occupying or using any property other than the property upon which the sound is being generated to be aware of vibrations or resonance caused by the sound shall be prima facie evidence of a sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this chapter.”

Section 4. Article II, Unreasonable Noise, of Chapter 28, Nuisances, of the Code of Ordinances of the City of Freeport , Texas, is amended by adding a new Section 28-21, to read as follows:

Sec. 28-21. Affirmative defenses.

The following affirmative defense shall apply to any offense established in this division:

- (1) The emission of any noise was for the purpose of alerting persons to the existence of an emergency, danger, or attempted crime.
- (2) The noise was produced by an authorized emergency vehicle.
- (3) The noise was produced by emergency work or, in cases of urgent necessity in the interest of public safety under a permit issued by the city manager.
- (4) The noise was generated:
 - a. At a lawfully scheduled stadium event;
 - b. By a parade and spectators and participants on the parade route during a lawful parade;
 - c. By spectators and participants at lawfully scheduled amphitheater event;
 - d. By patrons and participants using cannons and gunfire during historical battle re-enactments for which a pyrotechnic permit was obtained and the explosives were inspected by the fire chief;
 - e. By a pyrotechnic display that was inspected and approved by the fire chief;
or
 - f. By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert that was sponsored or cosponsored by the city and is in full compliance with a permit issued by the city.
- (5) The noise was produced by the erection (including excavation), demolition, alteration, or repair of any building or structure, including the use of any necessary tools or equipment such as any mechanically powered saw, drill, sander, router, grinder, pile driver, or any other similar device, between the hours of 7:00 a.m. and 6:00 p.m. on weekdays.
- (6) The noise was produced by operating or permitting the operation of any mechanically powered lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and 8:00 p.m., provided the device was used for the maintenance or upkeep of the property on which it was operated.
- (7) The noise was produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way operated in compliance with all applicable federal laws.
- (8) The noise was produced by the operation of any air conditioning unit that did not produce noise exceeding 65 dB(A) on residential property or 75 dB(A) on

nonresidential property, when measured from the property line of the non-residential or residential property where the noise is received to the source of the noise.

- (9) The noise was produced as part of a religious observance or service during daytime hours, provided the noise did not cumulatively exceed five minutes duration in any one hour period.
- (10) The noise was produced during daytime hours by activities conducted on public parks, public playgrounds, and public or private school grounds, including, but not limited to, school athletic and school entertainment events.”

Section 5. Article II, Unreasonable Noise, of Chapter 28, Nuisances, of the Code of Ordinances of the City of Freeport , Texas, is amended by adding a new Section 28-22, to read as follows:

“Sec. 28-22. Sound measurement device.

Whenever portions of this article prohibit noise over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American National Standards Institute (A.N.S.I. S1.4-1984/85A). Measurements recorded shall be taken so as to provide a proper representation of the noise being measured. The microphone of the meter shall be shielded by use of a windscreen and positioned so as not to create any unnatural enhancement or diminution of the measured noise.”

Section 6. Section 28-46, of Article II, Unreasonable Noise, of Chapter 28, Nuisances, of the Code of Ordinances of the City of Freeport , Texas, is amended to read as follows:

“Sec. 28-46. Permit required.

It shall be unlawful for any person to use any sound amplifying equipment within the city which exceeds the parameters defined in this division without having first obtained therefor a permit.”

Section 7. Section 28-48, of Article II, Unreasonable Noise, of Chapter 28, Nuisances, of the Code of Ordinances of the City of Freeport , Texas, is amended to read as follows:

“Sec. 28-48. Consideration of application; issuance; terms.

- (a) The city secretary or city manager shall either grant or deny the sound amplifying equipment permit on or before ten days from the date the application therefor is received.
- (b) It shall be unlawful for any person to operate any sound amplifying equipment under a permit issued pursuant to this section to make, assist in making, permit, continue, cause to be made or continued, or permit the continuation of any noise that exceeds the parameters as stated in the permit.”

Section 8. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgement or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 9. Any person violating this section shall be guilty of a misdemeanor and upon conviction therefor, shall be fined not to exceed \$500 each day any such violation continues or occurs shall constituted a separate offense.

Section 10. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

Section 11. 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.

READ, PASSED AND ADOPTED this _____ day of _____, 2023.

Brooks Bass, Mayor

ATTEST:

Betty Wells, City Secretary

APPROVED AS TO FORM ONLY:

David W. Olson, City Attorney

EXISTING Regulations previously adopted.

- **Sec. 28-19. - Unreasonable noise prohibited.**

(a) The creation at any place in the city of any noise specified in any subsection of [section 28-20](#) under the circumstances specified in such subsection, which is unreasonably loud, disturbing and unnecessary is hereby declared to be a public nuisance and prohibited.

(b) In any prosecution in the municipal court of the city or any other court of competent jurisdiction for a violation of subsection (a) of this section, proof of the creation of any noise specified in any subsection of [section 28-20](#) under the circumstances specified in such subsection shall be prima facie evidence that such noise is unreasonably loud, disturbing and unnecessary.

(Code 1968, § 20-1; Code 1996, § 93.01; Ord. No. 1816, 6-16-1997)

- **Sec. 28-20. - Certain acts and sounds declared as specific noises.**

The following noises are hereby declared to be unreasonably loud, disturbing, and unnecessary noises:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.

(2) The use of a stationary loudspeaker or amplifier at any time between the hours of 11:00 p.m. on one day and 7:00 a.m. on the next succeeding day or on Sunday between the hours of 7:00 a.m. and 1:00 p.m.

(3) The use of any automobile, motorcycle, streetcar, or vehicle so out of repair, so loaded, or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise.

(4) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

(5) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.

(7) The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the city council, which permit may be renewed for a period of three days or less while the emergency continues.

(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.

(9) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(10) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof.

(11) The shouting and crying of peddlers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood.

(12) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creator of noise to any performance, show, or sale of merchandise.

(13) The playing of any musical instrument, radio, phonograph, CD player, audio tape player or other electronic sound-generating device in any public place or on any private premises in such manner, or with such volume, as to create a noise which is disturbing to a person of ordinary sensibilities under the same or similar circumstances who is either located in a public place or at a private premises or habitation to which such noise has carried.

(Code 1968, § 20-2; Code 1996, § 93.02; Ord. No. 1816, 6-16-1997)

- **Secs. 28-21—28-43. - Reserved.**

- **DIVISION 2. - SOUND AMPLIFYING EQUIPMENT**

-

- **Sec. 28-44. - Prohibited use of loudspeakers and amplifier**

- (a) A person commits an offense if he operates or causes to be operated any mechanical loudspeaker or sound amplifier in a public place or upon any public sidewalk, street, alley or highway in the city if such operation:

- (1) Occurs between sundown of one day and 8:00 a.m. of the succeeding day within 150 feet of the property line of any premises on which a single-family, duplex or multifamily dwelling is located;

- (2) Causes loud and raucous noises to be emitted which interfere with the enjoyment of life or property or with the public peace and comfort;

- (3) Causes traffic congestion or the congregation of crowds that obstruct any public sidewalk, street, alley or highway; or

- (4) Occurs within 150 feet of any hospital, nursing home or licensed adult personal care facility or any school or children's day care that is in session.

- (b) If conduct that would otherwise violate this section consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political or religious questions, the person must be ordered to move, disperse or otherwise remedy

the violation prior to arrest or citation. Such order may be given by a peace officer, a firefighter, a person with authority to control the use of any affected premises or any person directly affected by the violation.

(Code 1968, § 20-13; Code 1996, § 93.20; Ord. No. 1097, 1-6-1964; Ord. No. 1802, 8-5-1996)

- **Sec. 28-45. - Affirmative defenses.**

It is an affirmative defense to any violation of [section 28-44](#) if:

(1) The circumstances require that an order to move, disperse or otherwise remedy the violation be given and:

- a. No order was in fact given;
- b. The order given was manifestly unreasonable in scope;
- c. The order given was promptly obeyed; or

(2) The mechanical loudspeaker or sound amplifier was being operated:

- a. In a public place within an enclosed structure and was not audible beyond the property line of the premises on which it was operated;
- b. By a law enforcement officer or member of the fire department in the performance of official duties;
- c. For the purpose of alerting persons to the existence of an emergency or danger; or
- d. In the performance of emergency work necessary to restore public utilities, to restore property to a safe condition, or to protect persons or property from imminent danger following a fire, accident or natural disaster.

(Code 1968, § 20-14; Code 1996, § 93.21; Ord. No. 1097, 1-6-1964; Ord. No. 1802, 8-5-1996)

- **Sec. 28-46. - Permit required.**

It shall be unlawful for any person to use any sound amplifying equipment within the city without having first obtained therefor a permit.

(Code 1968, § 20-20; Code 1996, § 93.22)

- **Sec. 28-47. - Application; fee.**

(a) Any person desiring a permit required by the provisions of this division shall make application to the city secretary on a form prepared for such purpose. Such application shall show the date, place, time, and location where such equipment is to be used; together with the name of the applicant and type of equipment to be used.

(b) Every application for a permit required by the provisions of this division shall be filed with the city secretary at least 14 days prior to the date of the intended use of the sound amplifying equipment.

(c) Each application for a permit required by the provisions of this division shall be accompanied by an application fee of \$3.00. Such fee shall be deposited to the general fund of the city and shall not be refunded if the permit is denied to the applicant.

(Code 1968, §§ 20-21, 20-22, 20-23; Code 1996, § 93.23; Ord. No. 1097, 1-6-1964)

- **Sec. 28-48. - Consideration of application; issuance.**

The city secretary shall either grant or deny the sound amplifying equipment permit on or before ten days from the date the application therefor is received.

(Code 1968, § 20-24; Code 1996, § 93.24; Ord. No. 1097, 1-6-1964)

- **Sec. 28-49. - Vehicular electronic sound generating devices.**

(a) It shall be unlawful for any person, in either a public or private place within the city, to operate an electronic sound generating device from a vehicle in a manner so that the sound generated by such device causes vibrations in any object or person which are noticed by a person outside of the vehicle.

(b) In any prosecution under subsection (a) of this section, it is an affirmative defense if:

(1) The sound generated by the electronic sound generating device is human speech being broadcast from a vehicle by a loudspeaker as it is being uttered by a person using a microphone, and the person using the microphone to broadcast from a vehicle had not been warned earlier by a police officer or an employee of the city that such broadcasting from a vehicle within the city is a violation of this Code and that charges will be filed if the person continues to broadcast without obtaining a permit to use sound amplifying equipment within the city in accordance with the applicable provisions of [section 28-46](#);

(2) The electronic sound generating device contains sound amplifying equipment, and a permit for the use of such sound amplifying equipment has been obtained in accordance with [section 28-46](#), and is still in effect;

(3) The electronic sound generating device is a horn being used in the manner required by state traffic law;

(4) The vehicle is an authorized emergency vehicle as defined in the V.T.C.A., Transportation Code § 541.201;

(5) The vehicle is in a parade which is included under one of the categories for an affirmative defense listed in [section 42-7](#); or

(6) The vehicle is being used for advertising and has received a permit for such use under [section 42-5](#).

(c) A culpable mental state is not required for the commission of an offense under this section.

(Code 1996, § 93.25; Ord. No. 2006-2124, 6-5-2006)

•



City Council Agenda Item #12.

Title: Consideration and possible action approving the sale of City owned levee property located at, and adjacent to, 104 Mystery Harbor Lane, to Chris Duncan

Date: October 2, 2023

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends Council only consider the request by Chris Duncan to purchase property from the City along the levy between his property at 104 Mystery Harbor Lane and the water's edge. It is recommended that the sale be for the amount provided for in the appraisal secured by the City of \$30,000, and that it is contingent upon him demolishing the existing structure and building a new house on that property within 3 years.

Item Summary: Mr. Duncan provided a survey of this property and an appraisal report. While the appraisal report is primarily for the property he owns, it includes a paragraph additionally placing values on the requested properties. He has requested that the city consider selling him the Levee property both between his property 104 Mystery Harbor Lane and the river, and between his neighbor's property, to the west, and the river. While he has not made a formal offer to purchase either area, the documentation he provided suggests the value of the property is \$5,900 for the property immediately between his property, and \$24,000 for the entire parcel. Both values were based on approximately \$0.94/sf. This is significantly less per square foot than was identified in an appraisal the city completed last year, and authorized for the sale to Ms. Ware, one block west of Mr. Duncan's property.

This item was originally presented to City Council in July. Since that time, the city has secured its own appraisal of the property. The appraised value determined by that appraisal is \$30,000 for the property, between the property he owns and the water.

Background Information: In the past, the city has considered and approved the sale of levee property to property owners along the river for fair market value in exchange for the property owner's commitment to invest in development or redevelopment of the property within a certain time period. In this case, Mr. Duncan has already demolished the old brick house located on his property and indicated his intent to build a new home in that location.

However, since he does not own the neighboring property, he would not be able to make the commitment to develop that side of the requested levee.

At the last meeting Mr. Duncan questioned the veracity of the appraisal completed by MB Lane and Associates, because of the reference to not having easements encumbering the property. Following the meeting, I expressed Mr. Duncan's concerns to Mr. Lane, and asked him to review the appraisal. While he did update the appraisal language, he did not change his appraised value for the property, stating the comps he used also included similar levee encumbrances.

Special Considerations: Last year the city council approved the sale of nearby levee property to Lucy Ware. That approval was based upon an appraisal for that property of \$23,300 for 4,661 square feet, or about \$5/sf. According to the paperwork submitted by Mr. Duncan, the entire requested area is 25,178 sf and the area immediately between his property and the river is 6,229 sf. Using the sf cost from the prior approved deal, the values for Mr. Duncan's requests are \$125,890 and \$31,145 respectively.

Financial Impact: The sale of this property would generate unbudgeted revenue

Board or 3rd Party Recommendation: None

Supporting Documentation:

1. Revised Appraisal - 104 Mystery Harbor Lane Freeport
2. Email from Appraiser regarding review and corrections to appraisal report

**APPRAISAL
OF A**

Tract of Vacant Land, south of the southwest line
of Mystery Harbor Lane (Front Street), southwest
of Groce Street,
Freeport, Brazoria County, Texas 77541

PREPARED FOR:

Timothy Kelty
City of Freeport
200 W 2nd Street
Freeport, Texas 77541

Date of Value "As Is":	August 7, 2023
Date of Report:	September 27, 2023

BY

MB LANE & ASSOCIATES, INC.
8990 Hempstead Highway, Suite 102
Houston, Texas 77008
(File No. 23167)

MBLANE & ASSOCIATES

8990 Hempstead Highway, Suite 102 • Houston, TX 77008 • Office: 713.863.1414 • Website: mblane.com

September 27, 2023

Timothy Kelty
City of Freeport
200 W 2nd Street
Freeport, Texas 77541

Reference: Appraisal of a Tract of Vacant Land, south of the southwest line of Mystery Harbor Lane (Front Street), southwest of Groce Street, Freeport, Brazoria County, Texas 77541.

Dear Mr. Kelty:

In compliance with your request, we visited the above-referenced property on August 7, 2023 and appraised it as of the same date. The purpose of this report is to provide an opinion of the “As Is” Market Value of the Fee Simple Estate of the above referenced property.

The property right appraised in this report is the Fee Simple Estate. The persons involved in preparing this appraisal report are Michael B. Lane, MAI and Lee Doehring. They are providing a value opinion based upon a one year exposure period. Please review our “Contingent and Limiting Conditions”, as our value is subject to these provisions.

The site is a vacant tract of land which contains approximately 0.1430 acres (6,229 square feet) of gross area. In our analysis, we have considered the Market Approach to Value - Land.

Based on the location of the subject “As Is,” as well as the current market conditions, it is the appraiser’s opinion that the value of the subject property is based on a 12 month exposure period. Therefore our opinion of the “As Is” market value as of August 7, 2023 of the subject property is as follows:

\$30,000

There are no hypothetical conditions or extraordinary assumptions for this appraisal.

Market Value, as further defined in this report, is the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeable, and assuming the price is not affected by undue stimulus.

Prior to accepting this assignment, the appraisers concluded that they have the necessary experience and/or knowledge to competently complete the appraisal, and during the preparation of the appraisal, the appraisers have not discovered any areas in the assignment requiring appraisal expertise in which we were lacking.

The above statements of appraiser competency applies to knowledge and/or experience for the real estate appraisal discipline and not other areas of trades, professions or disciplines such as engineering, surveyors, attorneys, etc.

Our site visit did not reveal, nor did we observe, or are we aware of any natural, cultural, recreational, environmental, or scientific value influences affecting the subject property. Additionally, we have not made a specific Americans with Disabilities Act (ADA) compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. The value estimate is predicated on the assumption that no such influences are present that would affect our value conclusions. We have no expertise in these fields and no responsibility is assumed for any such conditions or for any expertise, engineering or other special knowledge required to discover them. Such studies are required before these values can be relied on by readers of this report.

To the best of our understanding this report conforms to the appraisal guidelines of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation.

Your attention is now directed to the following report which contains the data and analysis used in our final value opinion. If after reviewing this report, you have any questions, please do not hesitate to contact this office.

Yours truly,



Michael B. Lane, MAI
TX-1322609-G, Expires 9/30/2025
Phone: (713) 863- 1414, ext. 1
Email: michael@mblane.com



Lee Doebling, Trainee
TX - 1342044-T, Expires 8/31/2025
Phone: (713) 863 - 1414, ext. 3
Email: lee@mblane.com

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CERTIFICATION

We certify that, to the best of our knowledge and belief:

- (1) The statements of facts contained in this report are true and correct.
- (2) The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- (3) We have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- (4) We have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- (5) Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- (6) Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- (7) Our analyses, opinions, or conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice and the Code of the Professional Ethics of the Appraisal Institute.
- (8) This report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- (9) Lee Doebling has made a personal site visit to the property that is the subject of this report. Michael B. Lane has not made a personal site visit to the property that is the subject of this report.
- (10) No one provided significant real property appraisal assistance to the persons signing this report in the form of data research.
- (11) As of the date of this report, Michael B. Lane, MAI, has completed the requirements of the continuing education program of the Appraisal Institute for designed members.
- (12) As of the date of this report, Michael B. Lane, MAI is Texas State Certified General Real Estate Appraiser and Lee Doebling is Texas State Certified Appraiser Trainee.

CERTIFICATION - CONTINUED

- (13) Michael B. Lane and Lee Doehring have performed no services, as an appraiser or in any other capacity relating to the subject property within the three-year period immediately preceding acceptance of this assignment.
- (14) This appraisal assignment was **NOT** based on a requested minimum value, a specified valuation, or the approval of a loan.
- (15) The “As Is” Market Value of the Fee Simple Estate of the subject property as of August 7, 2023, is as follows:

\$30,000

There are no hypothetical conditions or extraordinary assumptions for this appraisal.



Michael B. Lane, MAI
TX-1322609-G, Expires 9/30/2025
Phone: (713) 863- 1414, ext. 1
Email: michael@mblane.com

Lee Doehring, Trainee
TX - 1342044-T, Expires 8/31/2025
Phone: (713) 863 - 1414, ext. 3
Email: lee@mblane.com

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Identification	A Tract of vacant Land.
Location	The subject property is south of the southwest line of Mystery Harbor Lane (Front Street), southwest of Groce Street, Brazoria County, Texas 77541.
Purpose of the Appraisal	The purpose of this appraisal is to provide an opinion of the “As Is” market value of the herein legally described property.
Property Right Appraised	Fee Simple Estate.
Subject Size:	0.1430 acres (6,229 square feet)
Highest and Best Use:	Assemblage.
Zoning	Single Family Residential (City of Freeport).
Flood Plain Status	The subject property appears to be within shaded Zone A which is inside the 100 year flood hazard area, with base flood elevation determined per FIRM Panel no. 48039C0785K, dated December 30, 2020. The determination is made by graphic plotting only, and is not guaranteed. We recommend that a surveyor determine precise flood plain status for the subject site. A copy of a portion of the flood map is included in the addenda section of this report.

OPINIONS OF VALUE:

Market Approach, As if Vacant:	\$30,000
Final Opinion of Market Value “As Is”:	\$30,000
Exposure Time:	12 Months
Effective Date of Market Value “As Is”:	August 7, 2023
Date of Report:	September 27, 2023

There are no hypothetical conditions or extraordinary assumptions for this appraisal.

CONTINGENT AND LIMITING CONDITIONS

This appraisal is subject to the following limiting conditions.

The legal description furnished to us is assumed to be correct. We assume no responsibility for matters legal in character, nor do we render any opinion as to the title, which is assumed to be good. Any existing liens and encumbrances have been disregarded and the property appraised as though free and clear under responsible ownership and competent management, unless otherwise indicated.

We have made no survey and assume no responsibility in connection with such matters. We believe the information in this report furnished by others to be reliable, but we assume no responsibility for its accuracy. This includes, but is not limited to, information obtained in regard to flood plains, wetlands, geological fault lines, sufficiency of public utilities, and land or surface subsidence. The construction and condition of the improvements mentioned in the body of this report is based on observation and no engineering study has been made, unless previously noted, which would discover latent defects. No certification as to construction or any of the physical aspects could be given unless a proper engineering study were made.

No fault line, flood plain, or subsidence study has been made by the appraisal firm and could be under taken only by a qualified engineering firm.

The distribution of the total valuation between land and improvements in this report applies only under the existing program of utilization. The separate valuations for land and improvements must not be used in conjunction with any other appraisal, and are invalid if so used.

We are not required to give testimony or attendance in court by reason of this appraisal with reference to the property in question, unless arrangements have been made previously.

Possession of this report or a copy thereof does not carry with it the right of publication. It may not be used for any purpose by anyone other than the addressee without the previous written consent of the appraiser.

Neither all, nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales or other media, without the consent and approval of the author, particularly as to valuation conclusions, and identity of the appraiser or firm with which he/she is connected, or any reference to the Appraisal Institute, or the MAI designation.

This report is written in conformity with the professional standards of practice and code of ethics of the Appraisal Institute, the Uniform Standards of Professional Appraisal Practice and the rules of the Texas Real Estate Commission.

Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyls, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to the attention of nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test such substances or conditions. If the presence of such substances, such as asbestos, urea formaldehyde foam insulation, or other hazardous

CONTINGENT AND LIMITING CONDITIONS - CONTINUED

substances or environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is no such condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.

The appraiser represents that he/she is not an expert to appraise insulation or other products banned by the Consumer Products Safety Commission which might render the property more or less valuable. In connection with this appraisal, the appraiser has not inspected or tested for, nor taken into consideration in any respect the presence or absence of insulation or other said products increase or decrease in the value of the property from the value placed thereon by the opinion of the appraiser.

The Americans with Disabilities Act (ADA) became effective January 26, 1992. I (we) have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the act. If so, this fact could have a negative impact upon the value of the property. Since I (we) have no direct evidence relating to this issue, I (we) did not consider possible noncompliance with the requirements of ADA in estimating the value of the property.

It is understood that this assignment and the payment of our fee is not dependent or contingent upon any loan commitment, sale, trial outcome, receipts of funds by you, or any other condition or contingency.

The liability of MB Lane and Associates, Inc., its owner and staff, is limited to the Client only and to the amount of the fee actually paid for the services rendered, as liquidated damages, if any related dispute arises. Further, there is no accountability, obligation, or liability to any third party. If this report is placed in the hands of anyone other than Client, the Client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The Appraiser is in no way to be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, and/or legally. Client also agrees that in case of lawsuit (brought by lender, partner or part owner in any form of ownership, tenant or any party), Client will hold Appraiser(s) completely harmless from and against any liability, loss, cost or expense incurred or suffered by Appraiser(s) in any such action, regardless of its outcome.

“These reports may be relied upon by the CLIENT, in determining whether to make a loan evidenced by a note (“the Property Note”) which is further secured by the Property. These reports may be relied upon by the purchaser or assignee of the Property Note in determining whether to acquire the Property Note or Interest therein. In addition, these reports may be relied upon by any rating agency involved in rating the securities secured by, or representing an Interest in, the Property Note. These reports may be used in connection with materials offering for sale the Property Note, or an interest in the Property Note, and in presentations to any rating agency. With respect to the foregoing, these reports speak only as of the Origination date of these reports unless specifically updated through a supplemental report.”

INTRODUCTION

SCOPE OF WORK

Extent To Which The Property Was Identified We were provided with a survey of the subject site. Therefore we have relied upon the survey and the Brazoria County Appraisal District records and facet maps for the identification of the subject site. We did not perform a title search or survey of the subject property.

Extent To Which Tangible Property Was Visited In preparing this appraisal, we visited the subject property and viewed the site. We drove the immediate and general market area.

We visited the subject property in order to develop impressions of physical characteristics based on visual observations of apparent, not unapparent conditions. We are not engineers and are not qualified to the presence of wetlands and the like.

We are not qualified to detect or identify hazardous substances, which may, or may not, be present on, in, or near the subject property. The presence of hazardous materials may negatively affect market value. We have no reason to suspect the presence of hazardous substances, and we valued the subject **assuming that none are present**. No responsibility is assumed for any such conditions or for any expertise or engineering services of specialists for the purpose of conducting inspections, engineering studies, or environmental audits. While we refer to FEMA flood maps, we are not surveyors and not qualified to make flood plain determinations, and we recommend that a qualified party be consulted before any investment decision is made.

The Type And Extent Of Data Researched We conducted a search for sales of similar land tracts in the immediate and general market area. Our data sources were the local Realtors, county deed records and appraisal district records, LoopNet, MLS and Costar data services. Our search for data concentrated on the immediate market area. Due to the limited number of comparable Sales our search for data extended back to July 2018. We supplemented these sources with information from knowledgeable brokers, particularly those with listings in the immediate area.

Texas is a non-disclosure state. It is important that the intended users of this appraisal understand that in Texas, there is no legal requirement for grantors or grantees to disclose any information relative to a transfer of real property, other than the recording of the deed itself. In Texas, the deed contains no information about the transaction, including the purchase price. As a result, no data source provides absolute coverage of all transactions. It is possible that there are sales of which we are unaware. Our data sources provide all the data typically available to appraisers in the normal course of business.

The Type And Extent Of Analysis Applied The value set forth herein this Appraisal Report was determined after application and analysis by the Sales Comparison Approach - Land. The subject is a vacant and therefore, the sales comparison approach is considered the most applicable approach to value to this assignment.

Significant Real Property Appraisal Assistance Provided No one provided significant real property appraisal assistance to the persons signing this report.

SCOPE OF WORK - CONTINUED

General This **Appraisal Report** has been prepared under Standards Rule 2-2(a) of an appraisal performed under Standards Rule 1 of USPAP. The level of reporting in this appraisal report is considered to be between the minimum and the maximum, wherein some of the reporting is in summary tables. Thus, some information may be maintained in the appraisal workfile. It has been our intention to prepare this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation, and the Code of Ethics and the Standards of Professional Practice of the Appraisal Institute. Engineering studies, ADA determinations, surveys, title reports, flood plain determinations, and environmental audits are *beyond* the scope of work of this appraisal.

Purpose, Intended Use and Users of the Appraisal The purpose of this appraisal is to provide an opinion as to market value of the herein legally described subject property. The intended use is for the evaluation associated with the purchase of the subject property. The client also represents that the report will be used only by representatives of City of Freeport for the intended use set forth above.

Fee Simple Estate Fee simple estate is defined by The Dictionary of Real Estate Appraisal, Seventh Edition, Page 73, copyright 2022, by the Appraisal Institute as being:

“Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power and escheat.”

Leased Fee Interest Leased Fee Estate is defined by The Dictionary of Real Estate Appraisal, Seventh Edition, Page 105, copyright 2022, by the Appraisal Institute as being:

“The ownership interest held by the lessor, which includes the right to receive the contract rent specified in the lease plus the reversionary when the lease expires.”

Property Rights Appraised The property rights being appraised in this report consist of the Fee Simple Estate of the subject property.

Date of the Appraisal Report The preparation of this appraisal report was completed on September 27, 2023.

Effective Date of the Appraisal The descriptions, analyses, and conclusions of this report for the subject property are applicable as of the effective date of August 7, 2023.

Type and Definition of Value The type of value necessary to produce a credible result in this assignment is market value, whereby the value is to be the most probable price in terms of cash.

Market Value is defined by the Office of the Comptroller of the Currency (12 CFR Part 34) as follows:

SCOPE OF WORK - CONTINUED

“Market Value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. Dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.”

Market Rent Market Rent is defined by The Dictionary of Real Estate Appraisal, Fifth Edition, copyright 2010, page 121 as:

“The most probable rent that a property should bring in a competitive and open market reflecting all conditions and restrictions of the specified lease agreement including term, rental adjustment and revaluation, permitted uses, use restrictions, and expense obligations; the lessee and lessor each acting prudently and knowledgeably, and assuming consummation of a lease contract as of a specified date and the passing of the leasehold from lessor to lessee under conditions whereby:

1. Lessee and lessor are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. The rent payment is made in terms of cash in U.S. Dollars, and is expressed as an amount per time period consistent with the payment schedule of the lease contract; and
5. The rental amount represents the normal consideration for the property leased unaffected by special fees or concessions granted by anyone associated with the transaction.”

Estimate of Exposure Time Exposure time may be defined as "the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal." Our value opinion is based upon a one year exposure period which is supported by the sale items included herein as well as discussions with a number of professionals involved in marketing and selling similar properties.

Economic Unit vs. Non-economic Unit:

Economic Unit is defined by The Dictionary of Real Estate Appraisal, 6th edition, © 2015, page 72, by the Appraisal Institute as:

SCOPE OF WORK - CONTINUED

A portion of a larger (parent) parcel, vacant or improved, that can be described and valued as a separate and independent parcel. Physical characteristics such as location, access, size, shape, existing improvements, and current use are considered when identifying an economic unit. The economic unit should reflect marketability characteristics similar to other properties in the market area. In appraisal, the identification of economic units is essential in highest and best use analysis of a property.

When a parcel is determined to be a non-economic unit (i.e., incapable of being self-sufficient), a common process of estimating its value is by utilizing the Across the Fence Method (hereinafter referred to as the ATF Method).

Across the Fence Method is defined by the Appraisal Institute in The Dictionary of Real Estate Appraisal, 6th edition, © 2015, page 3, by the Appraisal Institute as:

A land valuation method often used in the appraisal of corridors. The across-the-fence method is used to develop a value opinion based on comparison to abutting land.

Corridor is defined by the Appraisal Institute in The Dictionary of Real Estate Appraisal, The Dictionary of Real Estate Appraisal, 6th edition, © 2015, page 53, as:

A strip of land used for transportation or transmission purposes (e.g., rail, highway, power, information, slurries, liquids).

The ATF Method is effectively based upon the premise that the corridor land (e.g., street right-of-way, alley, utility easement) should be worth at least as much as the land through which it passes or is contiguous to (i.e., the parent tract). When applying this method, the comparable sales confirmed by the appraiser are compared to the parent tract, all of the measurable differences are considered with adjustments applied, and a fee simple unit value for the parent tract is determined. The unit value of the parent tract is then ascribed to the subject parcel's (non-economic unit) land area to arrive at an indication of market value for said parcel.

Easement is defined in The Dictionary of Real Estate Appraisal, 6th edition, © 2015, page 71, by the Appraisal Institute as: "The right to use another's land for a stated purpose."

If the subject parcel is a partial interest (e.g., utility easement, sanitary sewer easement), the total fee simple unit value of the larger parcel is determined, a partial interest discount is calculated based upon remaining utility, and the appropriate percentage of fee simple unit value is applied to the partial interest to determine an opinion of value of the partial interest being appraised. To this value, the depreciated cost of any improvements upon the subject parcel is added.

Partial Interest is defined by The Dictionary of Real Estate Appraisal, 6th edition, © 2015, page 168, by the Appraisal Institute as:

SCOPE OF WORK - CONTINUED

Divided or undivided rights in real estate that represent less than the whole, i.e., a fractional interest such as a tenancy in common, easement, or life interest.

Partial Interest Discount is defined by The Dictionary of Real Estate Appraisal, 6th edition, © 2015, page 168, by the Appraisal Institute as:

A discount to the value of a full ownership interest in property often applicable to ownership of a partial interest resulting from the diminished marketability of a less than full interest, lack of control, or both. Often applicable in estate tax situations, in the dissolution of a limited partnership, and in the valuation of companies and businesses.

FACTUAL DESCRIPTIONS OF THE PROPERTY

IDENTIFICATION OF THE PROPERTY

The subject property can legally be described as 0.1430 acres, Tract 2 & Levee Portion of Groce Street ROW, Brazoria County, Texas. The subject property is located south of the southwest line of Mystery Harbor Lane (Front Street), southwest of Groce Street. However it should be noted that the subject does not have roadway frontage along Mystery Harbor Lane (Front Street).

PROPERTY HISTORY

According to the information provided, the subject tract is presently listed under the ownership of City of Freeport who has owned the property in excess of three years. The ownership is currently in discussion with ZBA Freeport LLC, to purchase the subject 0.143 acres or 6,229 square feet site. ZBA Freeport LLC, owns the adjacent parcel to the northeast and is looking to purchase the subject to gain river frontage. A price has not been determined as they are still in the negotiation process. We are not aware of any offers or listings involving the subject. Further, we are not aware of any other sales over the past three years.

STATEMENT OF OWNERSHIP

According to information provided to us, as of the date of this appraisal, the subject property is owned by City of Freeport.

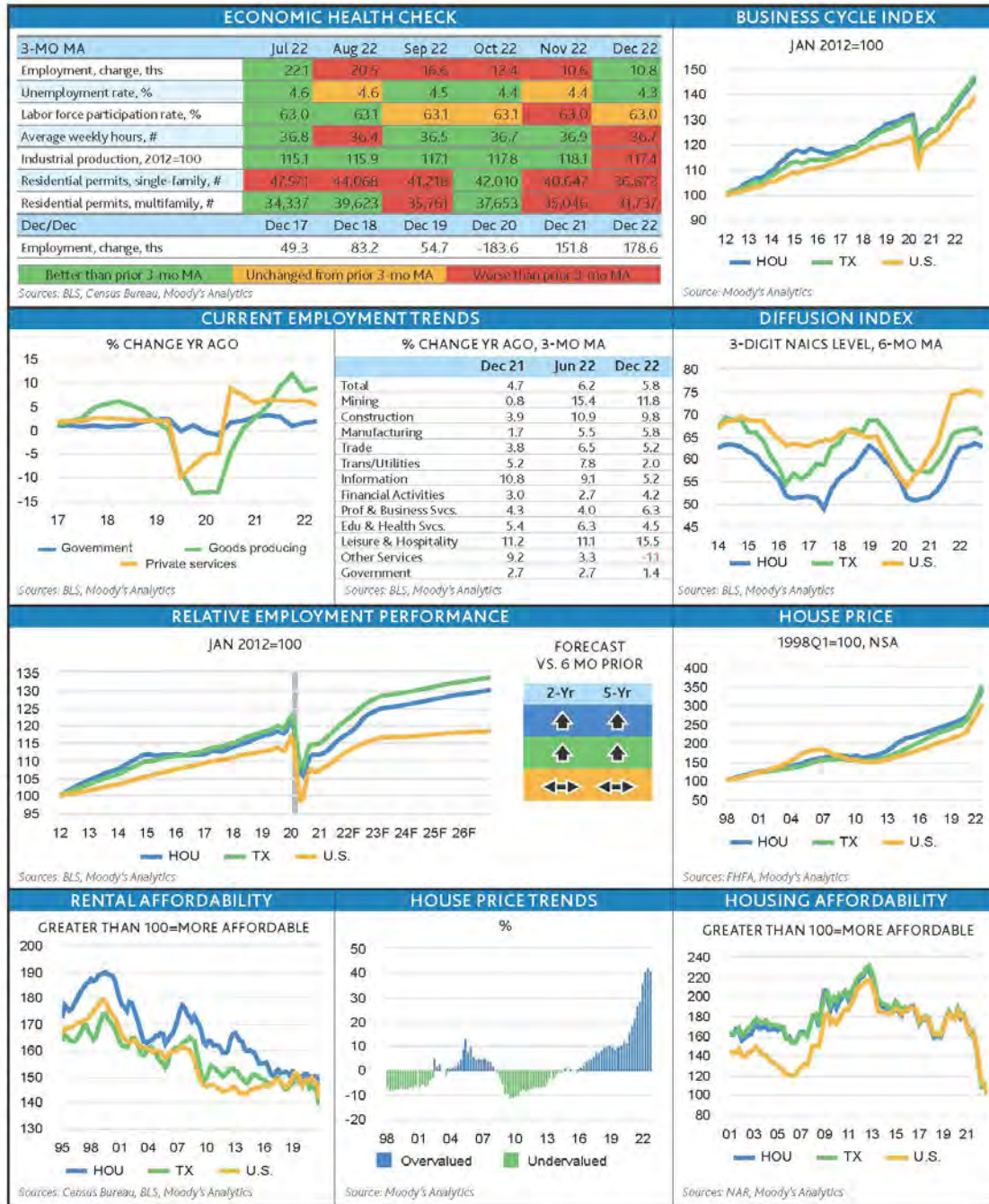
AREA/NEIGHBORHOOD ANALYSIS

Location. The subject property is located approximately 57 miles southwest of the Central Business District of the City of Houston, Texas. On the following pages is the Moody's Analytics Houston-The Woodlands-Sugar Land February 2023 market report.



AREA/NEIGHBORHOOD ANALYSIS (CONTINUED)

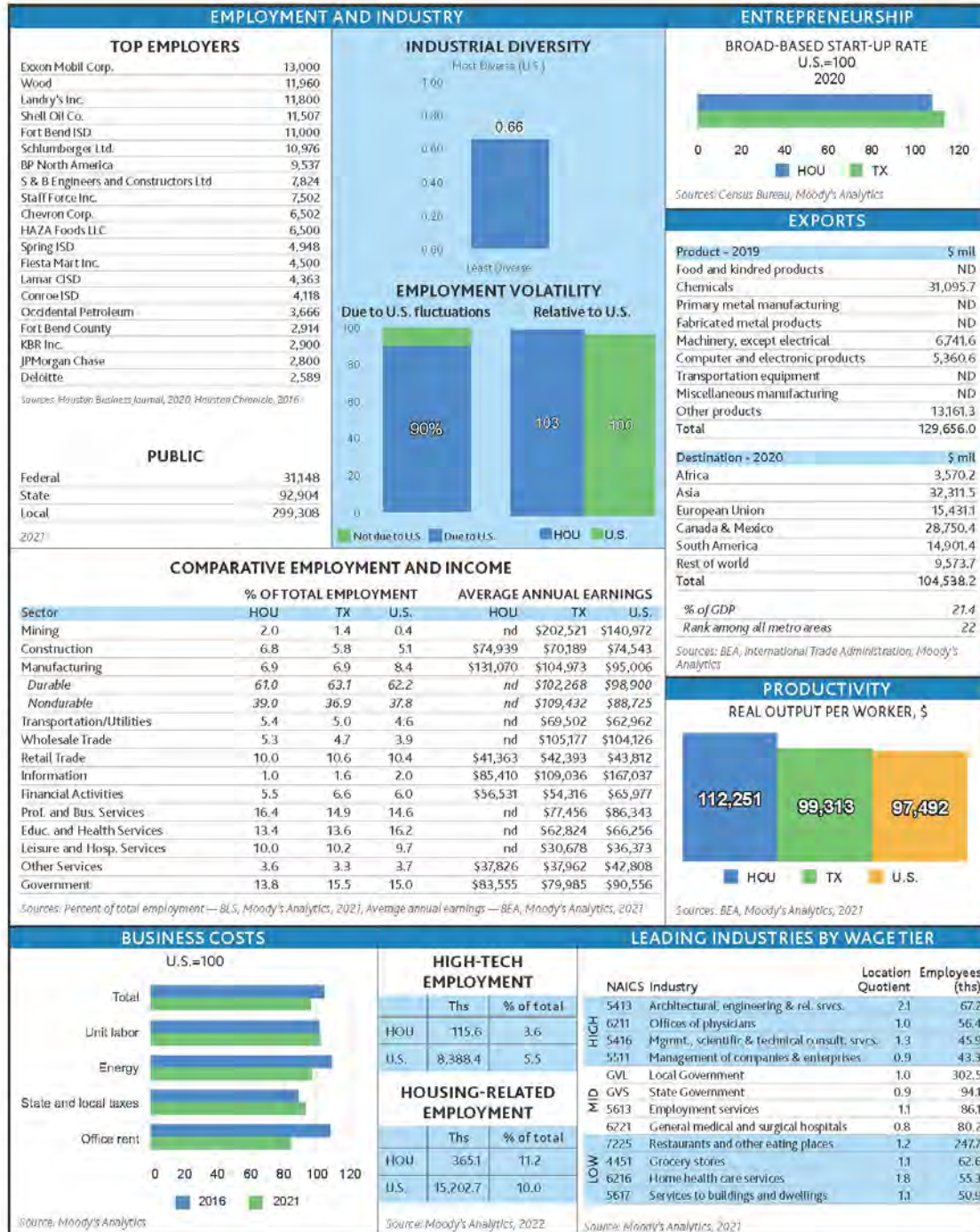
PRÉCIS® U.S. METRO • Houston-The Woodlands-Sugar Land TX



MOODY'S ANALYTICS / Précis® U.S. Metro / February 2023

AREA/NEIGHBORHOOD ANALYSIS (CONTINUED)

PRÉCIS® U.S. METRO • Houston-The Woodlands-Sugar Land TX



BUSINESS COSTS

U.S.=100

0 20 40 60 80 100 120

■ 2016 ■ 2021

Source: Moody's Analytics

HIGH-TECH EMPLOYMENT

	Ths	% of total
HOU	115.6	3.6
U.S.	8,388.4	5.5

HOUSING-RELATED EMPLOYMENT

	Ths	% of total
HOU	365.1	11.2
U.S.	15,202.7	10.0

Source: Moody's Analytics, 2022

LEADING INDUSTRIES BY WAGE TIER

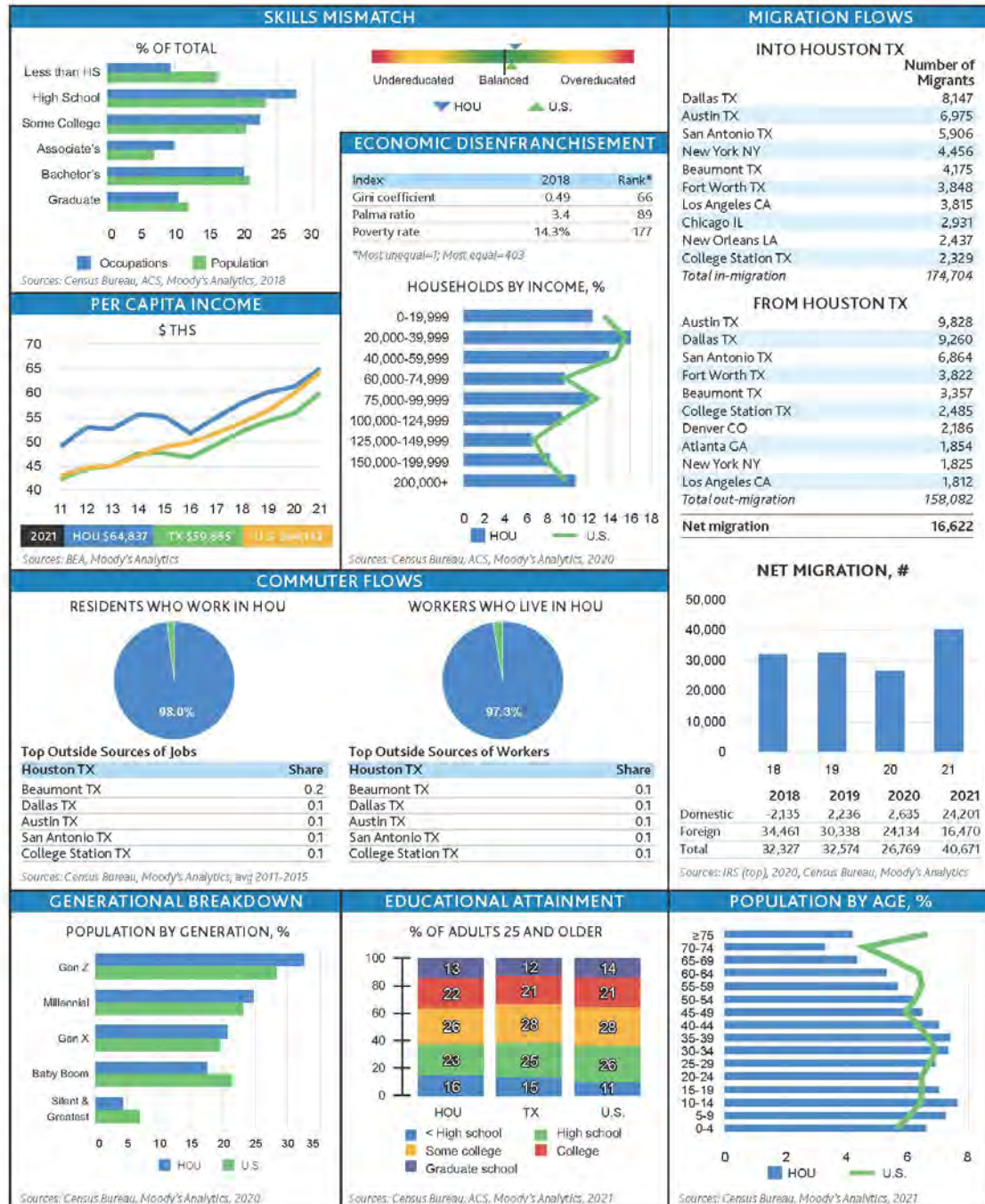
NAICS	Industry	Location Quotient	Employees (ths)
5413	Architectural, engineering & rel. srvs.	2.1	67.2
6211	Offices of physicians	1.0	56.4
5416	Mgmt., scientific & technical consult. srvs.	1.3	45.9
5511	Management of companies & enterprises	0.9	43.3
GVL	Local Government	1.0	302.5
GVS	State Government	0.9	94.1
5613	Employment services	1.1	86.1
6221	General medical and surgical hospitals	0.8	80.2
7225	Restaurants and other eating places	1.2	247.7
4451	Grocery stores	1.1	62.6
6216	Home health care services	1.8	55.3
5671	Services to buildings and dwellings	1.1	50.9

Source: Moody's Analytics, 2021

MOODY'S ANALYTICS / Précis® U.S. Metro / February 2023

AREA/NEIGHBORHOOD ANALYSIS (CONTINUED)

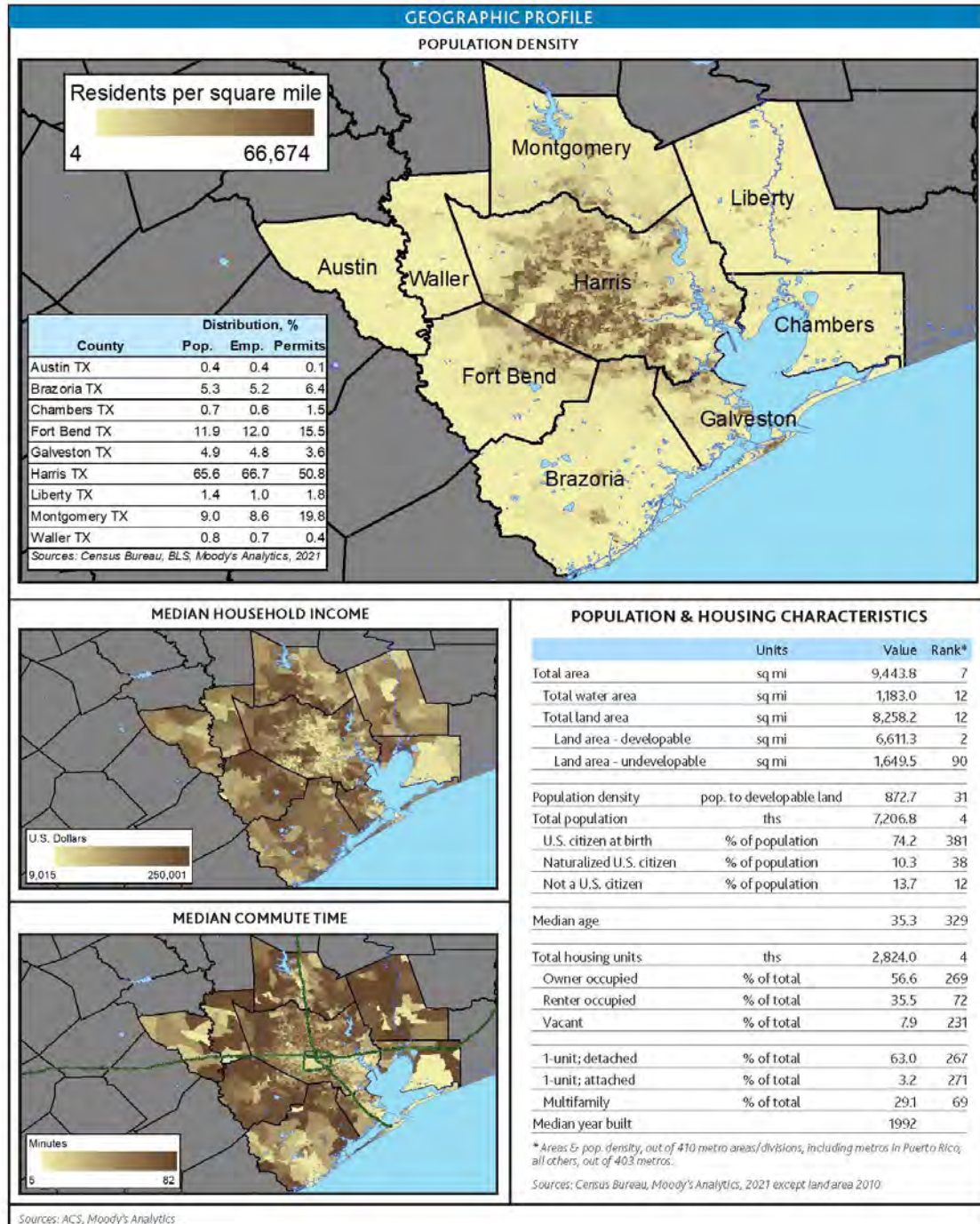
PRÉCIS® U.S. METRO • Houston-The Woodlands-Sugar Land TX



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AREA/NEIGHBORHOOD ANALYSIS (CONTINUED)

PRÉCIS® U.S. METRO • Houston-The Woodlands-Sugar Land TX



MOODY'S ANALYTICS / Précis® U.S. Metro / February 2023

AREA/NEIGHBORHOOD ANALYSIS (CONTINUED)

Area Summary. A contributing factor to the strengthening of the real estate market has been diversification of the economic base. One of Houston's strengths is that the city has historically encouraged entrepreneurial activity and risk taking.

Though Houston faces some challenges in the near term, the long-term outlook is bright. From 2005 to 2035, The Perryman Group sees Houston leading the state in population growth, adding 3.53 million residents and 1.325 million jobs and accounting for almost one-fourth of Texas job growth. The long-term outlook for the Houston metro area is positive, and a slower, but steady growth is expected in the near future. On the following pages is the Moody's Analytics Houston-The Woodlands-Sugar Land February 2021 market report. The Houston MSA is located on the flat coastal plains of southeast Texas (the upper Gulf Coast prairie), approximately 50 miles northwest of the Gulf of Mexico.

Neighborhood Delineation. The subject's neighborhood is located in the southwestern portion of the Brazoria County area, approximately 55 miles south of the Houston Central Business District (CBD). For the purpose of this analysis, the subject's neighborhood is generally defined as being the city limits of the City of Freeport. These boundaries have been defined because the properties within them tend to exhibit similar characteristics, physical features, price desirability, and they are affected by similar physical, economic, governmental and social forces.

Thoroughfares/Streets

East/West Arteries: State Highway 36 and State Highway 332.

North/South Arteries: FM 523, State Highway 288, and State Highway 288B.

Accessibility. The subject's neighborhood is accessible from downtown Houston by heading south on State Highway 288 approximately 55 miles.

Characteristics. The subject neighborhood is located in the city of Freeport, and is basically suburban in nature. Single-family residences are located on secondary streets throughout the subject neighborhood. Commercial land uses, such as retail, office, and commercial services, are located along the above-mentioned thoroughfares. The neighborhood is a viable, heterogeneous area in the southwestern portion of Brazoria County, Texas.

Utilities and Services. Police and fire protection and other services are provided by the City of Freeport. Electricity and natural gas is provided by CenterPoint, and telephone service by AT&T. The area is served by the Brazosport Independent School District with schools of all level located throughout the area.

Trends. The neighborhood is heterogeneous area in the south central portion of Brazoria County. Commercial developments are found primarily along the major thoroughfares, such as the streets cited in the preceding paragraph. The neighborhood is generally known as a commercial area with a large amount of industrial and light industrial development servicing the petroleum industry of the

AREA/NEIGHBORHOOD ANALYSIS (CONTINUED)

area. DOW Chemical is one of the primary employment forces in the area, with an reported current employment of more than 4,200. According to various reports, DOW is currently expanding one of its refineries, with an estimated 600 permanent jobs to be created by the 5 year project. During the construction, it is estimated that as many as 4,800 construction workers will be employed. Further, DOW has consolidated it's research division to Lake Jackson, with an ongoing office construction project planned to house the 5,000 employees. These employees will be relocating from across the world at the new campus which will be located near the intersection of Abner Jackson Parkway and SH 288. Several of the office buildings have been completed, with additional ones to come. In addition to DOW, there are several other petrochemical plants in the area building or expanding, as well as several pipelines that are under construction. All of these entities plan on bringing significant job creation to the market for the foreseeable future.

Freeport LNG Development and Talos Energy Inc. have announced that the companies have executed a letter of intent to develop a carbon capture and sequestration ("CCS") project, the Freeport LNG CCS project ("FLNG CCS"), immediately adjacent to Freeport LNG's natural gas pretreatment facilities located near Freeport, Texas, on the Gulf Coast, approximately 60 miles southwest of Houston, Texas. The companies anticipate first injection could occur by year-end 2024. Talos will be the project manager and operator and will be joined by its partner, Storegga Geotechnologies Limited ("Storegga"), the lead developer of the Acorn CCS project in the United Kingdom.

The FLNG CCS project will utilize a Freeport LNG-owned geological sequestration site located less than half a mile from point of capture with up to a 30-year injection term and will permanently sequester CO₂. The FLNG CCS project benefits from a dedicated source of CO₂ and a secured injection site in close physical proximity and, therefore, has limited commercial barriers and a rapid execution time line assuming efficient regulatory approval processes. Additionally, the site is located within 25 miles of up to an additional 15 million metric tonnes per annum ("MTPA") of incremental CO₂ emissions from major industrial sources, which offers the potential for expansion in the future. The FLNG CCS project is still subject to execution of definitive agreements.

As one of the first liquified natural gas ("LNG") exporters in the United States, Freeport LNG operates one of the largest LNG liquefaction and export facilities in the world, representing one of the largest single natural gas demand points in the state of Texas. Freeport LNG is in the process of adding a fourth train to the facility that will expand their gas liquefaction capacity to over 20 MTPA.

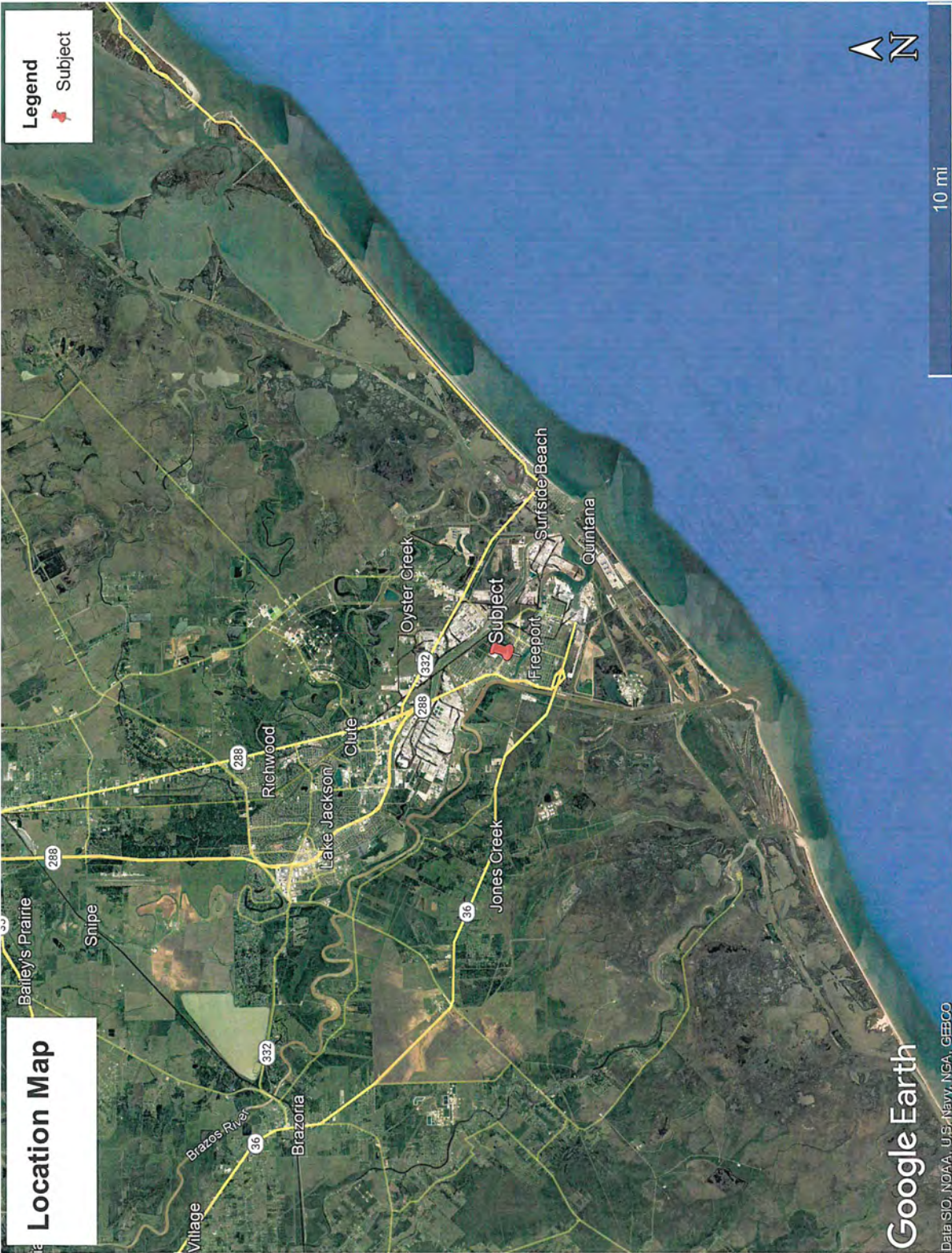
Port Freeport (formally Brazos Harbor Navigation District of Brazoria County) is the smallest (geographically) deep-water seaport along the U.S Gulf Coast. Located in Freeport, Texas (United States). It has rail access, represents both private and public facilities. It is ranked 10th in the nation for chemicals, 19th in the nation for total tonnage, 26th in the nation for container traffic, handles over 100,000 vehicles per year and has more than 1,000 ships per year.[2] Forbes magazine (2017) ranked Port Freeport as one of the top 10 fastest growing seaports for exports in the U.S.

Given the characteristics of the subject's neighborhood (including its development composition, adequate recreational, educational, and cultural facilities, and access to major transportation routes),

AREA/NEIGHBORHOOD ANALYSIS (CONTINUED)

the outlook for the area is growth.

Summary. In conclusion, the neighborhood is well located with good accessibility to other communities in Brazoria County, major thoroughfares, and surrounding communities. The area is approximately 80% built-up, allowing ample opportunity for future growth. Commercial properties should remain stable as the area continues to develop. Additionally, well-maintained and well-managed properties are expected to have stabilized occupancy rates. The subject's neighborhood is considered to have a stable influence on the subject property being appraised. It appears that demand for commercial and industrial properties, including single and multi-tenant facilities has stabilized. Commercial properties should maintain stability, with some areas showing increases due continuing economic recovery.



ASSESSMENT AND TAXES

The Brazoria County Appraisal District maintains the following account number for the subject property: 164238. The 2023 assessed value and 2022 applicable tax rates for the taxing jurisdictions, and the estimated tax liability are shown below.

2023 Assessed Property Value		
Land		\$132,180
Improvements		\$0
Total		\$132,180
Taxing Jurisdiction	Tax Rate/\$100	Tax Liability
City of Freeport	\$0.600000	\$793
Velasco Drainage District	\$0.074490	\$98
Brazoria County	\$0.291106	\$385
Brazosport College	\$0.285895	\$378
Port of Freeport	\$0.035000	\$46
Road and Bridge Fund	\$0.050000	\$66
Brazosport Independent School District	<u>\$1.133000</u>	<u>\$1,498</u>
Total	\$2.469491	\$3,264

Based upon the above assessed value and tax rates, the ad valorem tax liability for the subject property is estimated to be approximately \$3,264. The tract is fully exempt as its ownership is the City of Freeport.

SITE DATA

An analysis of a site is particularly important in determining its highest and best use. We were provided with a survey and legal description of the subject site. We have relied upon the survey and the Brazoria County Appraisal District records and facet maps for the identification of the subject site. The following is a discussion of the most important factors of the subject site.

Legal Descriptions. The subject property can legally be described as 0.1430 acres, Tract 2 & Levee Portion of Groce Street ROW, Brazoria County, Texas.

Location/Access. The subject is located south of the southwest line of Mystery Harbor Lane (Front Street), southwest of Groce Street. The subject property is currently land locked with only water frontage no street frontage. It should be noted that the subject is located in the City of Freeport Drainage District Levee System. The subject is currently under negotiations to be purchased by the adjacent land owner to combine with the current lot and gain frontage water frontage and for the subject to gain roadway frontage.

Physical Characteristics. The subject is a 0.143 acres or 6,229 square foot site is encumbered by the City of Freeport Drainage District Levee System and is mostly rectangular in shape.

Site Improvements. The subject property is currently a vacant tract of land.

Off-Site Improvements. At the subject site, Mystery Harbor Lane is a -lane, two-way, asphalt paved roadway, with open ditch drainage.

Adjacent Land Use. The subject tract is surrounded by vacant land to the south and the upper turn around basin for the Port of Freeport. To the north and west are single family homes.

Restrictions. The subject tract site is located within the City of Freeport which does utilize zoning to regulate development. The subject site appears to be zoned Residential (R1), which appears to limit development to residential development. Our value conclusions are subject to revision should any deed restrictions be present that are deemed detrimental to the subject property.

Easements. According to the information provided, the subject is encumbered by a City of Freeport Levee easement, which prohibits vertical improvements and/or paving/stabilization. The city also maintains the right to access and maintain the easement and make improvements. We are unaware of any other adverse easements or encumbrances which would negatively affect the development of the site.

Utilities. The property has water and sanitary sewer available from the City of Freeport. Electricity is provided by NRG Energy and gas is provided by CenterPoint Energy. Telephone service is provided by AT&T.

SITE DATA (CONTINUED)

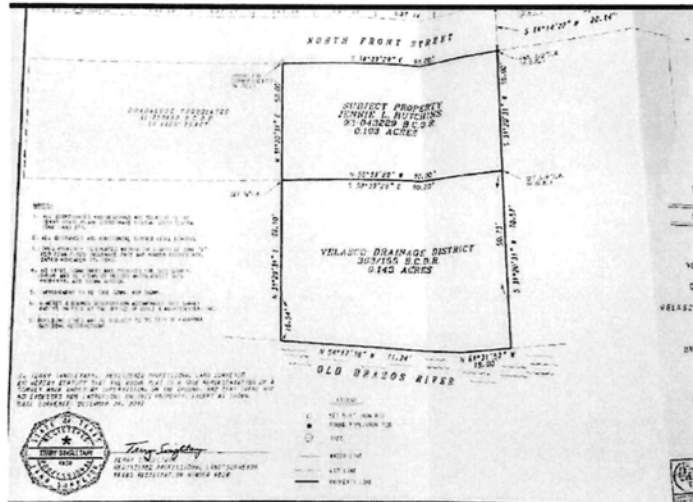
Topography/Flood Plain. At the time of our site visit, the subject site slightly slope towards the water but is well-drained. There are no soil or subsoil conditions noted that would adversely affect construction as evidenced by the nearby improvements. The subject property appears to be within shaded Zone A which is inside the 100 year flood hazard area, with base flood elevation determined per FIRM Panel 48039C0785K, dated December 30, 2020. The determination is made by graphic plotting only, and is not guaranteed. We recommend that a surveyor determine precise flood plain status for the subject site. A copy of a portion of the flood map is included in the addenda section of this report..

Environmental. We were not furnished with an Environmental Assessment of the property. We did not observe any hazardous contaminants that would be of concern during our site visit to the property. It should be noted that we are not experts in recognition and identification of hazardous waste.

Political Jurisdiction. The site is served by the Brazosport Independent School District and Brazoria County, the City of Freeport and its related entities. Fire and police protection are supplied by City of Freeport and Brazoria County.

Conclusions/Analysis. The subject property contains a total of 0.1430 acre (6,229 square feet) of land. It has does have access to utilities but does not have roadway frontage and is located inside the 100 year flood hazard area. The subject tract although being landlocked has what is considered to be a usable configuration, with a level topography and flood plains location is typical of properties in this area however, being in the City of Freeport Drainage District Levee system most definitely impacts potential development along the property.

For further details as to the site configuration, please reference the following survey and aerial map subject photographs and flood plain map located in the addenda.



SITE DATA (CONTINUED)



ZONING

The subject site is located within the City of Freeport which does utilize zoning to regulate development. The subject site appears to be zoned Residential (R1), which appears to limit development to residential development. Uses in this district include manufacturing, wholesale warehousing, transportation of goods and port, harbor and other marine related uses. The subject is encumbered by the City of Freeport Drainage District Levee system, which prohibits vertical improvements and/or paving/stabilization. The Drainage District also maintains the right to access and maintain the easement and make improvements.

HIGHEST AND BEST USE

The subject economic unit includes a total of 0.1430 acres, and is south of the southwest line of Mystery Harbor Lane (Front Street), southwest of Groce Street. It does have access to utilities and has what is considered to be a usable configuration with a generally level topography but does not have roadway frontage and is located inside the 100 year flood plain with base elevations determined. Additionally, as indicated in the Site Data section, the subject site is located within the city of Freeport which does enforce zoning. The subject is zoned Residential (R1). The subject is encumbered by the City of Freeport Drainage District Levee system, which prohibits vertical improvements and/or paving/stabilization. The Drainage District also maintains the right to access and maintain the easement and make improvements.

Based on the surrounding development, we feel that of the possible uses, residential use is the most probable. At the present time, residential development appears to be physically possible, legally permissible, and is currently considered financially feasible. Accordingly, the maximally productive use of the subject site is likely residential assemblage with another site to allow street frontage. Therefore, we feel the highest and best use of the subject site would be assemblage for residential development.

MARKET APPROACH TO VALUE - LAND ONLY

In reaching the land value opinion of the subject property by the market data approach, we searched the Brazoria County Deed Records for recent sales of comparable properties within this area. We also consulted real estate brokers and appraisers active in the area as to their knowledge of properties currently offered on the market for sale which would be in competition with the subject property.

We then investigated, analyzed and compared the available market data to the subject property, taking into prime consideration the various similar and dissimilar characteristics, including terms of sale, and made adjustments accordingly in reaching the value opinion of the subject property by the market approach.

LAND SALES ANALYSIS - CONTINUED

The following summary table contains information of the land sales considered in our analysis of the subject property:

<i>SALE</i>	<i>DATE</i>	<i>SIZE (SF)</i>	<i>PRICE (\$/SF)</i>	<i>LOCATION</i>
1	7/2/18	8,718	\$5.25	South of the south line of S Front Street, west of N Velasco Boulevard
2	6/12/19	12,676	\$0.79	South of the south line of S Front Street, west of N Velasco Boulevard
3	4/30/21	5,001	\$10.80	S/L of Shark Lane, east of King Lane
4	10/26/21	12,037	\$4.98	North of the north line of 2 nd Street, west of Cedar Street
5	12/16/22	9,078	\$12.67	S/L of S Front Street, west of N Velasco Boulevard

When comparing these sales to the subject parcel, the factors considered to be the most critical were conditions of sale, financing terms, date of sale, size, location and access, physical characteristics, and utility availability. Each of the sales were compared to the subject property and adjusted on that basis. Given the difference in location we have considered a qualitative analysis versus a qualitative analysis. Please see the attached sales map in the addenda section of this report. The following is a discussion of the comparisons used in our analysis when compared to the economic unit.

Conditions of Sale. Adjustments for conditions of sale usually reflect the motivations of the buyer and the seller. Buyers or sellers acting under duress may cause a sale to be less representative of the market. A financial, business, or family relationship between the parties may affect the price of a property. When non-market conditions of sale are detected in a transaction, the sale can be used as a comparable only with great care. The circumstances of the sale must be thoroughly researched before an adjustment is made. Although conditions of sale are often perceived as applying only to sales that are not arm's-length transactions, some arm's-length sales may reflect atypical motivations or sale conditions due to unusual tax considerations, sale at legal auction, lack of exposure on the open market, or eminent domain proceedings. If the sales used in the market approach reflect such situations, an appropriate adjustment must be made for motivation or conditions of sale. None of the sales included in this report required an adjustment for this factor.

Financing Terms. The transaction price of one property may differ from that of an identical property due to different financing arrangements. For example, a buyer may pay a higher price in a transaction which involves below market or favorable financing. Favorable financing can be in terms of a below market interest rate, a small down payment, an interest only loan, a non-recourse or limited liability loan, or a loan based upon the cash flow of the project. All of the sales in this report were cash to the seller, therefore no adjustments are deemed necessary.

Date of Sale. Changes in market conditions may be the result of inflation, deflation, fluctuations in supply and demand, changes in highest and best use, or other factors. Although this adjustment is often referred to as a "time" adjustment, time is not the cause of the adjustment, but a reflection of

LAND SALES ANALYSIS - CONTINUED

shifts, or changes in market conditions. Therefore, if market conditions have not changed, no adjustment is deemed necessary, no matter how much time has elapsed.

The sales included in this report ranged in date of sale from July 2, 2018 to December 16, 2022. Generally, land value rise over time due to inflation and the decreasing supply of land. All of the Sales are judged equal given the somewhat recent nature.

Location. The location adjustments occur when the comparable sale is located in an area that is either more or less desirable than the subject, in relationship to absorption and new construction starts. Also, surrounding development and property use trends are given consideration. It should be noted that the subject does not have frontage along a primary roadway similar to most of the Sales. Sales 3 and 4 are felt to be in locations with superior surrounding development compared to the subject. All other Sales felt to be in a location with similar surrounding development as the subject and are not adjusted for this factor.

Size. The subject site contains 0.1430 acres or 6,229 square feet, whereas the comparable sales range from 5,001 to 12,676 square feet. In most areas of the Houston CMSA, smaller tracts of land sell for a higher price per unit than larger properties. This is due to the fact that purchases of large acreage tracts entail a much greater capital outlay. Pairing sales to determine a size adjustment was analyzed, however no correlation could be determined. In other areas of the Houston MSA, a size adjustment of 5% for each doubling/halving of size is fairly common. Sales 2 and 4 are inferior and the other Sales are felt to be similar.

Corner/Frontage Influence. Properties which enjoy a corner location or have frontage along more than one roadway typically sell at a higher per unit value due to increased exposure and accessibility. The subject property is a interior tract with no frontage along a public roadways. Sales 3 and 5 do have roadway frontage and are felt to be superior when compared to the subject. All of the other sales are interior tracts that did not have roadway frontage either and are felt to be similar to the subject.

Site Characteristics. Properties which have very irregular shapes, are located in flood hazard areas with undevelopable portions or have undesirable topography tend to have lower values. The subject property is located inside the flood hazard area and is rectangular in shape. All of the Sales are felt to be similar to the subject in regards to this factor.

Utility Availability. The availability of utilities is a major factor in the development of any property. If a site has no access to utility service and cannot acquire access, it is virtually impossible to develop. Therefore, the price paid for such a site would be affected due to its lack of utilities. In this case, an owner must make up the expense for acquiring the services and enhancing the site's value. The subject property does have utilities. All of the Sales had utilities at the time and are felt to be equal to the subject.

LAND SALES ANALYSIS - CONTINUED

The land sales adjustment grid below shows our adjustments as they pertain to the subject property:

LAND SALES ADJUSTMENT GRID

SALE	1	2	3	4	5
Price/SF	\$5.25	\$0.79	\$10.80	\$4.98	\$12.67
DATE	7/2/18	6/12/19	4/30/21	10/26/21	12/16/22
CONDITIONS OF SALE	E	E	E	E	E
TIME ADJUSTMENT	E	E	E	E	E
TOTAL ADJUSTMENT	E	E	E	E	E
ADJUSTED \$/SF	\$5.25	\$0.79	\$10.80	\$4.98	\$12.67
SIZE (SF)	8,718	12,676	5,001	12,037	9,078
LOCATION	E	E	S	S	E
SIZE	E	S	E	S	E
CORNER INFLUENCE/ FRONTAGE	E	E	S	E	S
SITE CHARACTERISTICS	E	E	E	E	E
UTILITIES	E	E	E	E	E
TOTAL PHYSICAL ADJ.	S	S	S	S	S
FINAL ADJ. \$/SF	\$5.25	\$0.79	\$10.80	\$4.98	\$12.67

The sales within the Adjustment Grid have an adjusted sales price ranging from \$0.79 per square foot to \$12.67 per square foot with an average adjusted price per square foot of \$6.90. Sales 1, 2 and 4 are Sales of other river frontage tracts which are most comparable to the subject with similar restrictions associated with being encumbered by the City of Freeport Levee easement, and also not including roadway frontage. These Sales range from \$0.79 per square foot to \$5.25 per square foot with an average of \$3.67 per square foot. We have placed primary emphasis on Sale 4 given its more recent nature and similarity to the subject being encumbered and landlocked as well. Therefore, based on the above land sales analysis, and considering the subject's highest and best use and location, it is our opinion that the market value of the subject economic unit is as follows:

$$\begin{array}{rcccl} 6,229 & \text{Square Feet} & @ & \$5.00 & \text{Per Square Foot} & = & \$31,145 \\ & \text{Rounded} & & & \$30,000 & & \end{array}$$

RECONCILIATION AND FINAL VALUE OPINION

The Market Approach was used in this appraisal to provide an opinion of the value of the subject easement tract. The strength of the sales comparison approach in any appraisal is that if comparable market data is available, it should accurately reflect the attitudes of typical buyers and sellers in the market place. In other words, sales of comparable properties can be analyzed and compared to the subject with adjustments being made for various different characteristics.

Final Value Opinion. The Market Approach to Value was utilized. The final opinion of value must be based upon that confirmation of the available market data and analysis which is most appropriate. In our opinion, the Market Approach is well documented and supported by good market data. Thus, we have placed emphasis on this approach. It is our opinion the subject property, if properly marketed, could be sold within a 12-month exposure period. The effective date of our “As Is” value opinion is August 7, 2023. Our opinion of the market value of the subject property is as follows:

\$30,000

There are no hypothetical conditions or extraordinary assumptions for this appraisal.

ADDENDA

QUALIFICATIONS

QUALIFICATIONS OF: MICHAEL B. LANE, MAI

Business

MB LANE & ASSOCIATES, INC.
8990 Hempstead Highway, Suite 102
Houston, Texas 77008

Telephone: (713) 863-1414
Fax: (713) 863-8822
Email: michael@mblane.com

Employment History

1999 to Present	MBLane & Associates, Inc	President	Houston, TX
1997 to 1999	First Union Capital Markets Group	Vice President	Houston, TX
1994 to 1997	Banc One Capital Markets Group	Underwriter	Houston, TX
1986 to 1994	Edward B. Schutlz & Company	Senior Appraiser	Houston, TX

Education

University of Arkansas Bachelor of Business Administration Major: Finance & Real Estate 1985

Certifications

General Real Estate Appraiser in the State of Texas
Licensed Real Estate Broker in the State of Texas
Member - Appraisal Institute (MAI)

Certification Number: TX-1322609-G
Licence Number: 0373554
Current - 9/30/25

Training (1989 to Present)

Appraisal Reporting
Basic Valuation Procedures
Capitalization Theory & Techniques, Part A
Capitalization Theory & Techniques, Part B
Case Studies in Real Estate Valuation
Defensible Appraisal
Demonstration Report Writing
Fundamentals of Separating Real Property, Personal Property & Intangible Business Assets
General Market Analysis and Highest & Best Use
Interagency Rules of Banks & Credit Unions
National USPAP Update
Property Tax
Real Estate Appraisal Principles
Report Writing and Valuation Analysis
Sales Comparison-Adjustment Process
Standards of Professional Practice, Part A
Standards of Professional Practice, Part B
Write It Up

QUALIFICATIONS OF: MICHAEL B. LANE, MAI - CONTINUED

Types of Real Estate Appraised & Consulting Assignments

Assisted Living Facilities
Automobile Dealership
Automotive Repair Facilities
Business Parks
Churches
Condemnation
Convenience Stores
Fast-Food Franchises
Garden Apartments
Greenhouse/Nurseries
Industrial & Manufacturing
Leasehold Valuation
Manual & Full Service Car Washes
Medical Office Buildings
Mini-Warehouses
Mobile Home Parks
Motels & Hotels
Nursing Homes
Office Buildings
Recreational Vehicle Park
Resort and Recreational Development
Restaurants/Bars
Service Stations
Shopping Centers
Single-Family Subdivisions
Special Purpose Properties
Time Share Project
Townhouse Developments
Vacant Land

Partial List of Representative Clients

Allegiance Bank	Lowery Bank
Alliance Bank	Members Choice Credit Union
Bancorp South	Moody National Bank
BB&T	Patriot Bank
BBVA Compass	Plains State Bank
Beal Bank	Post Oak Bank
CBB Bank	Prosperity Bank
Chase/JP Morgan	Q10 Kinghorn, Driver, Hough & Co.
Citizens State Bank	Regions Bank
City Bank Texas	Smart Financial Credit Union
Coamerica Bank	StanCorp Mortgage Investors
Community First Bank & Trust	Stearns Bank
East West Bank	Symetra Financial
Evolve Bank & Trust	Synergy Bank
Fidelity Bank	Texas Advantage Community Bank
GE Capital	Texas Gulf Bank
Guaranty Bank & Trust	Tradition Bank
Heritage Bank	Trustmark Bank
IBC Bank	US Bank
Independence Bank	ValueBank Texas
Independent Bank of Texas	Wells Fargo Bank
Iron Stone Bank	Wilshire State Bank

Various Types of Studies

Environmental Impact Studies
Feasibility Studies
Highest and Best Use Studies
Market Studies



QUALIFICATIONS OF LEE DOEHRING

Business Address

MB LANE & ASSOCIATES, INC.
8990 Hempstead Highway, Suite 102
Houston, Texas 77008

Telephone (713) 863-1414
Fax (713) 863-8822
Email: lee@mblane.com

Appraisal Employment History

2018-Present	MBLane & Associates, Inc.	Appraiser Trainee	Houston, TX
2012-2015	Hogg Appraisal Company	Internship	Fort Worth, TX

Education

Texas Tech University	Bachelor of Science	Major: Agricultural and Applied Economics
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Certification

Trainee Certification - #TX1342044 expires August 31, 2025

Types of Real Estate Appraisal Assignments

Retail Centers	Garden Apartments
Office Buildings	Warehouses
Single Family	Freestanding Retail Buildings
Vacant Land	Convenience Stores
Condo	Self-Storage Facilities
Medical Office Buildings	Automotive Sales & Repair Facilities



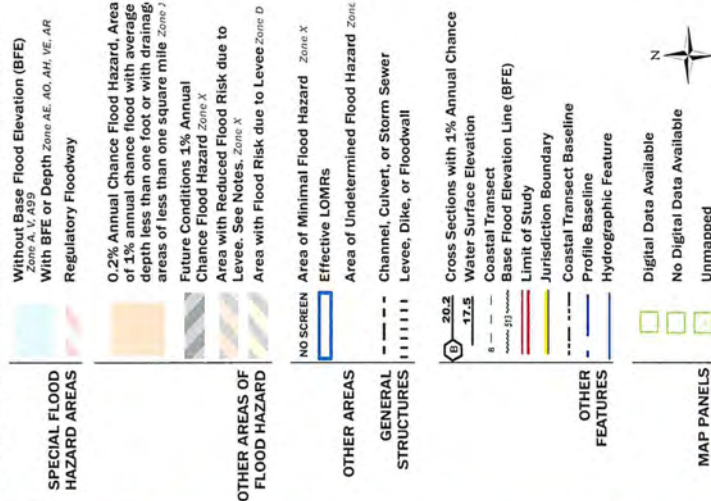
FLOOD MAP

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



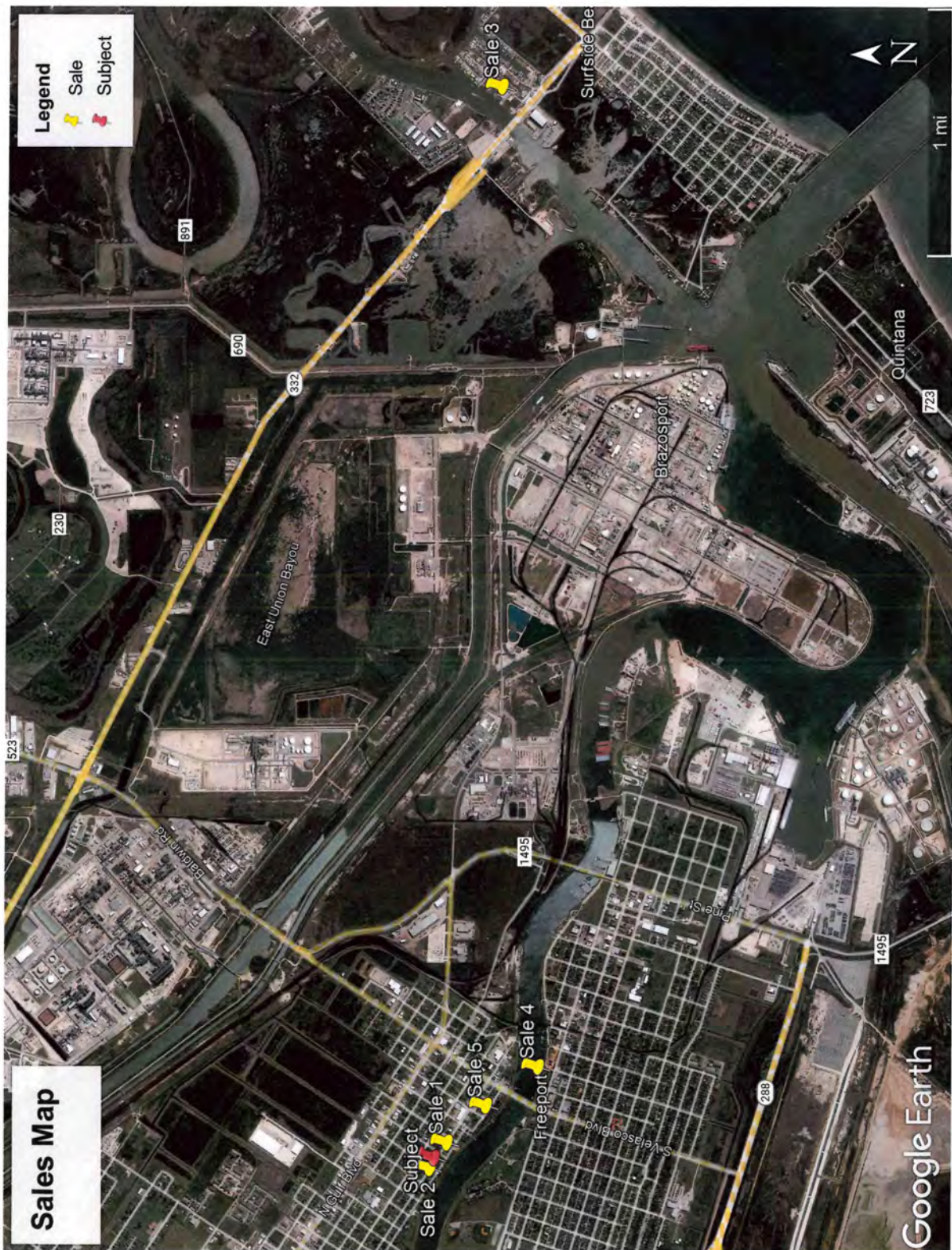
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/10/2023 at 4:54 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

LAND SALES MAP



SUBJECT PHOTOGRAPHS



Subject Property



Alternate View of Subject Property



Street View Looking North Down Mystery Harbor Lane



Street View Looking South Down Mystery Harbor Lane

ENGAGEMENT LETTER

Chrissy Sebesta

From: Michael Lane
Sent: Tuesday, July 25, 2023 2:41 PM
To: Chrissy Sebesta
Cc: Lee Doehring
Subject: FW: Proposal for Appraisal

Use this email for an engagement

Michael B. Lane, MAI
MBLane & Associates, Inc.
8990 Hempstead Hwy., Suite 102
Houston, Texas 77008
Phone - 713-863-1414
Fax - 713-863-8822
Cell - 713-306-4041
Email – Michael@Mblane.com
Website – Mblane.com

**MBLANE
& ASSOCIATES**

From: Tim Kelty <tkelty@freeport.tx.us>
Sent: Tuesday, July 25, 2023 8:09 AM
To: Michael Lane <michael@mblane.com>
Subject: Re: Proposal for Appraisal

****This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments****

Thank you Michael. Please proceed.

Tim

Sent from my iPhone

On Jul 24, 2023, at 2:29 PM, Michael Lane <michael@mblane.com> wrote:

Tim,

The fee would be \$800 and timing of 2 weeks.

Let me know if you would like to proceed.

Thanks,

Michael

Michael B. Lane, MAI
MBLane & Associates, Inc.
8990 Hempstead Hwy., Suite 102
Houston, Texas 77008
Phone - 713-863-1414
Fax - 713-863-8822
Cell - 713-306-4041
Email - Michael@Mblane.com
Website - Mblane.com

<image002.png>

From: Tim Kelty <tkelty@freeport.tx.us>
Sent: Friday, July 21, 2023 2:09 PM
To: Michael Lane <michael@mblane.com>
Subject: Proposal for Appraisal

****This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments****

Good afternoon Michael,

Will you provide me a proposal for another appraisal?

I need an appraisal for a 0.143 acre tract along the Old Brazos River, through which the levy runs, between the water and 104 W. Mystery Harbor Lane (AKA Front Street). The property owner of 104 desires to purchase the property and redevelop in to a single lot with river frontage. I have included a copy of a survey he has provided. If you need a cleaner copy let me know.

Last year we had Barry Colman of Angleton Real Estate Appraisal do a similar appraisal on the next block west at 6 Front Street(attached) That appraisal was approved by the city council and the property owner for the sale of the property.

Thanks,

Tim

Timothy Kelty
City Manager
City of Freeport
972-217-6225
<image003.jpg>

Tim Kelty

From: Michael Lane <michael@mblane.com>
Sent: Wednesday, September 27, 2023 4:49 PM
To: Tim Kelty
Subject: FW: Appraisal - Mystery Harbor Lane
Attachments: Revised Appraisal - 104 Mystery Harbor Lane, Freeport.pdf

Tim,

We corrected/revised the report to include the fact that the subject will continue after the sale to be encumbered by the City of Freeport Levee easement. In our analysis, we relied on other sales that were also encumbered by the drainage district. These Sales (1, 2 and 4) range from \$0.79 per square foot to \$5.25 per square foot with an average of \$3.67 per square foot. We have placed primary emphasis on Sale 4 at \$4.98 per square foot given its more recent nature.

Let me know if you need anything further or have any questions.

Thanks,

Michael

Michael B. Lane, MAI
MBLane & Associates, Inc.
8990 Hempstead Hwy., Suite 102
Houston, Texas 77008
Phone - 713-863-1414
Fax - 713-863-8822
Cell - 713-306-4041
Email – Michael@Mblane.com
Website – Mblane.com

MBLANE
& ASSOCIATES



City Council Agenda Item #13.

Title: Consideration and possible action granting a 2.7 acre drainage easement to the Velasco Drainage, between Brazosport Blvd., and the Brazos River south of Riverside Park.

Date: October 2, 2023

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends granting the easement to the Velasco Drainage district.

Item Summary: The Velasco Drainage district has requested the city grant an easement as described in the attached survey of the levee area along between the Brazos River and Brasosport Blvd. As this is a federally recognized levee, they are under a federal mandate from the Army corps of Engineers to maintain the levee and this is one area or gap that they do not control as the land is owned by the city of Freeport.

Background Information: None

Special Considerations: The Velasco Drainage District currently mows and maintains this area.

Financial Impact: None

Board or 3rd Party Recommendation: Requested and recommended by the Velasco Drainage District to comply with federally mandated requirements.

Supporting Documentation:

1. Email from VDD requesting easement from the city
2. Velasco Drainage district easement request along Brazosport Blvd

Tim Kelty

From: cegallion@velascodrainage.com
Sent: Wednesday, September 27, 2023 10:59 AM
To: Tim Kelty
Cc: Joe Williams
Subject: Easement at the Brazos River

Tim,

The reason for the easement from the City of Freeport at the Brazos River is that it is a gap in our easements for our levees. The Corps of Engineers requires that we have easement coverage for all of our Federal Levees, and this is an area that was lacking an easement. The original easements covered all but a few areas and this is one of the areas. The Appraisal District originally showed this area as null but more recently showed this area as owned by the City of Freeport. Thus the Velasco Drainage District is asking the City to grant this easement to us so that we can eliminate the gap in our levee easements.

Chris Gallion
Superintendent
Velasco Drainage District
979-265-4251

EASEMENT GRANT
(2.70 Acres at East Bank of Brazos River)

THE STATE OF TEXAS

COUNTY OF BRAZORIA

THIS EASEMENT GRANT is entered into by CITY OF FREEPORT (herein jointly and severally called "GRANTOR," whether one or more) and VELASCO DRAINAGE DISTRICT ("GRANTEE"). GRANTEE's address is 915 Stratton Ridge Road, Post Office Box 7, Clute, Texas, 77531. In consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, GRANTOR hereby GRANTS, CONVEYS, AND CONFIRMS unto GRANTEE, and to its successors and assigns, a permanent easement to construct, maintain, inspect, operate, repair, modify, and replace a drainage ditch, levee, and any other drainage improvements, equipment, and structures upon, over, under, through, and across the following described Permanent Easement, situated in Brazoria County, Texas, the description of which is set forth in Exhibit "A," which is attached hereto and made a part hereof for all purposes.

The titles and any subtitles of this document and any attachments hereto are simply for the convenience of the parties and shall never be construed to restrict the scope, purpose, or other terms of this document or any attachments hereto.

It is distinctly understood and agreed that this does not constitute a conveyance of the land above described nor of the minerals therein and thereunder but grants only a right-of-way and easement subject to the following:

(a) The right-of-way and easement granted hereby is subject to all, if any, valid and subsisting oil, gas, sulfur and mineral lease or leases, unitization agreements, deeds, easements, rights-of-way, restrictive covenants, mineral and royalty grants and reservations, or other restrictive covenants and other instruments now of record in the appropriate records of Brazoria County, Texas, and unrecorded prior easements under which improvements have been constructed in such a manner as to be apparent to the GRANTEE from an inspection of the premises, relating to all or any part of the herein described lands.

(b) This easement is granted for the specific purposes of permitting GRANTEE to construct, maintain, inspect, operate, and repair a drainage ditch, levee, and any other drainage improvements, equipment, and structures upon, over, under, through, and across said right-of-way; the right of ingress to and egress from the surface of the easement; the right to clear and keep cleared brush and all other obstructions from the surface and subsurface of said right-of-way, subject to the exceptions stated below; and the right to install, maintain and use gates in fences which cross said right-of-way.

(c) GRANTOR, GRANTOR's heirs and assigns, shall have all other rights not herein expressly granted to GRANTEE, GRANTEE's successors and assigns, in and to the land included within the above described right-of-way and easement, including, without limitation, the rights to utilize the surface of said land for any use which shall not unreasonably interfere with the rights herein expressly granted to GRANTEE, nor endanger the drainage ditch, levee, facilities, equipment, or other drainage improvements of GRANTEE, GRANTEE's successors and assigns, to be constructed hereunder. In addition to the above, GRANTOR, GRANTOR's heirs and assigns, shall have the right to place crossings through said right-of-way, so long as said crossings are of sufficient size as not to interfere with the drainage ditch, levee, improvements, equipment, or structures or the rights herein expressly granted to GRANTEE, provided that such rights of GRANTOR shall not unreasonably interfere with the rights of GRANTEE, nor endanger the drainage ditch, levee, improvements, equipment, or structures of GRANTEE, its successors and assigns, to be constructed hereunder.

(d) Any notice required or permitted to be given or served hereunder upon GRANTOR or GRANTEE shall be in writing, and the same shall be deemed to have been given, served and received by such party when deposited in the United States Mail, with postage pre-paid, by United States registered or certified mail, addressed to such party at the address specified below:

GRANTOR'S DESIGNEE FOR RECEIPT OF NOTICE:

City Manager or Mayor
City of Freeport
200 West 2nd Street
Freeport, Texas 77541

GRANTEE'S DESIGNEE FOR RECEIPT OF NOTICE:

Chairman, Board of Supervisors
Velasco Drainage District
Post Office Box 7
Clute, Texas 77531

If such notice is given other than by certified mail, it shall be deemed to have been given and served when actually delivered to and received by the party to whom it is addressed. From time to time, GRANTOR or GRANTEE, or their designees herein specified may designate other addresses or recipients of notice for all purposes of this instrument by giving to the other party not less than five (5) days advance written notice of such change in address, or receipt in accordance with the provisions hereof.

TO HAVE AND TO HOLD the above described easement together with all and singular the rights and appurtenances thereto belonging unto GRANTEE, GRANTEE's successors and assigns, forever, and GRANTOR does hereby bind GRANTOR and GRANTOR's heirs, personal representatives, successors and assigns, to warrant and forever defend all and singular the easement unto GRANTEE and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

EXECUTED this ____ day of _____, 2023.

GRANTOR:

CITY OF FREEPORT

By: _____
Brooks Bass, Mayor

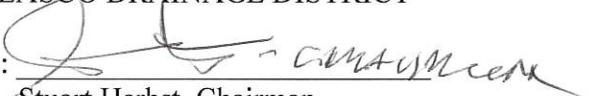
ATTEST:

CITY OF FREEPORT

By: _____
Betty Wells, City Secretary

AGREED AND ACCEPTED this 19 day of September, 2023.

VELASCO DRAINAGE DISTRICT

By: 
Stuart Herbst, Chairman

ATTEST:

VELASCO DRAINAGE DISTRICT

By: 
Christopher Oldham, Secretary

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

 This instrument was acknowledged before me on the _____ day of _____, 2023, by **Brooks Bass**, as Mayor of City of Freeport.

Notary Public In and For
The State of Texas

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

 This instrument was acknowledged before me on the _____ day of _____, 2023, by **Betty Wells**, as City Secretary of City of Freeport.

Notary Public In and For
The State of Texas

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 19 day of September, 2023, by **Stuart Herbst**, as Chairman, on behalf of **Velasco Drainage District**.



Elizabeth Yearout
Notary Public In and For
The State of Texas

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 19 day of September, 2023, by **Christopher Oldham**, as Secretary, on behalf of **Velasco Drainage District**.



Elizabeth Yearout
Notary Public In and For
The State of Texas

Frd2023-04-27

After Recording, Return to:
VELASCO DRAINAGE DISTRICT
Post Office Box 7
Clute, Texas 77531

2.70 ACRES
OUT OF THE SAM T. ANGIER SURVEY
OUT OF ABSTRACT 8
BRAZORIA COUNTY, TEXAS

2.70 Acres out of the Sam T. Angier Survey, out of Abstract 8, Brazoria County, Texas, described using terminology related to the Texas State Coordinate System, South Central Zone (NAD83). Said acres being described as follows:

Beginning at a set iron rod with cap stamped "4679" at the west right-of-way line of State Highway 288B at the position of North 13,552,770.42' and East 3,127,879.95' for the Point of Beginning;

Thence North 30 degrees 37 minutes 44 seconds West a distance of 17.09 feet to the southeasterly corner of a Velasco Drainage District 0.689 Acres Tract as recorded in Volume 1036, Page 699 of the Deed Records of Brazoria County, Texas;

Thence North 30 degrees 37 minutes 44 seconds West a distance of 110.71 feet along the southerly boundary of the said 0.689 Acre Tract;

Thence North 20 degrees 40 minutes 35 seconds West a distance of 224.05 feet continuing along the southerly boundary of said 0.689 Acre Tract to a meander point along the Brazos River;

Thence South 01 degrees 01 minutes 39 seconds West a distance of 271.54 feet along the meander of the Brazos River;

Thence South 19 degrees 02 minutes 54 seconds West a distance of 159.79 feet along the meander of Brazos River;

Thence South 09 degrees 11 minutes 24 seconds West a distance of 314.82 feet along the meander of the Brazos River;

Thence South 24 degrees 53 minutes 01 seconds West a distance of 126.10 feet along the meander of the Brazos River to the northwesterly corner of the 0.53 Acre Tract;

Thence South 27 degrees 39 minutes 06 seconds East a distance of 66.11 feet continuing along the northerly line of a 0.53 Acre Tract;

Thence South 49 degrees 00 minutes 12 seconds East a distance of 175.00 feet to a point of the west right-of-way line of SH288B;

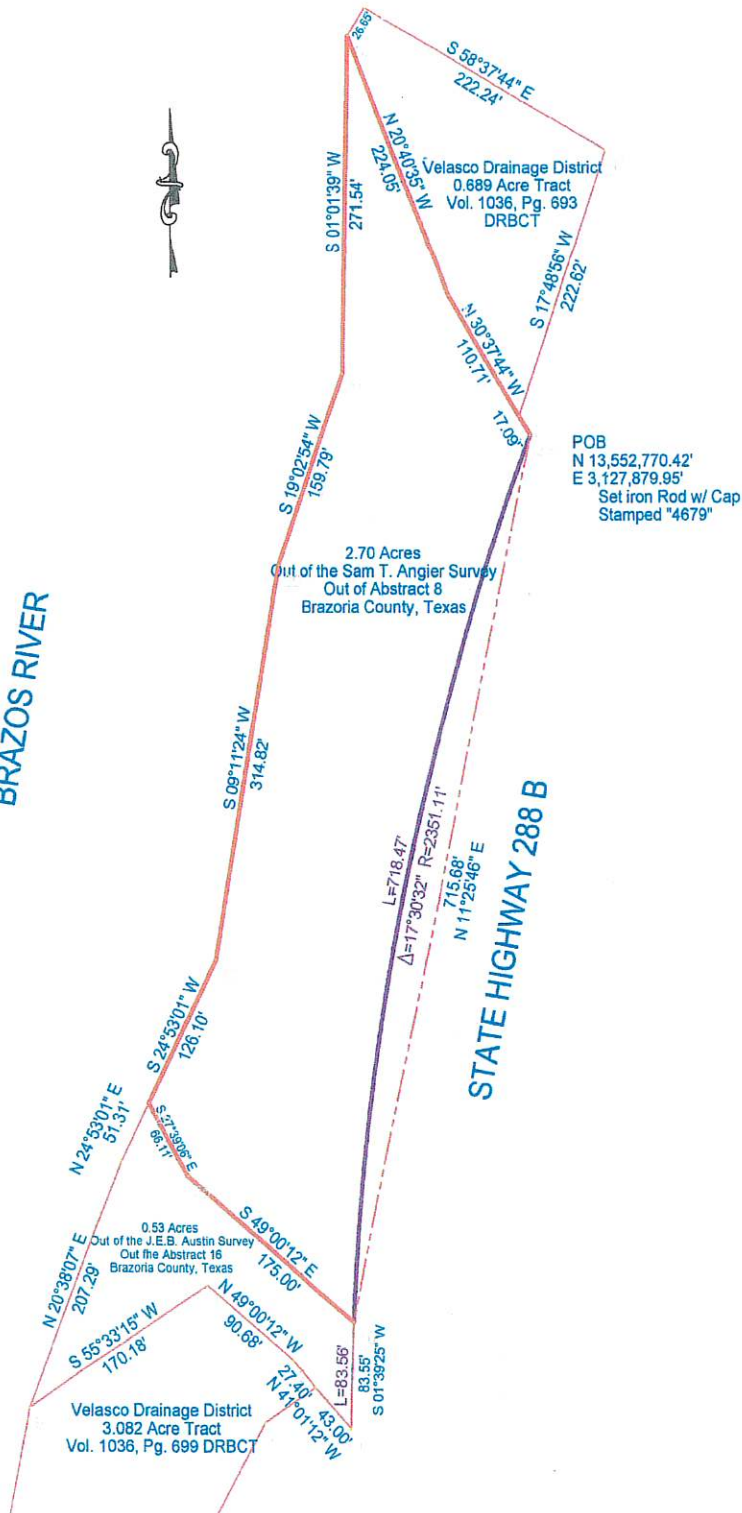
Thence North 11 degrees 25 minutes 46 seconds East a distance along the chord of 715.68 feet also being along a curve to the right having a radius of 2351.11 feet and a length of 718.47 feet to a set iron rod with cap stamped "4679" at the position of North 13,552,770.42' and East 3,127,879.95' to the Point of Beginning, said tract being 2.70 Acres as shown on the attached map.



Chris E. Gallion
Registered Professional Land Surveyor
Registration Number 4679



BRAZOS RIVER





City Council Agenda Item #14.

Title: Consideration and possible action to ratify the purchase of public safety vehicles

Date: October 2, 2023

From: Cathy Ezell, Finance Director
Jennifer Howell, Police Chief

Staff Recommendation: Staff recommends the ratification of the purchase of two 2023 Chevrolet Tahoes in the amount of \$98,992.00 through BuyBord Contract #601-19 and one 2023 Ford Responder F150 in the amount of \$51,647.50 through TIPS USA contract #210907.

Item Summary: The Police Department has purchased three patrol units as part of their annual vehicle replacement program. The Department used cooperative contracts through BuyBoard (Contract # 601-19) and TIPS USA (Contract #210907) to procure the vehicles from Caldwell Country Chevrolet and Silsbee Ford.

Background Information: In the past, it has taken from nine months to twelve months to receive Police vehicles. The opportunity arose to purchase the vehicles that were in stock and have them delivered in October 2023. The decision was made to move forward with the purchase to receive the vehicles more quickly. This purchase needs to be ratified by City Council.

Special Considerations: N/A

Financial Impact: In FY2023-2024 Budget includes \$213,000 in the Equipment & Vehicle Replacement fund for this purchase. Since the purchase is over \$50,000, per the City's Purchasing Policy, it must be approved by City Council.

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. Chevrolet Tahoe
2. Ford F150

CALDWELL COUNTRY CHEVROLET 800 HWY. 21 E. CALDWELL, TEXAS 77836 BUYBOARD 601-19
--

Caldwell Rep: Jake Schobinger #134

Phone: (979) 567-8847

Date: Tuesday, August 1, 2023

Email: Jake@usaautomotivepartners.com

A. Base Price:	\$ 48,105.00
-----------------------	--------------

Code	Model Vehicle				
CC10706	2023 Chevrolet Tahoe (CC10706) 2WD 4dr Commercial				
Code	Options	Bid Price	Code	Options	Bid Price
GBA	Black	\$0.00	ATD	Seat delete, third row passenger	\$0.00
MHU	Transmission, 10-speed automatic	\$0.00	AZ3	Seats, front 40/20/40 split-bench	\$0.00
L84	Engine, 5.3L EcoTec3 V8	\$0.00	BCV	Lock control, driver side auto door lock disable	\$0.00
AMF	Remote Keyless Entry Package	\$0.00	C6C	GVWR, 7400 lbs. (3357 kg)	\$0.00
7X3	Spotlamp, left-hand	\$0.00	GU5	Rear axle, 3.23 ratio	\$0.00
1FL	Commercial Preferred Equipment Group	\$0.00	H1T	Jet Black, Cloth seat trim	\$0.00
5T5	Seats, front cloth and second row vinyl	\$0.00	IOR	Audio system, Chevrolet Infotainment 3 system,	\$0.00
6J7	Flasher system, headlamp and taillamp, DRL	\$0.00	PXT	Wheels, 20 x 9" (50.8 cm x 22.9 cm) steel"	\$0.00
9C1	Identifier for Police Package Vehicle	\$0.00	RAV	Tire, spare 275/55R20 all-season, blackwall, Fir	\$0.00
Total of B. Published Options					\$ -

Unpublished Options	Bid Price	Unpublished Options	Bid Price
Total of C. Unpublished Options:			\$ -

O.	Total purchase price with coop fee (Prices and availability are subject to change without notice)	\$ 98,992.00
----	---	--------------

PRICES AND AVAILABILITY CAN CHANGE AT ANY TIME WITHOUT FURTHER NOTICE DUE TO SUPPLY CHAIN CHALLENGES. REVERIFY PRICING BEFORE ISSUING A PURCHASE ORDER. FINAL PRICE IS NOT CONFIRMED UNTIL VEHICLE ORDER IS ACCEPTED BY THE MANUFACTURER. ACKNOWLEDGE BY EMAIL RECEIPT THAT THE PURCHASE ORDER WAS RECEIVED BY USA AUTOMOTIVE PARTNERS, LLC. (CALDWELL COUNTRY CHEVROLET, ROCKDALE COUNTRY FORD dba CALDWELL COUNTRY FORD, CAMERON COUNTRY CDJR)

Page 135 of 143



PRODUCT PRICING SUMMARY
TIPS USA 210907 TRANSPORTATION VEHICLES
VENDOR- Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF FREEPORT

Prepared by: RICK BROWN

Contact: JOEY EARL

Phone: 409.659.1555

Email: Jearl@freeport.tx.us

Email: RBROWN.SILSBEEFLEET@GMAIL.COM

Product Description: FORD RESPONDER

Date: July 7, 2023

A. Bid Item: W1P

A. Base Price: \$ 45,799.00

B. Factory Options

Code	Description	Bid Price	Code	Description	Bid Price
	2023 FORD RESPONDER F150	\$ 3,985.00		EXTERIOR - WHITE	\$ -
	3.5L ECOBOOST V6 ENGINE	\$ -	96	INTERIOR - BLACK	\$ -
	AUTOMATIC TRANSMISSION	\$ -			
	POWER WINDOWS / LOCKS	\$ -			
	REAR VIEW CAMERA	\$ -			
18B	PLATFORM RUNNING BOARDS	\$ 250.00			
53A	TRAILER TOW PACKAGE	\$ 1,090.00			
67P	REMOTE KEYLESS ENTRY	\$ 340.00			
				** budget quote **	

Total of B. Published Options: \$ 5,665.00

Published Option Discount (5%) \$ (291.50)

C.

Description	Bid Price	Options	Bid Price

Total of C. Unpublished Options: \$ -

D. Floor Plan Interest (for in-stock and/or equipped vehicles):

\$ 250.00

E. Lot Insurance (for in-stock and/or equipped vehicles):

\$ -

F. Contract Price Adjustment:

G. Additional Delivery Charge: 0 miles

\$ 225.00

H. Subtotal:

\$ 51,647.50

I. Quantity Ordered 1 x H =

\$ 51,647.50

J. Trade in:

K. TIPS Administrative Fee (INCLUDED IN PRICE)

\$ -

L. Total Purchase Price Including TIPS Fee

\$ 51,647.50



City Council Agenda Item #15.

Title: Consideration and possible action approving the purchase of a vehicles for the Public Works Department.

Date: October 2, 2023

From: Cathy Ezell, Finance Director
Lance Petty, Assistant City Manager

Staff Recommendation: Staff recommends authorizing the purchase of the One Ton Dump truck and three trucks for public works.

Item Summary: Saff requests authorization to purchase one 2022 Chevrolet Silverado 5500 truck from Knapp Chevrolet, Inc. (BuyBoard Contract # 357-361) and three 2023 Ford F150 EXT Cab tucks (TIPS USA #210907) This purchase is over \$50,000. Therefore, per the City's Purchasing Policy, it must be approved by City Council.

While staff is proposing to utilize a cooperative contract, multiple quotes were received to ensure the City was receiving the best value. Additionally, due to the large quantities, cooperative contracts for vehicles reflect volume pricing the City would not receive for its small quality orders.

Background Information: During the budget process, Public Works requested to purchase a one ton dump truck and three 1/2 ton 4X4 work trucks. The purchase of this unit is necessary to rotate out older vehicles with higher mileages. The replacement will reduce the cost of on-going maintenance, requiring replacement parts for our aging fleet.

Special Considerations: N/A

Financial Impact: Funding for this vehicle was included in the FY2023-2024 Budget, The amount of \$90,000 was budgeted for the one ton dump truck and \$120,000 was budgeted for the three trucks.

Board or 3rd Party Recommendation:

Supporting Documentation:

1. One Ton Truck
2. PW Trucks



Vehicle Locator

Dealer Information

KNAPP CHEVROLET, INC.
815 HOUSTON AVE
HOUSTON, TX 77007
Phone: 713-228-4311
Fax: 713-331-3024

1HTKHPVK7NH376713

Model Year: 2022

Make: Chevrolet

Model: Silverado Medium Duty

CC56403-2WD HD Chassis Regular Cab

PEG: 1WT-1WT

Primary Color: GAZ-Summit White

Trim: H2R-Base Cloth, Jet Black / Dark Ash, Interior Trim

Engine: L5D-Engine, Duramax 6.6L Turbo-Diesel V8

Transmission: MIU-RDS A1700RDS, PTO, GVWR 19.5K
Max, GCWR 26K

Event Code: 5000-Delivered to Dealer

Order #: BXNXTD

Order Type: TSP-SVC Commercial Priority Stock

Stock #: NH376713

Inventory Status: Available

Additional Vehicle Information

GM Marketing Information

Vehicle Options

No Cost Options

Truck 1 Specs

Other Options

066-Rear Axle, 4.10 Ratio
 5DY-Electrical Provisions, Rear of Frame
 7Y8-Batteries, Heavy-Duty Dual 1300 CCA
 A31-Power Windows

AG1-Power Seat Adjuster (Driver's Side)
 AQQ-Keyless Remote Entry
 AY0-Airbags-frontal, front seat and head-
 curtain
 BG9-Floor Covering: Rubberized Vinyl, Black

Body Manufacturer-CM Truck Beds
 C67-Air Conditioning, Manual

DPN-Mirrors: Camper Style, Black, Man Fold,
 Pwr, Full Featr

ED9-Wheelbase 165 Inch 84" CA
 F59-Front Stabilizer Bar
 FNP-Front Fender Extension, Painted Body
 Color
 FTC-Front Axle, 6,250 lbs.
 FTW-Front Suspension, 6,250 lbs.
 G68-Shock Absorbers, Rear
 GAZ-Summit White
 GZG-GVW Rating, 19,500 Lbs

HD2-Rear Axle, 13,500 lb

JL1-Integrated Trailer Brake Controller
 K34-Cruise Control-Automatic, Electronic
 KBK-Transmission Shift Control Calibration,
 Performance
 KI4-110 Volt Electrical Receptacle, In Cab
 MIU-RDS A1700RDS, PTO, GVWR 19.5K Max,
 GCWR 26K

N4C-Emission, 50 State

On Lot Notes-Summit White 2022 Chevrolet
 Silverado 4500HD Work Truck RWD 6-Speed
 Automatic Duramax 6.6L V8 Turbodiesel Price
 includes: \$500 - Customer Cash. Exp.
 10/02/2023

PTO-Engine Control-Power Take Off (PTO)
 Controls
 PWY-Wheel, 19.5" x 6.75", Spare, Steel, Black
 R7N-5500 HD Series
 T3U-Fog Lamps, Front
 U2J-SiriusXM Satellite Radio, Delete
 UE1-OnStar Communication System
 UQ3-Speaker System, 6
 UY7-Trailerling Provisions
 Upfit Condition-New
 V22-Grille-Radiator, Chrome
 V33-Tool Kit, Rim Wrench and Handle Only
 V76-Recovery Hooks
 VV4-Onstar 4G LTE Wi-Fi Hotspot

YHD-Tires Rear 225/70R19.5G Traction,
 Continental
 ZHD-Tire, Spare 225/70R19.5G Traction,
 Continental

1WT-1WT

719-Seat Belt, Black
 9L7-Accessory Electrical Switches
 A52-Seats: Front 40/20/40 Split-Bench, Cloth,
 3-Passenger

AKP-Glass, Solar Absorbing, Tinted
 AU3-Door Locks, Power
 B3P-Special Vehicle Sales

BTN-Top Post Threaded, Battery Jump Start
 Stud

Body Type Description-Dump Truck
 C99-Air Bag Deactivation Switch, Front,
 Passenger-side
 E01-Assist Steps, Black

F0C-Axle to End of Frame, 49"
 FF3-Oil Seal for Front Hub
 FPF-Equipment Emission, Diesel DPF Manual
 Regeneration

FTO-Axle Lubricant, Rear, Synthetic
 Fuel Type-Diesel

G86-Axle-Limited Slip
 GR4-Rear Suspension, 13,500 lbs, Multi-Leaf
 H2R-Base Cloth, Jet Black / Dark Ash, Interior
 Trim

IOB-Radio, 7" Color Screen, Bluetooth, w/ USB
 Port

K05-Heater Engine Block
 K40-Engine Brake-Exhaust
 KHB-Alternator, Dual, 150 Amp & 220 Amp

L5D-Engine, Duramax 6.6L Turbo-Diesel V8
 N12-Exhaust System, Rear Exit

NSQ-Front and Rear Fuel Tank, 65 Gallon Total
 P0D-Grille Guard Screen, Insect Protection

PWQ-Wheels, 19.5" x 6.75", Steel, Black
 Painted

R6G-26,000 lbs. (11,793 kg) GCWR
 SFW-Back-Up Alarm Calibration (SEO)

U05-Horn, Dual Note
 UDC-Driver Information Center, 3.5" Display
 UGE-Lamps, Rear, LED

UVC-Rear View Camera System
 UZF-Rear Back Up Alarm

Upfit Model Description-Silverado 5500
 V23-Grille Guard Screen, Stone Protection
 V46-Bumper, Front, Chrome

VK3-License Plate Front Mounting Hardware
 XHD-Tires Front 225/70R19.5G Traction,
 Continental

YK6-SEO Processing Option

ZY1-Paint, Solid





PRODUCT PRICING SUMMARY

TIPS USA 210907 TRANSPORTATION VEHICLES

VENDOR- Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF FREEPORT

Prepared by: RICK BROWN

Contact: LANCE PETTY

Phone: 409.659.1555

Email: lpetty@freeport.tx.us

Email: RBROWN.SILSBEEFLEET@GMA

Product Description: F150 EXT CAB

Date: September 25, 2023

A. Bid Item: X1C

A. Base Price: \$ 33,964.00

B. Factory Options

Code	Description	Bid Price	Code	Description	Bid Price
	2023 FORD F150 EXT CAB 2WD	\$ -	YZ	EXTERIOR - WHITE	
	145" wb / 6 1/2' BED	\$ -	AS	INTERIOR - VINYL	
99B	3.3L V6 ENGINE	\$ -		AM / FM / BLUETOOTH	\$ -
44G	10 SPEED AUTOMATIC TRANSMISSION	\$ -		VINYL FLOORING	\$ -
	POWER WINDOWS / LOCKS		53A	TRAILER TOW PACKAGE W/	\$ 1,325.00
	REAR VIEW CAMERA			TRAILER BRAKE CONTROLLER	
	KEYLESS ENTRY				
	CRUISE CONTROL				

Total of B. Published Options: \$ 1,325.00

Published Option Discount (5%) \$ (66.25)

C. Unpublished Options [not to exceed 25%]

\$= 0.0 %

Description	Bid Price	Options	Bid Price

Total of C. Unpublished Options: \$ -

D. Floor Plan Interest (for in-stock and/or equipped vehicles):

\$ -

E. Lot Insurance (for in-stock and/or equipped vehicles):

\$ -

F. Contract Price Adjustment:

G. Additional Delivery Charge: 0 miles

\$ 250.00

H. Subtotal:

\$ 35,472.75

I. Quantity Ordered 3 x H =

\$ 106,418.25

J. Trade in:

\$ -

K. TIPS Administrative Fee (INCLUDED IN PRICE)

\$ -

L. Total Purchase Price Including TIPS Fee

\$ 106,418.25