



**AGENDA
REGULAR MEETING
AND
JOINT MEETING WITH PLANNING COMMISSION
FREEPORT CITY COUNCIL
MONDAY, JUNE 15, 2020 at 6:00 P.M.**

Mayor:
Brooks Bass

Council Members:
Ken Green
Jerry Cain
Sandra Loeza
Roy Yates

City Manager:
Timothy Kelty

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, THE 15th DAY OF JUNE 2020, AT 6:00 P.M., AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS

BECAUSE OF THE PUBLIC HEALTH THREAT, SEATING WILL BE POSITIONED TO MEET THE REQUIREMENTS OF THE CDC, AND ATTENDEES WILL BE REQUIRED TO WEAR A FACE MASK.

OR YOU MAY JOIN THE PUBLIC MEETING REMOTELY BY TELECONFERENCE BY DIALING:

(425) 436-6312 AND USING ACCESS CODE 5678901#

OR

AUDIO VISUAL CONFERENCE CALL USING:

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enter access code 5678901# and the online meeting code is: council_mtg_061520.

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Visit the App Store or Google Play to download FreeConferenceCall. Enter the phone number, access code and online code listed above to view the meeting.

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)

JOINT MEETING WITH PLANNING AND ZONING COMMISSION:

- A.) Call Open of Meeting.
- B.) Work Session regarding proposed DT-1 ZONE.

ADJOURN PLANNING AND ZONING COMMISSION.

CITIZENS' COMMENTS:

Members of the public are allowed to address the City Council at this time. *Note*, comments must be submitted electronically, and must include name and address 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.

PRESENTATIONS/ANNOUNCEMENTS: Announcements by Mayor, City Council and/or Staff.

1. Emergency management briefing COVID-19. **(Motley/Garivey)**
2. Presentation by BWA/Dow Harris Reservoir, on the Expansion Project. And consideration of approving Resolution No. 2020-2637.

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.

3. Consideration and possible action on the approval of City Council meeting minutes from June 1, 2020. **(Wells)**
4. Consideration of approving Resolution No. 2020-2632 declaring a 2012 Chevy Tahoe Police unit with 155,000 miles as surplus and authorizing as disposal (to be donated to the Holiday Lakes, Texas Police Department). **(Garivey)**
5. Consideration and possible action for the amendment of the City Attorney, Chris Duncan's contract for services. **(Kelty)**
6. Consideration of approving Resolution No. 2020- 2633 reappointing qualified person to the Board of Adjustments of said City; Raul Ramirez, Carlos Varela, Keith Stumbaugh. **(Kelty)**

7. Consideration and possible action approving the renewal contract with Freese and Nichols. **(Kelty)**

COUNCIL BUSINESS – REGULAR SESSION:

8. Consideration of approving Resolution No. 2020-2634 for appointing reserve Officers. **(Garivey)**
9. Consideration and possible action of approving Ordinance No. 2020-2601 on creating a downtown zoning district and establishing its boundaries. **(Shoemaker)**
10. Consideration and possible action of approving Ordinance No. 2020-2602 or unsafe structure. **(Shoemaker)**
11. Consideration and possible approval for Resolution No. 2020-2635 for the Amendment to the Gulf Coast Center's request to transfer public transportation to Gulf Coast Transit District. **(Kelty)**
12. Consideration of approving an Ordinance No. 2020-2603 with exceptions for residential building size requirements for Brazoria County Community Development Program Projects. **(Kelty)**
13. Consideration and possible approval for Resolution No. 2020-2636 for Tax Abatement. **(Holman)**

WORK SESSION:

14. **The City Council may deliberate and make inquiry into any item listed in the Work Session.**
 - A. Mayor Brooks Bass announcements and comments.
 - B. Councilman Green Ward A announcements and comments.
 - C. Councilman Cain Ward B announcements and comments.
 - D. Councilwoman Loeza Ward C announcements and comments.
 - E. Councilman Yates 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.

CLOSED SESSION:

15. Executive Session regarding a.) (Personnel Matters) City Manager Evaluation. b.) consultation with city attorney (Potential Litigation) in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.071 551.074.

COUNCIL BUSINESS – REGULAR SESSION:

ADJOURNMENT:

16. 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



Dow and BWA Need More Local Reservoir Storage

- Dow has insufficient stored water to assure the reliable operation of our facilities and/or the reliable delivery of stored water to BWA and other local industrial users through a serious drought.
- Dow, BWA and Local Industrial User using Dow Surface Water Supply currently have ~2 months of reliable local storage; both Dow and the State of Texas have determined we need 6 months of local storage.
- This stored water gap is being managed today with short-term BRA contracts that are potentially “at risk” storage supply and will be unavailable in the very near future.

- **Dow is requesting that BWA (and member cities) support development of a partnership agreement(s) to enable access to financially advantaged TWDB funds to build the reservoir**
 - Access to financially advantaged TWDB SWIFT funds is critical to move forward
 - Specifically requesting support for a BWA Board Resolution to enable BWA to....
 - Submit a TWDB SWIFT Fund Application for a \$15 MM Planning Phase Loan (April 28 Board)
 - Authorize BWA to Negotiate a Design/Construction Partnership Agreement with Dow

- **Anticipated TWDB Funding Plan - Two Step Approach**
 - Phase 1 (2020): Up to \$15 MM Deferred Planning Phase Loan
 - Phase 2 (2022-2026): Est. \$335 MM Subsidized Interest Design/Construction Phase Loan (Targeted 2021 approval)

- **Repayment of Loans**
 - Phase 1 - TWDB Loan Repayment -100% Dow
 - Dow Potable Water Contract will be Amended to Recover Loan Repayment through the Dow Potable Water Price
 - Planned Phase 2 Loan Repayment – Anticipated to Be All or Predominantly Industrial Users
 - Developing Project/Financing Structure To Maximize Win-Win Benefits Prior to Seeking BWA/Member Cities Approval
 - Anticipating Member Cities and BWA Board Approval for Phase 2 will be sought in Q4 2020 or Q1 2021

Why – What's in this for BWA and Member Cities



- **No rate increase due to this project**
- Enables BWA to increase stored water reserves for the existing 15.7 MGD surface water plant from 60 days to 180 Days
 - Anticipate that partnering and use of financial advantage funding will provide a \$20 MM capital equivalent advantage to BWA for securing stored water in the Expand Harris Project
 - State required 180 days of local BWA storage is expected to be provided at no cost to BWA or BWA member Cities (Assume BWA Secures Rosenberg BRA Contract Water)
- Project protects local industries capability to produce; Supports retention of and/or creation of local jobs
- Zero BWA and Member City risk for supporting planning phase loan; Dow is committing to 100% repayment plus costs
- Design/construction partnering must be developed to be a very clear Win-Win for BWA and member cities, as well as for DOW

RESOLUTION NO. 2020-2637

RESOLUTION APPROVING ISSUANCE UP TO A MAXIMUM AMOUNT OF \$15,000,000 BRAZOSPORT WATER AUTHORITY SPECIAL PROJECT REVENUE BONDS (HARRIS RESERVOIR EXPANSION PROJECT), TAXABLE SERIES 2020 AND ANY ADDITIONAL SERIES; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Brazosport Water Authority (the "Authority") was created by 1985 Tex. Laws, Reg. Sess., Ch. 449 at 3063, as amended, under the authority of Article XIV, Section 59 of the Texas Constitution, and the boundaries of the Authority have not been in any way changed or altered since the enactment of Chapter 449, Acts of the 69th Legislature of Texas, Regular Session, 1985. The Authority has entered into a take-or-pay water supply contract (the "Contract"), dated February 20, 1987, with seven member cities of the Authority, including the City of Freeport (the "City"), under the terms of which the cities are collectively obligated to make payments to the Authority sufficient to pay the principal and interest requirements on outstanding bonds relating to the System (as defined in the Contract), and such Contracts remain in full force and effect;

WHEREAS, the Board of Directors (the "Board") of the Authority desires to proceed with the planning of an expansion of the Harris Reservoir on land adjacent thereto and construction of certain other facilities including an intake and pump station to divert existing surface water from the Brazos River (the "Special Project"), which improvements constitute Special Project Facilities as described in Section 8.4 of the Contract, through the issuance of the Authority's Special Project Revenue Bonds (Harris Reservoir Expansion Project), in one or more series (the "Bonds"), beginning with Taxable Series 2020 in an aggregate principal amount not to exceed \$15,000,000 under a bond resolution in substantially the form attached as Exhibit A hereto (the "Bond Resolution"), and has authorized the Authority's attorneys and financial advisors to take any action reasonably necessary to proceed with preparation for the issuance of Bonds for the Special Project;

WHEREAS, pursuant to Section 8.2 of the Contract, the City Council finds that the City is not in default under the Contract;

WHEREAS, pursuant to Section 8.4 of the Contract, the City Council of the City of Freeport (the "City Council") acknowledges that neither its consent nor its finding that the Special Project is necessary and feasible are required because the Special Project consists of Special Project Facilities other than improvements to the System for benefit of Participating Customers under the Contract (each capitalized term as defined in the Contract);

WHEREAS, pursuant to Section 8.4 of the Contract, the Board of the Authority (i) finds that the Special Project is necessary and feasible to serve certain third parties contracting with the Authority to purchase treated surface water from the Authority and (ii) agrees that the Special Project will be completed with proceeds of the Bonds;

WHEREAS, pursuant to Section 9.4 of the Contract, the City Council and the Authority agree that it is mutually beneficial, but not required, for the City to formally consent to the Special Project and issuance of the Bonds;

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

SECTION 1.01. CONSENT TO SPECIAL PROJECT AND BONDS. The City hereby consents to the Authority's performance of the Special Project and issuance of the Bonds.

SECTION 1.02. FINDINGS. It is hereby found and determined that the matters and facts set out in the preamble to this Resolution are true and correct.

SECTION 1.03. INTERPRETATIONS. The titles and headings of the sections of this Resolution have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof in this Resolution and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

SECTION 1.04. CITY'S SUCCESSORS AND ASSIGNS. Whenever, in this Resolution, the City Council is named and referred to it shall be deemed to include its successors and assigns, and all covenants and agreements in this Resolution by or on behalf of the City, except as otherwise provided herein, shall bind and inure to the benefit of its successors and assigns whether or not so expressed.

SECTION 1.05. SEVERABILITY CLAUSE. If any word, phrase, clause, sentence, paragraph, section or other part of this Resolution, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution and the application of such word, phrase, clause, sentence, paragraph, section or other part of this Resolution to any persons or circumstances shall not be affected thereby.

SECTION 1.06. OPEN MEETING. It is hereby officially found and determined that the meeting at which this Resolution was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by the Texas Open Meetings Act.

[Execution Page Follows.]

PASSED AND APPROVED on this _____ day of _____ 2020.

Mayor
City of Freeport, Texas

ATTEST:

City Secretary
City of Freeport, Texas

[CITY SEAL]

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, June 1, 2020 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council:

- Mayor Brooks Bass
- Councilman Jerry Cain
- Councilman Ken Green
- Councilwoman Sandra Loeza
- Councilman Roy E. Yates

Staff:

- Tim Kelty, City Manager
- Stephanie Russell, Assistant City Manager
- Betty Wells, City Secretary
- Laura Tolar, Assistant City Secretary/ Special Projects Coordinator
- Chris Duncan, City Attorney
- Brenda Miller-Ferguson, Human Resource Director
- LeAnn Strahan, Freeport Destination Director
- Chris Motley, Freeport Fire Chief
- Ray Garivey, Freeport Police Department Chief
- Billy Shoemaker, Director for Building and Code via teleconference
- Lance Petty, Freeport Public Works Director
- Courtland Holman, Freeport Economic Development Corp., Director

Visitors:

Cliff Vandergriff	Nicole Mireles
Mario Muraira	Eric Hayes
Sam Reyna	Ruben Renobato
Loren Hayes	David McGinty
Jerry Meeks (Veolia)	Manning Rollerson
Melanie Oldham	Nick Irene (Facts)
Jeff Pena	Ricky Fields
Betty Page	

Visitors, Via Teleconference:

Pam Tilley	Jessie Parker
Vander Williams	Jonathan Frels
Christopher Breaux (Whitley Penn)	
David Hunn (Freese and Nichols)	
Mehran Bavarian (Freese and Nichols)	
Blomquis Garcia	

Call to order.

Mayor Brooks Bass called the meeting to order at 6:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and the Pledge of Allegiance was conducted by Mayor Bass.

JOINT MEETING WITH PLANNING AND ZONING COMMISSION:

Call Open of Meeting

Nicole Mireles, Chairperson for the Planning and Zoning Commission opened the Joint Meeting at 6:05.

Discuss and take possible action by the Planning Commission regarding creation of DT-1 ZONE

Mayor Bass said that his understanding of this meeting is to continue discussing in an open and transparent fashion. Planning and Zoning has had two meetings, one Public and one Regular Meeting.

Nicole Mireles said that she would rather see the new Zoning go to 5th Street and not to 8th Street. She also said that it is unclear to her about the residents that live in the Downtown area. She asked if we can offer the people a dual building living? She said which they live in the back of their business and have their business in the front of the building. She said that she is unclear on the "grandfathering" of the building owners downtown.

City Manager Tim Kelty said that Legal Nonconformance is if someone has a residential property for themselves, or they are renting their building as a residential property, and if they are living on the first floor they can continue living there indefinitely or rent indefinitely. He said if the building becomes vacant, they can put this property up for lease and continue as a residential property. If they decide to sell, the buyer may continue to use the property as a residential unit. He said that the only way to lose their legal nonconformance is if the property becomes vacant, and they do not list it as residential property, and it stays vacant for six months. Or if they allow a commercial business to move into the property.

Nicole Mireles asked about the dual if you have residential in back, and business is in the front. Mr. Kelty said if someone has a residential property and they want to use a portion of the building for a business then they can do this. If the building is not residential when and if this zoning passes, then it cannot be changed to serve as a residential purpose. Nicole Mireles asked if she is going to open a business, she will not be allowed to put a residential property in the building if one does not exist there now. City Manager Tim Kelty said that this is correct if this ordinance is adopted. He said that the purpose for this ordinance is to create more retail and commercial downtown, he said the more retail and commercial there will be more pedestrians downtown to shop. Nicole Mireles asked if there are businesses on the first floor this will allow for offices downtown as well. Tim Kelty said that yes there can be businesses on the first floor if they are there now, they can continue.

City Attorney Chris Duncan said anything that the building is used for now can be used forever. He said this will change if you stop using it for the original use for more than six months. If it is after six months, then the new rules will apply.

Cliff Vandergriff said that he now agrees that something needs to be done downtown, he said that in the beginning he was very critical of this zoning. He said that we must develop something. Mr. Vandergriff said that he has heard that some building has begun. He said right now this is not a downtown district.

Andrew Dill said he thinks this is a good idea, rather it is at 5th Street, or 8th Street. He said that he has walked downtown, and this is a walkable area. He said that he is for it.

Councilman Ken Green said that he agrees with what is being said. He said that it appears to him that the people who are in downtown will be able to control their own destiny and be a part of the future as the businesses will rise the price of the property, and the property owners will get the benefit.

Eric Hayes said that they were split on the line. He said that this ordinance is to cure a problem with downtown parking. His concern was expanding it past 4th Street, he said that if you go to the downtown district from 5th Street you get into residential housing. He said this area is already congested with parking. If you include more businesses, this may cause more problems for parking. He said for the safeguards, he believes everyone is protected if they continue their use.

Councilwoman Loeza said that she is for this, she feels that this is definitely a good idea.

Mayor Bass asked Attorney Chris Duncan if the State Legislature allows this item to be open to citizens comments? Chris Duncan said that it does, but Council is having a Public Hearing it will be more appropriate to address it at that time.

Melanie Oldham asked if the Marina is in or out of this plan? Mayor Bass said that if Planning and Zoning wants to make modifications to the zoning ordinance then they can do so through a motion.

On a motion by Cliff Vandergriff, to approve Zoning Ordinance as written and seconded by Andrew Dill, with all present voting 2-2. Nicole Mireles and Eric Hayes voted "Ney".

Mayor Bass advised that the Planning Commission discuss and comment on this item because the Planning and Commission Board did not do this once the motion was made.

Nicole Mireles said again that she has concerns with going to 8th Street.

Andrew Dill said that the reason they are going so far is the rail line property, he said that there is potential of the city getting this land. He said that he has talked with a few owners in downtown, and they are ready for the value of their property to increase.

Mayor Bass asked if there are any further questions or comments on the motion that has been made? He asked if there is a compromise between them to present a motion?

Eric Hayes said he believes the line needs to be drawn at 5th Street.

Cliff Vandergriff said that he would like to rescind his motion at this time.

Nicole Mireles said that the original map showed the Marina, and the map now does not show the Marina. Councilman Green said looking at how the map is drawn out, he said that he sees the waterfront, Barons Place, and adjacent to it the Gore Property. He asked why this is not in the new Zoning? Billy Shoemaker showed Mr. Green the boundaries that were being discussed.

Andrew Dill asked what the rationale was for taking out the waterfront. City Manager Tim Kelty said the reason for this being removed is that the legal description in the ordinance itself did not include that area of the waterfront. He said that he did not want to have a map that did not match the legal description.

On a new motion by Andrew Dill, to approve Zoning Ordinance as presented with the change of the Southern boundaries reduced from the from 8th Street to 5th Street, and to include the Northern Boundary extended all the way east along the waterfront to Pine street, and seconded by Eric Hayes, with all present voting "Aye" 4-0 the Planning and Zoning Commission approved the DT-1 Zone for City Council consideration.

ADJOURN PLANNING AND ZONING COMMISSION.

On a motion by Eric Hayes, seconded by Cliff Vandergriff, with all present voting "Aye", Nicole Mireles adjourned the meeting at 6:39 PM.

Citizen's Comments

Ricky Fields spoke to Council with his concern for the property at 23 North Ave F. He said that Brazoria County agreed to rebuild his property, but the issue is the City requires a garage and the County said that they will meet halfway with a carport. He asked Council if this is something that can be done? He also asked why must there be a garage. Mayor Bass assured Mr. Fields that he and the City Manager have been in contact with Nancy from Brazoria County Community Development, and this will be fixed somehow.

Manning Rollerson told Council that he comes today to address the issue of deep wounds. He said that he served our country with honor. Mr. Rollerson said that all men are created equal. He said that we need closure, and the video needs to be released. He also said that his daughter lives in the apartments behind the Minute Market, he said that in the summer she has no A/C and in the winter, there is not heat, and her bathtub is falling through the floor. He said that he has come to the city with this issue and nothing has been done, she has six kids. He said that he does not see any change in the city. He said we must live as brother and sisters, and we are still Freeport strong.

PRESENTATIONS/ANNOUNCEMENTS: Announcements by Mayor, City Council and/or Staff

Emergency management briefing COVID-19.

Freeport Fire Chief, Chris Motley said that Sectrac is working as it should now. He said that Sectrac is part of the State side working with the hospitals, Ambulance Services, and medical fields planning for particular events, pandemics to active shooters or delivery of medicine to the field or the hospital. They oversee the delivery of supplies. Chief Motley said that we had one reported COVID-19 as positive through the Brazoria County Health, and one reported through Brazosport Memorial to the Infection Control Officer. Chief Motley said that they have enough HEPA filters that should take them through the rest of the year. Surgical masks have arrived as well. He said that he wanted to thank some local businesses that stepped up and helped with supplies when this pandemic began. Grapevine in Lake Jackson, Evco, CVS and an Angleton Volunteer EMS, his church St. Lutheran out of Conroe donated some N95 mask. Chief Motley said that TCEQ will be in the area doing some air monitoring by helicopter. The helicopter will be flying very low and hovering. Mayor Bass said that he wants to make sure the residents are aware. Today is the first day of hurricane season, and this will last until after Thanksgiving. He said to secure items and get a plan in order. Mayor Bass asked if we have a shelter in place, Chief Motley said this is in Bell County. Chief Motley said that the National Guard will have a

free COVID-19 testing site in Freeport. He said that you can register online, call in or just drive up. Councilman Yates asked when the helicopters will begin, Chief Motley said they have begun, and this will end June 30.

City Manager Tim Kelty said that Friday the Rec Center will open to members only. He said that the Golf Course is open to everyone, but the golf carts are single person use only, except for family members. The museum will open on Friday as well this will require social distancing. Mr. Kelty said that City Hall will open on Monday. He said that he wants to point out that we are not over the virus, the numbers are still increasing with active cases and new cases per day are up.

Mayor Bass announced again that Freeport Police Chief Garivey was awarded with one of the top 100 officers of the year through the 100 Club.

Freeport Police Chief Ray Garivey thanked the Mayor, his officers and the City of Freeport. Ray Garivey said that the Police Department is opened back up, but they are still practicing social distancing, wearing the face mask and doing their best to protect themselves as well as the citizens that they come in contact with. He said that the jail has remained operational. He said that the PD has the equipment that is needed, with thanks to the EMS/Fire Department. Chief Garivey said that there has been issues at the beach. He said that they are trying to remind people to social distance. He said that park equipment is still closed. Mayor Bass said that he has received numerous complaints on the noise complaints. Chief Garivey said that the person complaining can file a complaint against the violator. He said that they try to issue a warning first.

Whitley Penn Audit Presentation for Fiscal Year 2018-2019. And consideration of Engagement Letter to conduct audit for FY2019-2020.

Assistant City Manager Stephanie Russell said that the 2018-2019 Audit is on the City's website and is available for anyone to look at.

Christopher Breaux, with Whitley Penn presented to council the Audit Presentation for Fiscal Year 2018-2019. Mr. Breaux said that the Audit was completed in March of this year. Mayor Bass asked what the City scored overall, Mr. Breaux said that staff has done a wonderful job, kudos to the Assistant City Manager, the City Manager and all the finance staff. There were no questions from council on this presentation.

Mayor Bass asked Stephanie Russell about the future readjustments for the potential fees for the water and sewer. Ms. Russell said this is something that will be brought before council for next year's budget. Mayor Bass asked if this is passed then it will decrease the need for general revenue transfer to maintain this fund. Ms. Russell said this is correct.

Assistant Stephanie Russell presented to council the Engagement Letter to conduct the audit for FY2019-2020. She said that this will begin in July of 2020. Ms. Russell said that the fee to conduct the audit is the same as last year. Mayor Bass asked if the fee to conduct the audit is \$45,000, Ms. Russell said yes.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye" 5-0 Council unanimously approved Engagement Letter with Whitley Penn to conduct audit for FY2019-2020.

Freese and Nichols Presentation for the Wastewater Treatment Plant.

This item was moved further down the agenda, because the presenter was not available at this time.

REGULAR SESSION

Consideration and possible action on the approval of City Council meeting minutes from May 18, 2020

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting "Aye" 5-0 Council unanimously approved the meeting minutes from May 18, 2020.

Item number five was moved by the Mayor to later on the agenda.

Consideration and possible action awarding Request for Proposals (RFP) #2004 for financial software to Tyler Technologies.

Assistant City Manager presented to council Request for Proposals (RFP) #2004 for financial software to Tyler Technologies. Ms. Russell said that staff issued an RFP for an Integrated Municipal Financial Software System. Ms. Russell said that when the City went out for the RFP, we got two proposals back, and staff feels that Tyler Technologies was the most qualified. This is currently the company that the city uses, but the proposal is for the new upgraded version which is called Incode 10. She said that the transparencies function are more than what the city currently has. Mayor Bass asked if she could give an example of the transparencies that the public could view online. Ms. Russell said the check registers will be put up online to where to public to view. She said that the cost to migrate over will be \$164,590. She said that this will not begin until next budget year. Mayor Bass asked if the new system will still be viable in five years, or will it be obsolete? Ms. Russell said that there are updates and updated version to make sure you are current.

Melanie Oldham said that she thinks the financial software is well worth the money. She asked if this will help keep the finances from the City and the EDC separate and clear to the public? Ms. Russell said yes, but even now these are done by fund accounting, so they are separate by funds.

On a motion by Councilman Green, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved awarding Request for Proposals (RFP) #2004 for financial software to Tyler Technologies.

Freese and Nichols Presentation for the Wastewater Treatment Plant.

David Hunn with Freese and Nichols presented to council the Presentation for the Wastewater Treatment Plant. Mr. Hunn presented to council an overview of the treatment plant. He presented a summary of the risk-based assessment and review of the estimated cost of the proposed improvements.

Councilman Yates asked Mr. Hunn if there is room down at the wastewater plant to build the new plant? Mayor Bass asked if we build next to the current plant will we still have an operational wastewater treatment plant as the new one is being built? Mr. Hunn said yes.

City Manager Tim Kely asked what is the time frame of building a new steel plant? Mr. Hunn said about eighteen months to two years. Roy Yates asked about the timeframe for a concrete plant. Mr. Hunn said that it will take a little longer than two years. Mr. Yates asked if the concrete plant would help the smell? Mr. Hunn said there would be no difference in the smell.

Consideration and possible action approving Resolution No. 2020-2630 to approve submission to the GLO Beach Maintenance Reimbursement (BMR) Program. And designating the Assistant City Manager as the official with full authority to act for the purposes of the program.

Assistant City Manager, Stephanie Russell presented to council Resolution No. 2020-2630 to approve submission to the GLO Beach Maintenance Reimbursement Program (BMR) and designating the Assistant City Manager as the official with full authority to act for the purpose of the program. Ms. Russell said that this is an annual contract that each year the city applies for reimbursement from the General Land office to maintain Bryan Beach. Ms. Russell said to date the city has received of \$69,000 in reimbursement from the program.

Mayor Bass asked if there is any variable to request to receive more money per year? Ms. Russell said that most that we can receive is 2/3 of what we spend. She said that it is based on what we spend.

Mayor Bass announced the Strategic Budget Workshop on June 27, 2020. Time and location to be announced.

Councilman Green asked what the money is used for? Ms. Russell said that this is strictly reimbursement. She said we spend the money first and then the city is reimbursed.

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2020-2630 to approve submission to the GLO Beach Maintenance Reimbursement (BMR) Program. And designating the Assistant City Manager as the official with full authority to act for the purposes of the program.

Consider the approval of Resolution No. 2020-2631 -- A Resolution by the City Council of the City of Freeport, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; and Providing for Other Matters Incidental Thereto.

Assistant City Manager Stephanie Russell presented to council Resolution No. 2020-2631 a resolution Authorizing Publication of Notice of Intention to Issue Certificates of Obligation Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; and Providing for Other Matters Incidental Thereto. Ms. Russell said that since the last meeting we discussed a little over seven million, but since then looking at the interest rates, they are dropping, so staff is recommending our notice of intent to be more. She said that staff is proposing eight million. Ms. Russell presented Kristen with Masterson Advisors to present the Plan of Finance. Kristen with Masterson Advisors said that after approval we will publish Notice of Intent, in the Facts Newspaper and on the City's website. Mayor Bass asked when will we have the funds? Kristen said on August 24, 2020. Ms. Russell said that we can start engineering projects now.

There were comments or questions from council. Mayor Bass asked City Attorney Chris Duncan if he had reviewed and approve the resolution. Mr. Duncan said yes. Mayor Bass asked Ms. Russell to explain why this will be budget neutral. Ms. Russell said that we will not be changing our tax rate, we will still be receiving the same level or revenue and using the same expenditures that we have for the last few years.

On a motion by Councilman Yates, seconded by Councilman Green, with all present voting "Aye" 5-0 Council unanimously approved Resolution No. 2020-2631 -- A Resolution by the City Council of the City of Freeport, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Authorizing the Preparation of a Preliminary Official Statement and Notice of Sale; and Providing for Other Matters Incidental Thereto.

Public Hearing: Public Hearing and possible action of approving Ordinance No. 2020-2601 on creating the DT-1 Zone.

Mayor Bass opened the Public Hearing at 8:10pm

Mayor Bass said that we just had a joint meeting with Planning and Zoning, where they modified the original ordinance where they included the Marina and reduced the acreage from 8th Street down to 5th Street.

Melanie Oldham said there was a lot of discussion at the Downtown Zoning Map at last week's Planning and Zoning meeting. She asked why not all the way down to 8th Street? She said that she feels that it is important to take it down to 8th Street, she said that it will protect the city from Port expansion.

Jeff Pena spoke of his concerns on the Downtown Zoning. He had some questions about the Map of what was removed by the Board. Mr. Pena asked about Oak Street and Hickory. Mr. Pena said that we must do something, but we must make sure that we do it right. He said that standardization for the Downtown District is important. He said that he wants to encourage retail if there are offices to be used. He said that he does not believe that the idea of strictly retail we attract visitors.

Mr. Pena said that only attracting retail is a little short sided. He said that he thinks that we should include the business offices to be allowed in the Downtown area. Mayor Bass asked you want business office to be open on the first floor as well as the second floor? Mr. Pena said yes. It enhances versatility of the options that are offered to come Downtown, and because there is very limited second floor office space. Mr. Pena also said that a big issue of Downtown is the fountains, the lighting Downtown, and traffic control.

Councilwoman Loeza said a change was made to 5th Street. She asked what will it take to expand that? City Manager Tim Kelty said if in the future we want to expand it, we will have to send notice out to property owners that are within 200 feet, hold a Public Hearing with the Planning Commission and get recommendation from them and then have a Public Hearing before Council.

Jessie Parker asked how far out from 8th Street will this go? Mayor Bass said that the Planning Commission modified the original proposal to redact from 8th Street. Now it is 1495 to 5th Street, Cherry Street and Oak. He said this was passed by Planning and Zoning.

Melanie Oldham said that she thought the map could not be expanded, but that it could be reduced. She said the Planning Commission gives the Mayor and City Council recommendations, she said that it was posted all the way thru 8th Street and covering the marina. She asked as a Council you cannot say no it should go to 8th Street? Mayor Bass said that the way he understands is that council can do that, they cannot expand the boundaries, but we will generally follow the recommendation.

Ruben Renobato said that supports the idea of this, and the expansion to 8th Street. He said the Planning Commission makes a recommendation to City Council and then City Council is free to make their decision about the proposal. He said that he thinks this is a good plan. He said that we need to be committed to this plan, but he thinks expansion is necessary.

Freeport Economic Development Director, Courtland Holman said that he agrees with all that has been said. He said that all past history City of Freeport has done many studies. He said that the studies show the Downtown going to 8th Street. He said the earliest date of these studies are from 1999 and the last is 2013. Mr. Holman said that you want to have the best opportunity for the Downtown to survive.

Councilman Ken Green said that Freeport was a vibrant place at one time. He said that the company Intermedics destroyed Freeport, we allowed them to rent every retail space in town. He said this is why Freeport has been a ghost town for 20-30 years. He said that in the short time he has been on Council we inherited a terrible past, but in the past few years we have come a long way. He said let's all work together on moving forward.

Betty Page spoke to council about being a small business owner, she said that she agrees with everything that has been said, she said that she agrees that we need to grow, but not at the expense of the small business owners. She said that her question is where will she fall in all of this? She said that her building is vacant. She said that she does not have a residential quarter in her building, will she be able to sleep in her building once she opens? Mayor Bass asked if he puts a cot and sleeps overnight, is he occupying the building as a residence? City Attorney Chris Duncan said that he will have to research this question to get the correct answer.

Mayor Bass asked Council if there were any questions or comments? Councilwoman Loeza said that she would like to confirm 8th Street in. Councilman Yates said that he wants to see the amended drawing before a decision is made.

Jeff Pena said that he lives at the old historic bank building. He said that he bought this building in 2016. He said that it has some residential lofts, and there is an office building in the bank, on the first floor. He asked will be grandfathered in.

Mayor Bass said that he agrees that offices should be on the first floor as well.

Public Hearing was closed at 8:45pm.

Regular Session was reconvened at 8:46pm.

Mayor Bass tabled this item until July 15, 2020, with a second from Councilman Yates.

WORK SESSION:

Mayor Bass said that the VIC has moved, we need a sign that says where this has moved to. Mayor Bass also asked to get some prices on getting the Downtown fountains fixed. He also said that we have Boards and Commissions open he said that the applications are online. Mayor Bass said we have some exciting things coming and, some good changes.

Councilman Green asked about parking permits for Bryan Beach? City Manager Tim Kelty said that EDC subcommittee has been established for this. He asked about golf carts being allowed in the Marina area, he asked if this is legal to drive the golf carts on the streets? Chief Garivey said no, we cannot use golf carts even on the side of the road.

Councilman Cain asked what the schedule for heavy trash pickup with Waste Connections is. Billy Shoemaker said that this is once a week. Mr. Kelty said that they will pick up two cubic yards. He said if it is more than that, the property owner will have a charge. Councilman Cain said that he drove down every street in his ward today, and every street has large garbage to be picked up. Mr. Shoemaker said that the pickup is slower, because the volume has increased.

Councilwoman Loeza said she would like to see the fountain be repaired as well. She said that we put money into things, and she would like to see that these things get repaired. She asked about the Gulf Motors building that has been sold. Courtland Holman said that he knows who bought the property. He said that he is hoping to meet with the buyer and try and make something different for the property. She asked if there were any update on Church's Chicken. Billy Shoemaker said that everything is in their court, and the City is hoping that they will call tomorrow to pay the permit fees. Billy Shoemaker said that the building is going to be remodeled. Mayor Bass said that he thought the building was unsafe. Ms. Loeza said that the vehicles she has spoken of, has been cleared out, she said thank you.

Councilman Yates had no announcements or comments.

City Manager Tim Kelty said that they signed a contract today with the salary survey, he said that we are moving forward with that. He said that on June 27, 2020 we will have the Strategic Planning Workshop, he said that this will be a three- or four-hour meeting.

Update on reports / concerns from Department heads

There was no comment from Department heads.

Open session was closed at 8:59 pm and Council entered into Executive Session.

CLOSED SESSION:

Executive Session regarding a.) Deliberation about Real Property, b). Economic Development (Discussion Easy Street) in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072.

REGULAR SESSION

Mayor Brooks Bass reconvened regular session at 9:25 P.M.

No action was taken.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilman Yates, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 9:25 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas



City Council Agenda Item # 4

Title: Donation of used Police Tahoe to the Holiday Lakes Police Dept

Date: June 15, 2020

From: Chief Raymond Garivey

Staff Recommendation: Staff recommends donating a Chevrolet Police Tahoe to the Holiday Lakes Police Department.

Item Summary: Vehicle is a 2012 Chevrolet Tahoe with 155,000 miles, VIN #1GN1C2E00CR170522.

Background Information: The Freeport Police Department has always had a great working partnership with other police agencies throughout Brazoria County. On May 19, 2020, the Freeport Police Department received a letter from the Holiday Police Department Chief Robert Mancillas, asking for a possible donation of one of our out of service police vehicles. Chief Mancillas in his request states that his department is on a limited budget and currently only have one police vehicle in service that is used between all of his officers.

Special Considerations: Staff recommends that we donate said Tahoe to the Holiday Lakes Police Department as part of our continued partnership with other agencies. We are always happy to help a neighboring agency with surplus equipment to be used in safeguarding their community.

Financial Impact:

Board or 3rd Party recommendation:

Supporting Documentation: Resolution and letter from Holiday Lakes PD



Holiday Lakes Police Department
RR 8 BOX 747, 195 N. Texas Ave., Holiday Lakes, TX 77515
O: 979-849-1136, F: 979-849-5225, **Dispatch: 979-864-2392**
Police Chief Robert Mancillas



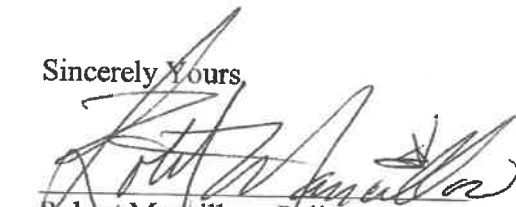
May 19, 2020

Re: Donation Request

Captain Gilcrest

Please consider donating your used Police Unit to the Holiday Lakes Police Department. We have a very limited budget and only one patrol vehicle, to use between all the officers. The additional vehicle would be a great benefit to our department.

Sincerely Yours,



Robert Mancillas - Police Chief
rmancillas@holidaylakestexas.com

RESOLUTION NO. 2020-2632

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, DECLARING CERTAIN PERSONAL PROPERTY AS OBSOLETE, VALUELESS AND SURPLUS; PROVIDING FOR DISPOSAL OF THE SAME BY THE CITY MANAGER OR HIS DESIGNEE; AUTHORIZING THE MAYOR TO EXECUTE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has certain personal property to wit attached as Exhibit "A"; and,

WHEREAS, said personal property due to its age and use is obsolete, valueless and surplus and has no effective value for the City to otherwise dispose of or trade in such personal property; and

WHEREAS, the City no longer has any foreseeable use for such property which has no useful purpose and the same should be deemed to be surplus; and,

WHEREAS, the City needs to dispose of such personal property; and,

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

SECTION 1. the personal property owned by the City identified by Exhibit "A", attached, are hereby declared to be obsolete, valueless and surplus, and that the City Manager is authorized to dispose of such personal property for its salvage value or donate it to any other nonprofit entity, by appropriate means.

SECTION 2. That should any word, phrase, paragraph, or section of this Resolution be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Resolution as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Resolution as a whole.

SECTION 3. That all provisions of the resolutions of the City of Freeport, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 4. That this Resolution shall take effect immediately from and after its passage as the law provides.

PASSED and APPROVED by the City Council of the City of Freeport, Texas, on the 15th day of June, 2019.

APPROVED:

Brooks Bass, Mayor

ATTEST:

Betty Wells, City Secretary

APPROVED:

City Attorney



City Council Agenda Item # 5

Title: Consideration of approving amendment of the Contract for employment services and Power of Attorney for Chris Duncan to serve as City Attorney and Prosecutor

Date: June 15, 2020

From: **Tim Kelty, City Manager**

Staff Recommendation:

Staff recommends approval of an amendment with Mr. Duncan.

Item Summary:

The proposed Contract amends the agreement with Chris Duncan.

- A. Under the contract Mr. Duncan would attend all City Council meetings, provide legal advice for all matters on the City Council agenda, prosecute all Class C misdemeanors in Freeport Municipal Court, draft and/or review all city ordinances, resolutions, contracts, interlocal agreements, advise City Council and the City Manager regarding all legal questions including contracts, ordinances, resolutions, human resources, department policies, and claims made against the City or its employees.
- B. Additionally, He would represent the City in all civil litigation and special projects such as creation of special districts, actions of eminent domain, actions of condemnation, and cooperation with TML attorneys regarding claims in which TML provides lead counsel.

His Contract is being amended from a flat \$5,500/month retainer for those items in Paragraph A above and \$180.00 per hour for items in "B", to a flat fee of \$6,600/month with an hourly rate of \$180.00 per hour for items in "B".

Background Information:

Mr. Duncan, a native of Freeport, was selected to serve the city of Freeport as its City Attorney and Prosecutor last year in June following the submission of proposals from various Law firms. He has served the City well over the last 12 months in that capacity

Special Considerations: Mr. Duncan also serves as the EDC Board attorney. He has been extremely busy and worked many more hours on City of Freeport business than originally anticipated and is requesting an increase for this renewal

Financial Impact: This represents approximately a 20% increase in annual legal expense.

Board or 3rd Party recommendation:

N/A

Supporting Documentation: Agreement

EMPLOYMENT AGREEMENT AND POWER OF-ATTORNEY

The CITY OF FREEPORT, TEXAS ("CITY") employs CHRISTOPHER DUNCAN, ("ATTORNEY") as Attorney and Counselor at Law to represent CITY as the official City Attorney, for the City of Freeport, Texas.

Consistent with the City Charter, CITY hereby appoints Christopher Duncan and such other attorneys selected by him as the City Attorney. ATTORNEY shall represent the CITY in all litigation and to serve as the legal advisor of and attorney and counsel for, the CITY and all officers and departments thereof.

ATTORNEY shall serve as an independent contractor, and is not an employee of the CITY.

In consideration for the agreement of the ATTORNEY to accept representation of the CITY, and as compensation for his services as City Attorney, CITY agrees to pay ATTORNEY the following compensation:

\$6,600 retainer fee per month, payable on the 1st day of each month in advance of service.

In consideration of the monthly retainer fee, ATTORNEY shall attend all City Council meetings, provide legal advice for all matters on the City Council agenda, prosecute all Class C misdemeanors in Freeport Municipal Court, draft and/or review all city ordinances, resolutions, contracts, interlocal agreements, advise City Council and the City Manager regarding all legal questions including contracts, ordinances, resolutions, human resources, department policies, and claims made against the City or its employees.

CITY shall pay ATTORNEY an hourly fee of \$180.00 per hour for services not set forth above, including civil litigation and special projects such as creation of special districts, actions of eminent domain, actions of condemnation, and cooperation with TML attorneys regarding claims in which TML provides lead counsel.

All expenses of litigation and special projects shall be borne and paid for in advance by the CITY, and the ATTORNEY shall be immediately reimbursed for all expenses advanced, without reduction of the scheduled or hourly fees earned by ATTORNEY. Any court costs, deposition costs, filing fees, consultant's fees and other professional fees incurred on CITY's behalf (including specialized or local legal counsel), and other disbursement will be paid directly by CITY or, when advanced by ATTORNEY, will be borne by and paid for by CITY as provided above.

Extraordinary expenses such as consultant's fees and other professional fees shall be expressly approved in advance by the CITY.

The ATTORNEY may associate additional counsel on any matter handled for the CITY by the ATTORNEY, WITHOUT ANY ADDITIONAL COST TO CITY (that is, CITY shall not incur liability for more than one attorney's fees consistent with the fees-agreed to herein), if the ATTORNEY deems it in the best interest of the CITY.

The term of this Agreement shall be for one year, and unless terminated by either party, shall renew automatically for successive one-year terms. Either party may terminate this agreement upon thirty (30) days written notice.

This Employment Agreement is made and payable in Brazoria County, Texas.

By signature below, the City agrees that the City Council of Freeport, Texas followed all requirements of law and its city charter prior to entering this Agreement, and was authorized by majority vote of the City Council in Open Session of a duly noticed Council Meeting under the requirements of the Texas Open Meetings Act.

This Agreement is approved by the City Council of the City of Freeport, Texas.

SIGNED THIS _____ DAY OF _____, 2020.

Brooks Bass, Mayor
City of Freeport, Texas

Christopher Duncan

Attest:

City Secretary
City of Freeport, Texas



City Council Agenda Item # 6

Title: Consideration of approving Resolution reappointing qualified persons to the Board of Adjustments

Date: June 15, 2020

From: Betty Wells, City Secretary

Staff Recommendation:

Staff recommends approval of the proposed resolution to reappoint a qualified person to the City's Board of Adjustments.

Item Summary:

The resolution proposed reappoints Raul Ramirez, Carlos Varela, and Keith Stumbaugh to the City of Freeport Board of Adjustments for additional two-year terms.

Background Information:

The Board of Adjustments serves in a quasi-judicial role, providing rulings on Variances to the Zoning Ordinance of the City of Freeport as may be applied for by property owners. Staff has spoken to each proposed member and each have agreed to serve another term. No other applications have been received at this time.

Special Considerations:

N/A

Financial Impact:

N/A

Board or 3rd Party recommendation:

N/A

Supporting Documentation:

Resolution

RESOLUTION NO. 2020-2633

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND REAPPOINTING A QUALIFIED PERSON(S) TO THE BOARD OF ADJUSTMENTS COMMITTEE OF SAID 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 of the below named members of the Boards of Adjustments committee of the City of Freeport, Texas ("the City") has expired; and,

WHEREAS, the City Council of the City desires to re-appoint the below named qualified person as member of said committee.

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 reappoints the following named qualified person to the Boards of Adjustments Committee of the City for a full term of two (2) years and until a successor for such person shall have been appointed and qualified, to-wit: **Raul Ramirez (Regular), Keith Stumbaugh (Regular), and Carlos Varela (Alternate)**

SECTION TWO (2): DUTIES

The above-named appointees shall perform all of the duties imposed on members of the Boards of Adjustments Committee of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

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

READ, PASSED AND ADOPTED this ____ day of _____, 2020.

Brooks Bass, Mayor
City of Freeport, Texas

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



City Council Agenda Item # 7

Title: Consideration of approving the renewal of annual general services contract for engineering with Freese and Nichols Engineering.

Date: June 15, 2020

From: Tim Kelty, City Manager

Staff Recommendation:

Staff recommends approval of this contract renewal.

Item Summary:

Last year, following an extensive RFQ process and series of interviews, the city selected Freese and Nichols as the city engineer. The general services contract that was awarded was a one-year contract, which expires at the end of this month. Freese and Nichols has proposed the attached one-year extension with essentially the same terms as previously adopted with just a few exceptions. Their previous rate sheet omitted a Professional 1, 2, & 3, beginning with Professional 4. Rates for those lower paid employees have been included.

Background Information:

The City's need for engineering services is wide and varied. It is important to utilize a professional and licensed engineer to ensure that things are done properly, projects are effectively scoped, knowledgeable reviewed, and improvements are designed in compliance with state regulations and best practices. Engineering services would be utilized by several departments including: Utilities, Streets/Drainage, Building & Code, Economic Development, Parks, and Administration.

With the exception of general document review, and general consultation or research; specific projects requiring engineering design or other professional services would be approved via the task authorization form. Projects of such scope to require competitively bidding would continue to be brought to City Council for authorization prior to approving a task authorization.

Special Considerations: None

Financial Impact:

There is no significant change to the terms of the agreement so there will be no change to the ongoing financial impact which is seen project by project.

Board or 3rd Party recommendation: None

Supporting Documentation: Agreement

**MASTER PROFESSIONAL SERVICES AGREEMENT
CONTRACT TIME EXTENSION**

STATE OF TEXAS §

COUNTY OF TARRANT §

This Agreement is entered into by City of Freeport, Texas, hereinafter called "Client" and Freese and Nichols, Inc., hereinafter called "FNI." In consideration of the Agreements herein, the parties agree as follows:

- I. **EMPLOYMENT OF FNI:** In accordance with the terms of this Agreement, Client agrees to employ and compensate FNI to perform professional services in connection with various projects. A detailed description of the various projects scope and fee will be outlined in Task Authorizations as services are requested by Client. FNI will not begin services until a Task Authorization is agreed upon between FNI and Client. A Task Authorization example is included as Attachment A.
- II. **SCOPE OF SERVICES:** FNI shall render professional services in connection with assigned Projects as set forth in the Task Authorization for each assignment. Client responsibilities and additional services are also to be as set forth in the Task Authorization for each assignment.
- III. **COMPENSATION:** Client agrees to pay FNI for all professional services rendered under this Agreement as set forth in Attachment CO. FNI shall perform professional services as outlined within each Task Authorization issued under this Master Agreement. Fees for services will be negotiated for each Task Authorization.
- IV. **TERMS AND CONDITIONS OF AGREEMENT:** The Terms and Conditions of Agreement as set forth as Attachment TC shall govern the relationship between the Client and FNI.

Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than Client and FNI, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Client and FNI and not for the benefit of any other party.

This Agreement constitutes the entire Agreement between Client and FNI and supersedes all prior written or oral understandings. **This Agreement is valid thru June 30, 2021 and may be extended by mutual agreement.**

This contract is executed in two counterparts. IN TESTIMONY HEREOF, Agreement executed:

Freese and Nichols, Inc.

By: 

Mehran (Ron) Bavarian
Print Name and Title

Date: 6-2-20

ATTEST: 

City of Freeport, Texas

By: _____

Print Name and Title

Date: _____

ATTEST: _____



PROFESSIONAL SERVICES AGREEMENT – ATTACHMENT A
TASK AUTHORIZATION

CLIENT'S LEGAL NAME

ADDRESS 1

ADDRESS 2

CITY, STATE ZIP

FNI PROJECT PROJECT/PHASE/TASK

DATE: SELECT TO CHOOSE DATE

Project Name: Name of the Project

Description of Services: A description of the services.

Deliverables: Describe deliverables.

Schedule: Insert schedule.

Compensation shall be: A Choose an item. amount of Spell out amount of fee \$0.00.

All other provisions, terms and conditions of the Professional Services Agreement which are not expressly amended shall remain in full force and effect.

FREESE AND NICHOLS, INC.

CLIENT'S LEGAL NAME

BY: _____

BY: _____

Print Name

Print Name

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

COMPENSATION

Compensation to FNI for Basic Services shall be computed on the basis of the following Schedule of Charges. FNI shall perform professional services as outlined in each Task Authorization issued under this Master Agreement. Fee for services will be negotiated for each Task Authorization.

If FNI sees the Scope of Services changing so that Additional Services are needed, FNI will notify Client for Client's approval before proceeding. Additional Services shall be computed based on the following Schedule of Charges.

<u>Position</u>	<u>Hourly Rate</u>
Professional - 1	107
Professional - 2	130
Professional - 3	146
Professional - 4	169
Professional - 5	197
Professional - 6	225
Construction Manager - 1	85
Construction Manager - 2	111
Construction Manager - 3	131
Construction Manager - 4	164
CAD Technician/Designer - 1	91
CAD Technician/Designer - 2	117
CAD Technician/Designer - 3	145
Corporate Project Support - 1	87
Corporate Project Support - 2	105
Corporate Project Support - 3	139
Intern/ Coop	53
Senior Advisor	175

Rates for In-House Services and Equipment

<u>Mileage</u>	<u>Bulk Printing and Reproduction</u>		<u>Equipment</u>	
Standard IRS Rates				
		<u>B&W</u>	<u>Color</u>	
	Small Format (per copy)	\$0.10	\$0.25	Valve Crew Vehicle (hour) \$75
	Large Format (per sq. ft.)			Pressure Data Logger (each) \$100
	Bond	\$0.25	\$0.75	Water Quality Meter (per day) \$100
	Glossy / Mylar	\$0.75	\$1.25	Microscope (each) \$150
	Vinyl / Adhesive	\$1.50	\$2.00	Pressure Recorder (per day) \$200
	Mounting (per sq. ft.)	\$2.00		Ultrasonic Thickness Gauge (per day) \$275
	Binding (per binding)	\$0.25		Coating Inspection Kit (per day) \$275
				Flushing / Cfactor (each) \$500
				Backpack Electrofisher (each) \$1,000
				<u>Survey Grade</u> <u>Standard</u>
				Drone (per day) \$200 \$100
				GPS (per day) \$150 \$50

OTHER DIRECT EXPENSES:

Other direct expenses are reimbursed at actual cost times a multiplier of 1.10. They include outside printing and reproduction expense, communication expense, travel, transportation and subsistence away from the FNI office. For other miscellaneous expenses directly related to the work, including costs of laboratory analysis, test, and other work required to be done by independent persons other than staff members, these services will be billed at a cost times a multiplier of 1.10. For Resident Representative services performed by non-FNI employees and CAD services performed in-house by non-FNI employees where FNI provides workspace and equipment to perform such services, these services will be billed at cost times a multiplier of 2.0. This markup approximates the cost to FNI if an FNI employee was performing the same or similar services.

These rates will be adjusted annually in February.

TERMS AND CONDITIONS OF AGREEMENT

- 1. **DEFINITIONS:** The term Client as used herein refers to the City of Freeport, Texas. The term FNI as used herein refers to Freese and Nichols, Inc., its employees and agents; also its subcontractors and their employees and agents. As used herein, Services refers to the professional services performed by Freese and Nichols pursuant to the Agreement.
- 2. **CHANGES:** Client, without invalidating the Agreement, may order changes within the general scope of the work required by the Agreement by altering, adding to and/or deducting from the work to be performed. If any change under this clause causes an increase or decrease in FNI's cost of, or the time required for, the performance of any part of the Services under the Agreement, an equitable adjustment will be made by mutual agreement and the Agreement modified in writing accordingly.
- 3. **TERMINATION:** The obligation to provide services under this Agreement may be terminated by either party upon ten days' written notice. In the event of termination, FNI will be paid for all services rendered and reimbursable expenses incurred to the date of termination and, in addition, all reimbursable expenses directly attributable to termination.
- 4. **CONSEQUENTIAL DAMAGES:** In no event shall FNI or its subcontractors be liable in contract, tort, strict liability, warranty, or otherwise for any special, indirect, incidental or consequential damages, such as loss of product, loss of use of the equipment or system, loss of anticipated profits or revenue, non-operation or increased expense of operation or other equipment or systems.
- 5. **INFORMATION FURNISHED BY CLIENT:** Client will assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project. FNI shall have no liability for defects or negligence in the Services attributable to FNI's reliance upon or use of data, design criteria, drawings, specifications or other information furnished by Client and Client agrees to indemnify and hold FNI harmless from any and all claims and judgments, and all losses, costs and expenses arising therefrom. FNI shall disclose to Client, prior to use thereof, defects or omissions in the data, design criteria, drawings, specifications or other information furnished by Client to FNI that FNI may reasonably discover in its review and inspection thereof.

6. **INSURANCE:** FNI shall provide to Client certificates of insurance which shall contain the following minimum coverage:

Commercial General Liability		Workers' Compensation
General Aggregate	\$2,000,000	As required by Statute
Automobile Liability (Any Auto)		Professional Liability
CSL	\$1,000,000	\$3,000,000 Annual Aggregate

- 7. **SUBCONTRACTS:** If, for any reason, at any time during the progress of providing Services, Client determines that any subcontractor for FNI is incompetent or undesirable, Client will notify FNI accordingly and FNI shall take immediate steps for cancellation of such subcontract. Subletting by subcontractors shall be subject to the same regulations. Nothing contained in the Agreement shall create any contractual relation between any subcontractor and Client.
- 8. **OWNERSHIP OF DOCUMENTS:** All drawings, reports data and other project information developed in the execution of the Services provided under this Agreement shall be the property of the Client upon payment of FNI's fees for services. FNI may retain copies for record purposes. Client agrees such documents are not intended or represented to be suitable for reuse by Client or others. Any reuse by Client or by those who obtained said documents from Client without written verification or adaptation by FNI will be at Client's sole risk and without liability or legal exposure to FNI, or to FNI's independent associates or consultants, and Client shall indemnify and hold harmless FNI and FNI's independent associates and consultants from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle FNI to further reasonable compensation. FNI may reuse all drawings, report data and other project information in the execution of the Services provided under this Agreement in FNI's other activities. Any reuse by FNI will be at FNI's sole risk and without liability or legal exposure to Client, and FNI shall indemnify and hold harmless Client from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom.

9. **POLLUTANTS AND HAZARDOUS WASTES:** It is understood and agreed that FNI has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic, irritant, pollutant, or otherwise dangerous substance or condition at the site, if any, and its compensation hereunder is in no way commensurate with the potential risk of injury or loss that may be caused by exposures to such substances or conditions. The parties agree that in performing the Services required by this Agreement, FNI does not take possession or control of the subject site, but acts as an invitee in performing the services, and is not therefore responsible for the existence of any pollutant present on or migrating from the site. Further, FNI shall have no responsibility for any pollutant during clean-up, transportation, storage or disposal activities.
10. **OPINION OF PROBABLE COSTS:** FNI will furnish an opinion of probable project development cost based on present day cost, but does not guarantee the accuracy of such estimates. Opinions of probable cost, financial evaluations, feasibility studies, economic analyses of alternate solutions and utilitarian considerations of operations and maintenance costs prepared by FNI hereunder will be made on the basis of FNI's experience and qualifications and represent FNI's judgment as an experienced and qualified design professional. It is recognized, however, that FNI does not have control over the cost of labor, material, equipment or services furnished by others or over market conditions or contractors' methods of determining their prices.
11. **CONSTRUCTION REPRESENTATION:** If required by the Agreement, FNI will furnish Construction Representation according to the defined scope for these services. FNI will observe the progress and the quality of work to determine in general if the work is proceeding in accordance with the Contract Documents. In performing these services, FNI will endeavor to protect Client against defects and deficiencies in the work of Contractors; FNI will report any observed deficiencies to Client, however, it is understood that FNI does not guarantee the Contractor's performance, nor is FNI responsible for the supervision of the Contractor's operation and employees. FNI shall not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor, or the safety precautions and programs incident to the work of the Contractor. FNI shall not be responsible for the acts or omissions of any person (except his own employees or agent) at the Project site or otherwise performing any of the work of the Project. If Client designates a person to serve in the capacity of Resident Project Representative who is not a FNI's employee or FNI's agent, the duties, responsibilities and limitations of authority of such Resident Project Representative(s) will be set forth in writing and made a part of this Agreement before the Construction Phase of the Project begins.
12. **PAYMENT:** Progress payments may be requested by FNI based on the amount of services completed. Payment for the services of FNI shall be due and payable upon submission of a statement for services to CLIENT and in acceptance of the services as satisfactory by the CLIENT. Statements for services shall not be submitted more frequently than monthly. Any applicable new taxes imposed upon services, expenses, and charges by any governmental body after the execution of this Agreement will be added to FNI's compensation.
- If CLIENT fails to make any payment due FNI for services and expenses within thirty (30) days after receipt of FNI's statement for services therefore, the amounts due FNI will be increased at the rate of one percent (1%) per month from said thirtieth (30th) day, and, in addition, FNI may, after giving seven (7) days' written notice to CLIENT, suspend services under this Agreement until FNI has been paid in full, all amounts due for services, expenses and charges.
13. **ARBITRATION:** No arbitration arising out of, or relating to, this Agreement involving one party to this Agreement may include the other party to this Agreement without their approval.
14. **SUCCESSORS AND ASSIGNMENTS:** CLIENT and FNI each are hereby bound and the partners, successors, executors, administrators and legal representatives of CLIENT and FNI are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements and obligations of this Agreement.
- Neither CLIENT nor FNI shall assign, sublet or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent FNI from employing such independent associates and consultants as FNI may deem appropriate to assist in the performance of services hereunder.
15. **PURCHASE ORDERS:** If a Purchase Order is used to authorize FNI's Services, only the terms, conditions/instructions typed on the face of the Purchase Order shall apply to this Agreement. Should there be any conflict between the Purchase Order and the terms of this Agreement, then this Agreement shall prevail and shall be determinative of the conflict.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2020-625665

Date Filed:
06/01/2020

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Freese and Nichols, Inc.
Fort Worth, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Freeport

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

Master PSA
Master Professional Services Agreement - Time Extension

4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary
Pence, Bob	Fort Worth, TX United States	X	
Cole, Scott	Fort Worth, TX United States	X	
Coltharp, Brian	Fort Worth, TX United States	X	
Greer, Alan	Fort Worth, TX United States	X	
Johnson, Kevin	Dallas, TX United States	X	
Milrany, Cindy	Fort Worth, TX United States	X	
Nichols, Mike	Fort Worth, TX United States	X	
Taylor, Jeff	Houston, TX United States	X	
Wolfhope, John	Austin, TX United States	X	

5 Check only if there is NO Interested Party.

6 UNSWORN DECLARATION

My name is Stephanie Stephenson, and my date of birth is July 19, 1977.

My address is 4055 International Plaza, Suite 200, Fort Worth, TX, 76109, US.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Tarrant County, State of Texas, on the 1 day of June, 2020.
(month) (year)

Stephanie Stephenson

Signature of authorized agent of contracting business entity
(Declarant)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
6/1/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Ames & Gough
8300 Greensboro Dr.
Suite 980
McLean VA 22102

CONTACT NAME:
PHONE
(A/C No, Ext): 703-827-2277 **FAX**
(A/C, No): 703-827-2279
E-MAIL ADDRESS: admin@amesgough.com

INSURED
Freese and Nichols, Inc.
4055 International Plaza, Suite 200
Fort Worth TX 76109

FREEAND-02

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A :	Continental Casualty Company (CNA) A, XV	20443
INSURER B :	Hartford Casualty Insurance Company A+ (XV)	29424
INSURER C :	Trumbull Insurance Company A+ (XV)	27120
INSURER D :	Hartford Underwriters Insurance Company A+ (XV)	30104
INSURER E :	Twin City Fire Insurance Company A+ (XV)	29459
INSURER F :		

COVERAGES

CERTIFICATE NUMBER: 432081867

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
D	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			42UUNNI6224	10/23/2019	10/23/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
E	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			42UENNI6305	10/23/2019	10/23/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			42XHUBI1257	10/23/2019	10/23/2020	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			42WBCU2821	10/23/2019	10/23/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Professional Liability			AEH008214422	10/23/2019	10/23/2020	5,000,000 / per claim 10,000,000 aggr

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

City of Freeport
200 West Second Street
Freeport TX 77541

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Dan Kuse



City Council Agenda Item # 8

Title: Consideration of approving Resolution No. 2020-2634 for appointing reserve Officers.

Date: 6/15/2020

From: Raymond Garivey, Police Chief

Staff Recommendation:

Staff requests that Council Approve resolution formally appointing Police Reserve Officers.

Item Summary:

Resolution No. 2020-xxxx formally approves the appointment of Troy Brimage, Daniel Pennington, Rodney Bowersox, Lei Loni Kershaw, Eluterin Martinez, and Teresa Leblanc as Reserve Officers of the Freeport Police Department. All of these officers are TCOLE State Certified with their commissions carried through the Freeport Police Department. All of these officers are active and have specific roles within the police department. They are equipped and available if needed for emergency call out or shortage of staffing.

Background Information:

It was recently determined that the City of Freeport Home Rule Charters requires that the appointment of Reserve Police Officers be officially approved by the Mayor and City council (Section 31.17) While this has not been done so in the past and it is an unusual charter requirement, it is staff's intention to ensure that we be in compliance so that their actions cannot be challenged for this reason. For that reason, this is being put before Council for consideration and will be done whenever a new candidate is being considered as a reserve officer in the future.

Special Considerations: None

Financial Impact:

The City bares no cost to carry these officers.

Board or 3rd Party recommendation: None

Supporting Documentation: Resolution

RESOLUTION NO. 2020-2634

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS APPROVING APPOINTMENT OF RESERVE OFFICERS TO THE FREEPORT POLICE DEPARTMENT.

WHEREAS, Sections 31.15-31.20 of the Freeport Code of Ordinance provide for the qualifications, duties, powers and appointment of law enforcement officers to the Police Reserve Force: and

WHEREAS, it is appropriate and necessary to expand numbers of the Police Reserve Force currently due to possible limitations of the regular police force caused by the COVID-19 pandemic; and

WHEREAS, Raymond Garivey, Chief of Police of the Freeport Police Department has properly vetted and qualified the candidates set forth below for appointment to the Police Reserve Force; and

WHEREAS, it is in the best interest of the city, its citizens, and the public at large to appoint these law enforcement officers to protect the health, safety, welfare and good order of the City and its inhabitants.

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

SECTION 1. APPOINTMENT. That the City Council of the City hereby appoints the following law enforcement officers to serve in the Police Reserve Force for the City of Freeport Police Department at the discretion of the Chief of the Freeport Police Department.

TROY BRIMAGE
DANIEL PENNINGTON
RODNEY BOWERSOX
LEI LONI KERSHAW
ELUTERIN MARTINEZ
TERESA LEBLANC

SECTION 2. OATH. Each appointed officer shall not begin service until such person has taken the oath of office prescribed in Section 5.08 of the Home Rule Charter.

SECTION 3. PROPER NOTICE AND MEETING. It is hereby found and determined that the meeting at which this resolution was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

Read, passed and adopted the _____ day of _____, 2020.

Brooks Bass, Mayor

City of Freeport, Texas

ATTEST:

APPROVED AS TO FORM ONLY:

Betty Wells, City Secretary
City of Freeport, Texas

Christopher Duncan, City Attorney
City of Freeport, Texas



City Council Agenda Item # 9

Title: Consideration and possible action on Ordinance creating a downtown zoning district and establishing its boundaries.

Date: June 15, 2020

From: Billywayne Shoemaker

Staff Recommendation:

Approve DT-1 Ordinance with Option 1 Map Boundaries

Item Summary:

This ordinance creates a new zoning classification for downtown freeport designated as DT-1. In creates a lengthy list of allowable uses that will create a mixed use downtown atmosphere, allow for off site parking and allow for zero set back requirements typical to downtown development.

Background Information:

We can revitalize the Downtown by generating activity and community pride. The intention is to stimulate new ideas for using the buildings for retail, food and beverage, services, and community spaces while using the upper floors for office and residential purposes. Downtown has struggled with empty storefronts and underutilized buildings. The downtown was once the hub of commerce and community activities. A full range of retail stores once occupied the street and served as the shopping center for the community.

During the 1970s, things began to change in the town. Regional shopping centers and large discount stores were being developed in larger communities to our North. With improvements in the transportation system, and increased reliance on automobile travel, Freeport consumers looked to the bigger City's down the road as the place to shop.

With these consumer changes came the demise of main street retail as it once was. Clothing, electronic, variety, jewelry and other downtown anchor stores have disappeared. Today, many small town downtowns face the same challenges:

- Growth in large-format retail.
- Remaining downtown businesses that are often limited to restaurants, taverns, salons, and city Services.
- Loss of essential retail, pharmacy, and hardware stores.

- Business operators that have no transition plan.
- Vacant real estate that is owned by absentee landlords.
- New competition from an online market.

Special Considerations

While change continues in our area, there are opportunities to rejuvenate downtown through the attraction and nurturing of creative building uses. This rezoning ordinance will help us explore new opportunities for downtown. The intent is not to reinvent the past, but to stimulate ideas for the future that will contribute to the economic health of the community.

Financial Impact:

Financial impact is expected to be positive.

Board or 3rd Party recommendation:

Planning and zoning will hold a joint meeting tonight after the Public hearing to discuss with council their recommendation.

Supporting Documentation:

See attached

ORDINANCE NO.2020-2601

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING CHAPTER 155 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, NOW CODIFIED AS CHAPTER 155 OF THE CODE OF ORDINANCES OF THE CITY, TO DELETE SECTIONS 155.023(B), 155.023(C) AND 155.023(E); TO ADD NEW SECTIONS, TO BE CODIFIED AS SECTION 155.049, AND WHICH SHALL BE APPLICABLE ONLY TO THE LAND LOCATED WITHIN THE HISTORIC DOWNTOWN, AS DESCRIBED IN THAT SECTION; PROVIDING REGULATIONS AND REQUIREMENTS FOR THE DEVELOPMENT OF SUCH LAND; AMENDING SAID COMPREHENSIVE ZONING ORDINANCE TO CHANGE THE CURRENT CLASSIFICATION OF ALL LAND LOCATED WITHIN THE BOUNDARY OF SUCH NEW DISTRICT, AS DESIGNATED IN EXHIBIT "A", FROM ITS PRESENT ZONING CLASSIFICATION TO SUCH NEW ZONING CLASSIFICATION OF DT-1; RATIFYING AND CONFIRMING ALL ACTIONS PREVIOUSLY TAKEN BY THE PLANNING COMMISSION OF SAID CITY OR THE CITY COUNCIL, OR BOTH; PROVIDING THAT ANY PERSON VIOLATING SAID CODE OF ORDINANCES, AS AMENDED BY THIS ORDINANCE, SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 155.999 OF SAID CODE OF ORDINANCE AND THAT EACH DAY ANY SUCH VIOLATION OCCURS AND EVERY DAY IT CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THIS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Freeport, Texas ("the City"), is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Subchapter A of Chapter 211 of the Local Government Code of Texas and Item (g) of Section 3.07 of the Home Rule Charter of the City authorizes the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined to here now declare that it is necessary to the health, safety and general welfare of the inhabitants of the City for there to be established a new zoning classification to be known as The Downtown Zoning District-1(DT-1) District, to specify the boundaries thereof and regulations therefor, and to change the zoning classifications of all land within such new zoning district from its present zoning classification to the new zoning classification of Downtown Zoning District-1 (DT-1) District.

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

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

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

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

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

Third, that after considering evidence submitted at such hearings, the City Council of the City is of the opinion and finds that the health, safety, morals and general welfare of the inhabitants of the City will best be served by the creation of the new zoning classification and district, to be known as Downtown Zoning District 1(DT-1), within the boundaries and with the regulations hereinafter set forth.

Fourth, the conditions which warranted the classification of the property included within the boundaries hereinafter set forth at the time of such classification have substantially changed and conditions now exist which indicate that the present zoning classification of such property is no longer appropriate; and,

Fifth, considering the community as a whole and the present Comprehensive Zoning Plan of the City, such property should be reclassified for purposes of zoning and the zoning of such property changed to Downtown Zoning District-1 (DT-1) District.

Sixth, the health, safety, morals and general welfare of the inhabitants of the City will best be served by changing the zoning classification of all property located within such boundaries from the present zoning classification thereof to the new Downtown Zoning District-1 (DT-1) classification.

SECTION TWO--Comprehensive Zoning Ordinance Amended

The Comprehensive Zoning Ordinance of the City of Freeport, Texas, read, passed and approved as Ordinance No. 1100 on the 3rd day of April, 1964, now codified as Chapter 155 of the Code of Ordinances thereof and hereinafter called "the Zoning Ordinance," is hereby amended to add thereto new Section, 155.049, which shall read as follows:

SECTION 155.049 - DOWNTOWN ZONING DISTRICT-1 (DT-1)

(A) The City Council declares that, Freeport Historic Downtown is a unique and historic feature of the City of Freeport that must be developed in a manner that enhances to quality of life of the citizens of Freeport and represents the key to the future economic development of the City of Freeport. It is of utmost importance to the City and its citizens that development of the Freeport Historic Downtown must promote access by the general public to enjoy its beauty, balanced with development as a place of residence and commerce. The Downtown Zoning District-1 is described in Exhibit "A", attached hereto and made a part hereof as if set forth in full herein.

(B) Minimum requirements for lot area, width and setback

Lot area: 2500 square feet

Lot width: 25

Setback:

Front: 0'

Rear: 20'

Side: 0'

(1) When abutting a Residential District, the side yard setback shall not be less than 10 feet.

(2) When abutting a Residential District, the rear yard setback shall not be less than 20 feet.

(C) *Permitted Building usage within the DT-1 District.* Permitted uses shall be governed by the floor/elevation of buildings within the DT-1 District as follows:

(1) *Ground Level Floor:* Permitted uses of the ground level floor of any building within DT-1 shall be limited to the specific Commercial Uses set forth in paragraph (D) of this section.

(2) *Upper Level Floor:* Permitted uses of upper level floors, whether second level or higher shall be limited to the specific Commercial Uses, Office Uses or Residential Uses set forth in paragraph (D) of this section.

(D) *Permitted uses.*

Art, supply store, art sales, antiques, gallery or museum of fine arts or digital media.

Antique

Bakery retail.

Bank or Credit Union and ATM machines (not payday loan)

Bar or pub

Barber shop, beauty salon, nail salon or spa.

Bed and Breakfast that has bed and living quarters on second floor or above

Bicycle

Book store or library.

Brewery or brewpub

Camera or photographic supply store.

Candy, nut, confectionary store.

Caterer

Clothing including formal wear and costumes.

Coffee shop

Convenience store.

Cultural Arts display or use including digital arts, fine arts, history, nature, or literary displays.

Dental Office
Department store.
Dive Shop
Dry Cleaner
Entertainment Venue
Excursion Rentals
Florist shop.
Food or grocery store retail.
Furniture store.
Gift, novelty shop.
Hobby shop or supply store.
Hotel
Indoor Sports and Recreation
Jewelry store.
Kitchenware and Home Decor
Manufacturing of baked goods, candy, delicatessen foods and ice cream.
Medical clinic or business providing non-invasive medical care
Movie theater
Music or Video store.
Musical Instrument store
Optical goods, optician, optometrist.
Pet shop.
Pharmacy
Photographic studio or store or decorator shop.
Postal and shipping service (Non-governmental)
Restaurant or café, indoor or outdoor.
Sporting goods store.
Souvenir shop, tourist products.
Stationary store.
Studio for teaching any form of fine arts.
Tailor shop seamstress, alterations.
Toy store.
Travel Agency
Visiting Boat Slips
Waterfront Activities
Water Taxi
Wine bar
All others by Specific-Use Permit.

DT-1 Permitted Residential Uses (Second Floor and Above)

Apartment
Mixed Use Housing
Senior Housing
Live - Work Apartment Housing
Condominium

DT-1 Permitted Office Uses (Second Floor and Above)

Administrative and Business Offices
Computer IT, software and programming services and development
Dental Office
Financial Services
Medical clinic or business providing non-invasive medical care
Professional offices
Real Estate/Title Company

(E) *Height regulations.* No building shall exceed 50 feet or 4 stories in height, unless approved by City Council after public hearing.

(F) *Parking regulations.* Onsite parking shall not be required within the D-1 Zone.

BOUNDARY DESCRIPTION OF PROPOSED DT-1

BEGINNING at the Northeast Corner of the intersection of Second Street and Cherry Street, being the Southwest Corner of the established W-4 Zoning District, then proceeding East on Second Street, along the Southern Border of the established W-4 Zoning District until the intersection of Second Street and Pine Street, THENCE, proceeding South along the Western ROW of Pine Street, until intersection of Pine Street and Eighth Street, THENCE, proceeding West along the Northern boundary of Eighth Street, until intersection of Eighth Street with Cherry Street, THENCE, proceeding North along the Eastern ROW of Cherry Street until intersection with Cherry Street and Seventh Street, THENCE, proceeding East along the Northern ROW of Seventh Street until the center point of Lot 39, THENCE, proceeding North through the centerline of Lots 39, 40, 41, and 42 until the intersection with Fourth Street, THENCE, proceeding West along the Northern ROW of Fourth Street until intersection with Oak Street, THENCE, proceeding North along the Eastern ROW of Oak Street until intersection with the low tide water line of the Old Brazos River, THENCE, proceeding East along the low tide water line of the Old Brazos River, until intersection with a point representing the continuation of the the East ROW of Cherry Street, THENCE, proceeding South along the East ROW of Cherry Street until intersection with the POINT OF ORIGIN.

This description includes the following property designated by the following blocks:

Blocks 31, 32, 33, 34, 35, 36, 37, 38, 43, 44, 45, 46, 47, and 48, and the Eastern half of blocks 39, 40, 41, 42.

SECTION THREE--Comprehensive Zoning Ordinance Amended--Sections Deleted

Sections 155.023(B) and 155.023(C) are hereby deleted from Chapter 155 of the Code of Ordinances of the City, and reserved for future use.

SECTION FOUR--Comprehensive Zoning Ordinance Amended--Section Deleted and Replaced

Section 155.023(E) is deleted and replaced with the following provisions which shall read as follows:

(E) *Zoning In the Old Brazos River* - All development over the waters of the Old Brazos River shall conform with the zoning regulations of the property immediately adjacent to such development.

SECTION FIVE--Ratification and Confirmation.

The City Council of the City of Freeport, Texas, hereby ratifies and confirms any and all action taken by the Planning Commission of said City or the City Council of said City, or both, in connection with the change in zoning classification evidenced by this ordinance, including but not limited to the calling of a public hearing required by said

Zoning Enabling Act and the Zoning Ordinance, the giving of public notice of such hearings, the giving of written notice to the owners of property which is the subject of such and to the adjoining property owners, the making of preliminary and final reports with respect to such change and the conducting of the public hearings required by said Act and the Zoning Ordinance.

SECTION SIX--Penalty

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

SECTION SEVEN--Savings Clauses

(a) Nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

(b) This ordinance is cumulative of and in addition to all other ordinances of the City on the same subject and all such ordinances are hereby expressly saved from repeal. Provided, however, where this ordinance and another ordinance conflict or overlap, this ordinance shall prevail.

(c) No offense committed and no fine, forfeiture or penalty incurred prior to the effective date of this ordinance is to be affected by the adoption of this ordinance but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this ordinance had not been adopted.

SECTION EIGHT--Severance Clause.

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

SECTION NINE--Effective Date.

This ordinance shall take effect and be in force from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts, the official newspaper of the City.

READ, PASSED AND ADOPTED this _____ day of _____, 2020.

Brooks Bass, Mayor,

City of Freeport, Texas

ATTEST:

Betty Wells, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Christopher Duncan, City Attorney
City of Freeport, Texas

EXHIBIT A


BOUNDARY DESCRIPTION OF PROPOSED DT-1

BEGINNING at the Northeast Corner of the intersection of Second Street and Cherry Street, being the Southwest Corner of the established W-4 Zoning District, then proceeding East on Second Street, along the Southern Border of the established W-4 Zoning District until the intersection of Second Street and Pine Street, THENCE, proceeding South along the Western ROW of Pine Street, until intersection of Pine Street and Eighth Street, THENCE, proceeding West along the Northern boundary of Eighth Street, until intersection of eighth Street with Cherry Street, THENCE, proceeding North along the Eastern ROW of Cherry Street until intersection with Cherry Street and Seventh Street, THENCE, proceeding East along the Northern ROW of Seventh Street until the center point of Lot 39, THENCE, proceeding North through the centerline of Lots 39, 40, 41, and 42 until the intersection with Fourth Street, THENCE, proceeding West along the Northern ROW of Fourth Street until intersection with Oak Street, THENCE, proceeding North along the Eastern ROW of Oak Street until intersection with the low tide water line of the Old Brazos River, THENCE, proceeding East along the low tide water line of the Old Brazos River, until intersection with a point representing the continuation of the East ROW of Cherry Street, THENCE, proceeding South along the East ROW of Cherry Street until intersection with the POINT OF ORIGIN.

This description includes the following property designated by the following blocks:
Blocks 31, 32,33, 34, 35, 36, 37, 38, 43, 44, 45, 46, 47, and 48, and the Eastern half of blocks 39, 40, 41, 42.



Legend

-  Proposed Downtown District

1000 ft





City Council Agenda Item # 10

Title: Substandard and Dangerous Buildings

Date: 6/15/2020

From: Billywayne Shoemaker

Staff Recommendation:

Repeal and replace unsafe Building Abatement Code with Substandard and Dangerous Building Ordinance.

Item Summary:

We are updating and cleaning up our current ordinances as to clearly define and eliminate confusion created in our current ordinance. We currently have two adopted codes that are in conflict with one another. This updated ordinance will bring Freeport into compliance with current State law in regards to declaring and abating unsafe buildings.

Background Information:

Dilapidated structures are a challenge for the Building and Codes Department in our efforts to promote the highest possible quality of life and bring economic growth to our City. The failure of offending property owners to repair or demolish dilapidated structures creates blight and a financial drain on community resources. It shifts the cost of abating violations from the responsible party to all taxpayers.

Dealing with these unsafe commercial and residential structures is a challenging task that requires staff to consider and carefully balance the rights of the offending property owners with rights of the owners of adjacent properties and the community at large. Because of the wide array of situations encountered and sensitivity of the property rights issue, we must have a variety of tools that can be selected and effectively applied to the specific circumstances of each code enforcement case.

With the adoption of this ordinances relating to unsafe buildings, staff will be provided the tools and direction to properly provide notification to the owner outlining the conditions needing to be corrected and may require the owner to take the necessary steps to correct the conditions. The ordinance also outlines how the City may correct the conditions if the owner fails to take appropriate action.

As with any ordinance, we must have procedures in place that provide for due process and proper notification to the property owner when the city moves to abate a problem. Likewise, this ordinance spells out explicitly the notice procedures, method of notice as well as a procedure for appeals of decisions made by the Building Officials.

State law gives the City the authority to enforce the International Building Codes and to adopt by reference certain appendices to this code. One of the most widely adopted appendices in country is the International Property Maintenance Code, which establishes standards to help ensure public health, safety and welfare of the community by requiring the maintenance of existing structures and premises. The International Property Maintenance Code provides a framework for dealing with dilapidated structures in any city no matter the size.

The International Property Maintenance Code contains a prescribed and tested process of providing proper notice as well as a specific method of serving the notice to property owners.

What happens when property owners fail to correct serious code violations? One option available to the City is to correct the violation. If the City corrects the unsafe conditions associated with the property, state law allows the City to place a lien equal to the cost of the abatement on the property and collect the lien in the same manner as municipal taxes.

This ordinance authorizes, any municipal law enforcement officer or code enforcement officer working under the authority of the Building Official the ability to issue an ordinance summons. An ordinance summons is a municipal ticket which requires the property owner's appearance in municipal court. This is an effective and efficient way to encourage compliance with local ordinances related to code enforcement.

For example, the city can write a citation to the owner of an unsafe structure that is in violation of a local ordinance. The citation is written with the appropriate fine assessed and references the section of the local ordinance that has been violated. A court date would be set and the person must appear before court as required by the ordinance summons. Failure to appear may result in the issuance of an arrest warrant.

Special Considerations

This ordinance shall apply to existing structures which are classified as unsafe or unfit for human occupancy. All conditions causing such structures to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry and removed. Vacant and secured structures shall still be subject to other applicable requirements of this code. Notwithstanding the above, when the Building Official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be repaired or removed, then the Building

Official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

Financial Impact:

The department has funds budgeted for this already. Reimbursement to the City would come from placing liens. Liens on property generally can only be collected when a property is sold, and most county governments do not recognize code enforcement liens at tax sales. This means that liens may not be collected at tax sales.

Another problem with liens is that there is often a significant lag between filing the lien and collecting payment because sales of dilapidated properties occur infrequently. Likewise, ordinance summons are not effective when a property owner cannot be located or lives outside of the community or state. Ordinance summons must be personally served upon the offender.

These tools also have limited effectiveness when the property owner lacks the financial resources to abate the violations. Jailing offenders only increases the cost to the City and often fails to correct the violation.

Once all of these options have been exhausted, there is no additional recourse available to deal with unsafe structures reimbursement.

Board or 3rd Party recommendation:

None

Supporting Documentation:

Ordinance is attached as well as a PowerPoint.

ORDINANCE 2020-2602

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, AMENDING CHAPTER 150, BUILDINGS AND BUILDING REGULATIONS OF THE CITY OF FREEPORT CODE OF ORDINANCES, AND ADOPTING A NEW ARTICLE XIII, SUBSTANDARD AND VACANT BUILDING ABATEMENT; HAVING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City Council finds that there exists a number of substandard and abandoned buildings in the City of Freeport, that present a danger to the health, safety and general welfare of the citizens; and

WHEREAS the City Council further finds that a necessity exists to establish codified regulations and procedures regarding substandard and abandoned buildings, to abate such conditions in a fair and orderly manner; and

WHEREAS, the City Council further finds that the regulations and procedures contained in this ordinance are in addition to all other available remedies in state statutes, adopted building and maintenance codes, and remedies based upon nuisance; and

WHEREAS, the 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, BRAZORIA COUNTY, TEXAS:

Section 1. That Article XIII, Substandard and Abandoned Building Abatement, of Chapter 22, Buildings and Building Regulations , of the City of Freeport Code of Ordinances, is hereby adopted and established to read as follows:

SUBSTANDARD AND DANGEROUS BUILDINGS

Sec. 150.025. Attributes of dangerous buildings.

Any building or structure which has any or all of the conditions or defects described in this section shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property, welfare, or safety of the public or its occupants are endangered or adversely affected:

- (1) Whenever any door, aisle, passage, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (2) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- (3) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1 1/2 times the working stress allowed in the building code for new building of similar structure, purpose or location.
- (4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than the original design^[c1]_[c2] and is less than the minimum requirements of the building code for new building of similar structure, purpose or location.
- (5) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (6) Whenever any portion of a building or any member, appurtenance ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.
- (7) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or other forces of nature than is required in the case of similar new construction.
- (8) Whenever the building or structure, or any portion thereof, because of:
 - a. Dilapidation, deterioration or decay;
 - b. Faulty construction;
 - c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;

d. The deterioration, decay or inadequacy of its foundation; or easy other cause, is likely to partially or completely collapse.

(9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for its zoned use^[c3].

(10) Whenever, the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(11) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

(12) Whenever the building or structure has been so damaged by fire, wind, rain, flood or other force of nature, or has become dilapidated or deteriorated as to become:

- a. An attractive nuisance to children;
- b. A harbor for vagrants, vermin, criminals or immoral persons; or
- c. As to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(13) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the building code or of any law or ordinance of state or jurisdiction relating to the condition, location or structure of buildings.

(14) Whenever, any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 66 percent of the strength; fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(15) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty

electric wiring, gas connections or heating apparatus, or other cause, is determined to be a fire hazard.

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(19) The term "building code" as used in this section, refers to the building code as adopted by the City.

Sec. 150.026. Dangerous buildings as public nuisance.

All dangerous buildings and structures within the terms of section 150.025 are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this article.

Sec. 150.027. Minimum standards for continued use or occupancy of buildings.

The minimum standards for the continued use and occupancy of all buildings or structures, regardless of the date of their construction, are that buildings or structures shall not be in a condition or have a defect which constitutes a dangerous building or structure as defined in section 150.025. The following standards shall be followed by the building official and the Building Standards Commission in ordering repair, vacation, or demolition.

(1) If the dangerous building or structure can reasonably be repaired so that it will no longer exist as a dangerous building or structure, it shall be ordered repaired.

(2) If the dangerous building or structure is in such a condition as to make it dangerous to the health, safety, morals or general welfare of its occupants, it shall be ordered to be vacated.

(3) In any case where a dangerous building or structure is 50 percent or more damaged, decayed or deteriorated from its original value or structure, it shall be demolished and in all cases where a building or structure cannot be repaired so that it will no longer exist in violation of the terms of this section, it shall be demolished. In all cases where a dangerous building or structure is a fire hazard existing or erected in violation of the terms of this section or any ordinances of the City or statutes of the state, it shall be demolished. Included in the terms "demolished" in this section is the cleaning of the property and removing all debris and trash, and sealing sewer service (belowground), to prevent infiltration into the City sanitary sewer system.

Sec. 150.028. Duties of Building Official

It shall be the duty of the building official or his designee to:

- (1) *Inspections.* Inspect or cause to be inspected, when deemed necessary, public buildings, schools, halls, churches, theatres, hotels, dwellings, tenements or apartments, other multifamily residences and buildings zoned commercial for the purpose of determining whether any condition exist which render such a place a dangerous building or structure within the terms of section 150.025.
- (2) *Investigations of complaints.* Inspect any building, wall or structure about which complaints are filed by any person to the effect that the building, wall, or structure is or may be a dangerous building or structure as defined in this article.
- (3) *Procedure for inspection.* Upon probable cause to suspect that any building or premises are in violation of this article, and if such building or premises are opened and clearly unoccupied, the building official may enter such building or premises for the purpose of inspecting the building or premises without prior notice to any person; or if such building or premises are closed, or if a reasonable prudent person would have reason to believe that such premises are occupied, the building official shall have recourse to every procedure, right or remedy provided by law to secure entry for the purpose of inspecting the building or premises.
- (4) *Inspection of Buildings Over 50 Years Old.* The building official may enter a building or premises that is over 50 years old for the purpose of inspecting the building or premises without prior notice to any person, and without specific probable cause or complaint; The building official shall have recourse to every procedure, right or remedy provided by law to secure entry for the purpose of inspecting the building or premises. Inspection of buildings or premises under this section without specific probable cause or complaint, can be performed no more than once every 12 month period. The building official may inspect more often based upon probable cause or complaint.
- (5) *Inspection of Abandoned Building.* The building official may enter a building or premises that is abandoned for the purpose of inspecting the building or premises without prior notice to any person, and without specific probable cause or complaint. The building official shall have recourse to every procedure, right or remedy provided by law to secure entry for the purpose of inspecting the building or premises. Inspection of buildings or premises under this section without specific probable cause or complaint, can be performed no more than once every 12 month period. The building official may inspect more often based upon probable cause or complaint. All abandoned buildings shall be secured to prevent entry of trespassers and prevent attractive nuisance. The building official make take any action to secure an abandoned building or premises that is an attractive nuisance, and the cost of such action shall be assessed against the property owner. The building

official must provide notice and opportunity to cure to the building owner of an abandoned building/attractive nuisance, prior to securing the building himself.

(6) *Commencement of proceedings.* When the building official has inspected or caused to be inspected any building or structure, and has found and determined that such building is a dangerous building or structure, the building official shall commence proceedings to cause repair, vacation or demolition of the building or structure. The building official may commence criminal proceeding or civil proceedings, or both, as determined by the conditions existing on such premises.

(7) *Written notice to owner.* Notify in writing, by certified mail, the owner of the building or structure, as determined by using the records in the office of the county clerk in the county in which the building or structure is located, that the building is a dangerous building or structure as defined in this section. The notice to the owner shall further state their reason that the building does not meet the minimum standards for continued use and occupancy of a building and that unless the building is put in a condition so that the building is not a dangerous building or structure within a reasonable time not exceeding 60 days (as specified by the building official), then a hearing will be scheduled before the building commission to determine whether the building complies with the minimum standards set forth in this section. The building official, in his sole discretion, may elect not to send this notice to remedy and may instead proceed directly with notice of hearing as set forth in section 150.031.

(8) *Appearance at hearings.* Appear at all hearings conducted by the Building Standards Commission and testify as to the conditions of the dangerous building or structure.

(9) *Placement of notice on dangerous buildings; contents of notice.* Place a notice on all dangerous building or structures, upon a determination by the Building Official, reading as follows:

"THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING BY THE BUILDING OFFICIAL OF THE CITY OF FREEPORT. THIS NOTICE IS TO REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED, VACATED OR DEMOLISHED IN ACCORDANCE WITH THE NOTICE WHICH HAS BEEN GIVEN THE OWNER. IT IS UNLAWFUL TO REMOVE THIS NOTICE UNTIL SUCH NOTICE IS COMPLIED WITH."

Sec. 150.029. Criminal enforcement.

(1) The building official is hereby authorized to commence criminal proceedings whenever he finds that there has been a violation of any subsection of this section.

(2) It shall be unlawful for any owner, occupant or person in control to maintain a dangerous building or structure as defined in section 150.025. All buildings or structures

which are determined to be dangerous buildings or structures are declared to be public nuisances. For purposes hereof, the term "maintain" shall mean keep, preserve, use, maintain status quo or permit to exist.

(3) After the notice described in section 150.028 is posted, it shall be unlawful for any person to use, enter, remain in or occupy such building or structure, or for the owner of such building to normally permit any person to use, enter, remain in or occupy such building. It shall be a defense to any prosecution occurring under this subsection that entry was made for the sole purpose of repairing, demolishing or removing such building or structure.

(4) It shall be unlawful for any person to remove or deface the notice posted pursuant to section 150.028 until the required repairs, demolition or removal have been completed and a certificate of occupancy has been issued pursuant to the provisions of the building code.

(5) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure without first obtaining the appropriate permits for each building or structure according to the applicable conditions prescribed in the building code.

Sec. 150.030. Civil enforcement.

(1) *Assessment lien or civil penalty.* If the dangerous building or structure is not vacated, secured, repaired, removed or demolished within the allotted time, the City may:

(a) Without further action by the Building Standards Commission, vacate, secure, remove or demolish the building at its own expense, by City personnel or its contractor. Any costs incurred by the City in securing, removing or demolishing the building or structures may be charged to the owner. The City may assess the expenses on, and the City shall have a lien against, the property on which the building was located, unless the property is a homestead as protected by the state Constitution. The lien arises and attaches to the property by the state Constitution. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in which the property is located. The notice of lien must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building is located, the amount of expenses incurred by the municipality and the balance then due; or

(b) Acting by and through the Building Standards Commission, assess a civil penalty under the applicable state law not exceeding \$2,000.00 per day for failure to repair, remove or demolish the building or structure. Notice of the hearing in which the civil penalty will be considered shall be given to the owner by personally serving the owner with written notice; or by sending the notice in the United States

mail by certified mail, return receipt requested, addressed to the owner at the owner's post office address at least ten days prior to the administrative hearing. Before holding a hearing to consider a civil penalty, the board shall have evidence that the property owner was actually notified of the requirements of the order and his need to comply with such requirements. Any civil penalty assessed shall be imposed as a lien against the land on which the building stands or stood, unless it is a homestead as protected by the state Constitution, to secure the payment of such civil penalty.

Promptly after the imposition of the lien, the City shall file for record, in recordable form in office of the county clerk of the county in which the land is situated, a written notice of the imposition of the lien. The notice must contain a legal description of the land. In addition to the filing of the lien, the City may seek a judgment against the owner for the civil penalty in accordance with applicable state law.

(2) *Additional remedies.* In addition to any remedy set forth in this section, the City may exercise any and all of its rights to abate any nuisance as defined in this section and seek appropriate relief as authorized by applicable state law.

Sec. 150.031. Notice of hearing to owner, lienholder or mortgagee.

Upon notification from the building official that he, or his designee, has determined that a building or structure is a dangerous building or structure as defined in this article, and does not meet the minimum standards for continued use and occupancy, the Building Standards Commission shall cause a notice of hearing to be issued to the owner, lienholder and mortgagee of the alleged dangerous building or structure. The notice of hearing must be sent by certified mail at least ten days prior to the hearing and must include a statement that the owner, lienholder or mortgagee will be required to submit at the hearing proof the scope of any work that may be required so that the building or structure will not constitute a dangerous building or structure and the time it will take to reasonably perform the work. The building official or his designee shall make diligent effort to discover each mortgagee and lienholder for purposes of giving them notice and an opportunity to comment at the hearing. The records in the office of the county clerk in the county in which the building or structure is located shall be used to determine, if possible, the identity and address of any owner, lienholder or mortgagee of the building or structure. The City may file notice of the hearing in the official public records of real property in the county in which the property is located. The notice shall contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholder or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the

hearing on any subsequent recipient of any interest in the property who acquired such interest after the filing of the notice.

Sec. 150.032. Hearing.

On the date set forth in the notice, the Building Standards Commission shall hold a hearing to determine whether the building is a dangerous building or structure as defined in section 150.025. If the board determines that the building or structure is a dangerous building or structure, the Building Standards Commission may order that the building be vacated, secured, repaired, removed or demolished by the owner within a reasonable time as provided for by V.T.C.A., Local Government Code ch. 214. In addition, if there is a mortgagee or lienholder, the Building Standards Commission may provide in the order an additional reasonable time as provided by this section for the ordered action to be taken by any mortgagee or lienholder in the event the owner fails to comply with the order within the time provided for action by the owner. No notice to any mortgagee or lienholder shall be required other than a copy of the order in the event the owner fails to timely take the ordered action. The owner of the building or the lienholder or mortgagee may present proof at the hearing of the scope of any work that may be required so that the building or structure will not be dangerous building or structure and the time it will take to reasonably perform the work.

Sec. 150.033. Findings of fact.

The Building Standards Commission shall make written findings of facts from the testimony offered, as to whether or not the building in question is a dangerous building within the terms of section 150.025.

Sec. 150.034. Copy of order to owner.

After the hearing, a copy of the order issued by the Building Standards Commission, if any, shall be promptly mailed by certified mail, return receipt requested, to the owner of the building.

Sec. 150.035. Filing and publishing order.

Within ten days after the date that the order is issued, the City shall:

- (1) File a copy of the order in the office of the City Secretary; and
- (2) Publish in a newspaper of general circulation in the city a notice containing the street address of legal description of the property, the date of the hearing, a brief statement indicating the results of the order and instruction stating where a complete copy of the order may be obtained.

Sec. 150.036. Copy of order to mortgagee and lienholder.

After the hearing, if the owner does not take the ordered action within the allotted time, a copy of the building commission order shall be promptly mailed by certified mail, return receipt requested, to each identified mortgagee and lienholder.

Sec. 150.037. Citation for violation.

At the conclusion of the hearing, the Building Standards Commission may order the building or structure repaired, demolished or removed as the council may deem necessary. In no event, however, shall the time fixed for such repair, demolition or removal be more than 90 days from the date of the Building Standards Commission order, unless the Building Standards Commission allows for additional time which shall be entered only if the Building Standards Commission finds that the building is in violation of the standards set out herein and the applicable codes of the City.

Sec. 150.038. Demolition and assessment.

Should the owner or other person responsible for such building or structure fail or refuse to comply with the order of the Building Standards Commission, the board may order the fire marshal, fire chief, or building official to close the building or structure or to demolish or remove the same and to assess the expenses incurred against the property owner. Notice of the amount of the assessment shall be given the owner and all lienholder by certified mail, return receipt requested to the addressee only, and upon the owner's failure to pay the same within 30 days after notice, the mayor may proceed to file a sworn affidavit of such expenses in the office of the county clerk, Brazoria County, Texas, to establish the City's lien for such removal expenses against the property to which the building was attached. The lien shall be extinguished if the property owner or other interested party reimburses the City for the removal expenses.

Sec. 150.039. Violation, penalty.

Any person violating the provisions of this article shall upon conviction, be subject to a fine not to exceed the sum of \$2,000.00 and that each day in violation shall constitute a separate offense.

150.040 - BUILDING STANDARDS COMMISSION

Sec. 1-01. - Creation of a building standards commission.

There is hereby created a building standards commission which shall be organized, appointed, and function as follows in this division.

Sec. 2-01. - Organization.

- (a) *Membership.* The commission shall consist of five members, each of whom shall be appointed by the city council, three of whom shall be appointed for terms of two years, two of whom shall be appointed for a period of one year, and each member of the commission

shall thereafter be appointed for a term of two years. (Members should be professionals from building contractors, licensed plumber, licensed electrician, architect or engineer,)

- (b) *Alternates.* The city council shall appoint four alternate members of the commission, who shall serve in the absence of one or more of the regular members, when requested to do so by the city manager. The alternate members serve for the same period and are subject to removal in the same manner as regular members and a vacancy is filled in the same manner as with a regular member.
- (c) *Removal.* The city council may remove a commission member for cause on written charge, however, prior to making a decision regarding removal, must hold a public hearing on the matter, if requested to do so by the commission member subject to the removal action.
- (d) *Vacancy.* A vacancy shall be filled for the unexpired term by the city council.

Sec. 2-02. - Proceedings.

- (a) *Commissioners required for action.* All cases to be heard by the commission must be heard by at least four members and any action taken must be concurred in by the vote of four members.
- (b) *Presentation of cases.* All cases brought before the commission shall be presented by the building official or his designee, who may be assisted as he deems necessary, by the city attorney.
- (c) *Meetings.* Meetings of the commission shall be open to the public, held at the call of the chairman, and at other times as determined by the commission.
- (d) *Oaths; certification.* The chairman, or the acting chairman in the chairman's absence, may administer oaths and compel the attendance of witnesses.
- (e) *Record.* A record of the entire proceedings shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by the commission. Minute of proceedings showing the vote of each member on each question or the fact that a member is absent or fails to vote and records of its examinations and other official actions shall be kept by the commission and filed immediately in the office of the city secretary as public records.
- (f) *Continuances.* The commission may grant continuances for good cause shown.

Sec. 2-03. - Conduct of hearings.

- (a) *Rules.* Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- (b) *Oral evidence.* Oral evidence shall be taken only on oath or affirmation
- (c) *Hearsay evidence.* Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

- (d) *Admissibility of evidence.* Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
- (e) *Exclusion of evidence.* Irrelevant and unduly repetitious evidence shall be excluded.
- (f) *Rights of parties.* Each party shall have these rights, among others:
 - (1) To call and examine witnesses on any matter relevant to the issues of the hearing;
 - (2) To introduce documentary and physical evidence;
 - (3) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - (4) To impeach any witness regardless of which party first called him to testify;
 - (5) To rebut evidence against him;
 - (6) To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.
- (g) *Inspection of premises.* The commission may inspect upon notice to all parties any building or premises involved in a hearing before the commission only during the course of such hearing.

Sec. 2-04. - Purpose.

The commission is empowered to enforce ordinances:

- (1) For the preservation of public safety, relating to the materials used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances or exits;
- (2) Relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fire, or location, design, or width of entrances or exits;
- (3) Relating to dangerously damaged or deteriorated buildings or improvements; or
- (4) Relating to conditions caused by accumulations of refuse, vegetation, junk vehicles and or other matter that creates breeding and living space for insects and rodents.

Sec. 2-05. - Commission actions.

The commission may, upon notice and hearing, as provided herein:

- (1) Order the repair, within a fixed period, of buildings found to be in violation of this article;
- (2) Declare a building substandard in accordance with this article;
- (3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter private property to secure removal if it is determined that

conditions exist on the property that constitute a violation of this article, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist;

- (4) Issue orders or directives to any peace officer of the state, including the sheriff or constable or the chief of police of the city, to enforce and carry out the lawful orders or directives of the commission;
- (5) Determine the amount and duration of a civil penalty, not to exceed \$1,000.00 per day, the city may recover, when it finds that an owner or owner's representative:
 - (1) Was actually notified of the provisions of this article; and
 - (2) After receiving notice of the article provisions, committed acts in violation of the article or failed to take action necessary for compliance with the article.

Sec. 2-06. - Commission orders.

- (a) *Written orders.* The commission shall cause a written final decision to be prepared when it has made its determination.
- (b) *Delivery; publication; filing.* A copy of the final decision shall be:
 - (1) Sent by certified mail, return receipt requested, to all those persons entitled to notice of hearing;
 - (2) Published one time within ten calendar days after mailing has herein provided; and
 - (3) Filed in the office of the city secretary.
- (c) *Evidence of penalty for judgment.* A commission decision to impose a civil penalty is final and binding and constitutes prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the city for final judgment. No other proof shall be required for a district court to enter final judgment on a penalty established by the building and standards commission other than filing of a certified copy of the order establishing the penalty with the district clerk.

Sec. 2-07. - Judicial review.

- (a) *Standing.* Any person or persons, jointly or severally aggrieved by a decision and/or order of the commission, may file a petition in a district court of the county, duly verified, setting forth that the decision and/or order of the commission is wrong, or illegal, in whole or in part, and specifying the grounds there for.
- (b) The petition must be filed in said district court within 30 days after the date of receipt by such person or persons aggrieved by the decision and/or order of the commission of a copy of such decision and/or order. If such copy of the decision and/or order is mailed and properly addressed and stamped, it shall be presumed in the court that the person or persons to whom the notice was addressed received the notice three days after the post mark on the envelope or other mailing container. Such notice of any decision and/or order may be hand delivered to the person or persons aggrieved by the decision and/or order of the commission.
- (c) An appeal to the district court of any decision and/or order of the commission shall be limited to a hearing under the substantial evidence rule except, if a decision and/or order of

the commission orders removal and/or demolition of a building located on property subject of the decision and/or order, the proceedings in the appeal to the district court shall be de novo.

(d) *Disposition.* The court may:

- (1) Reverse, in whole or in part;
- (2) Affirm, in whole or in part; or
- (3) Modify the commission decision.

(e) *Costs.* Costs may be allowed against the commission only when the court finds it acted with gross negligence, in bad faith, or with malice in making its decision.

(f) *Attorney's fees.* The court shall enter a judgment on behalf of the city for its attorney's fees and all other costs and expenses incurred, which may be against the property owners as well as all persons found to be in occupation of the subject property, if the commission decision is affirmed or not substantially reversed but only modified.

Sec. 2-08. - Commission decision final.

If no appeal or appeals are taken from the decision and/or order of the commission within the time period provided in the preceding section, the decision and/or order of the commission is, in all things, final and binding.

Sec. 2-09. - Penalty.

It shall be unlawful for any person to violate any provision of this division, and, except as otherwise provided for herein, any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than \$1,000.00, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 2. Renumbering Sections of the Housing Code. That the following Sections contained in the Housing Code shall be renumbered as follows;

<u>150.035</u> International Property Maintenance Code adopted	150.041
<u>150.036</u> City Council to act as Board of Appeals	150.042
<u>150.037</u> Definitions	150.043
<u>150.038</u> Conflicts	150.044

Section 3. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any

court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 6. Effective Date This ordinance shall take effect and be in force from and after its descriptive caption has been published twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this _____ day of June 2020

**Brooks Bass, Mayor,
City of Freeport, Texas**

ATTEST:

APPROVED AS TO FORM ONLY:

**Betty Wells, City Clerk,
City of Freeport, Texas**

**Christopher Duncan, City Attorney,
City of Freeport, Texas**

ABATEMENT PROCESS

Substandard/Dangerous Structure



Ordinance Required

The ordinance must mandate the vacation, securing, and demolition of a dilapidated structure.



Ordinance Must Establish

- ▣ Minimum Standards
- ▣ Proper Notice
- ▣ Public Hearing



Initial Inspection

This is where the report begins. Determine if it is a violation of the ordinance.



Enter Property Information

- A. Name and address of the owner;
- B. An identification of the structure which is not required to be a legal description.
- C. A Statement that the structure is substandard.
- D. A brief and concise description of the substandard condition.
- E. Action to be taken by the owner.
- F. Owner, Lien holder; or mortgagee required to submit proof of the scope of any work and a time frame to complete the work.
- G. Also include a request for a voluntary inside inspection of the structure. Most courts want at least one proven contact with the owner.

Where To Check To Locate Property Owners

1. County real property records
2. County assumed name records
3. Appraisal district records
4. Secretary of state
5. City tax records
6. City utility records



Notice of All Proceedings

1. Personal delivery.
2. By certified mail with return receipt requested, or by delivery by the United States Postal Service using signature conformation.



Violation Notice

1. Owner
2. Lien holder
3. Mortgage holder



Notice Should Contain

- A. Name and address of the owner;
- B. An identification of the structure which is not required to be a legal description.
- C. A Statement that the structure is substandard.
- D. A brief and concise description of the substandard condition.
- E. Action to be taken by the owner.
- F. Owner, Lien holder; or mortgagee required to submit proof of the scope of any work and a time frame to complete the work.
- G. Also include a request for a voluntary inside inspection of the structure. Most courts want at least one proven contact with the owner.

Post The Legal Notice



How Do You Get Inside

- Section 18.05 CCP Administrative Search Warrant.
- WARRANTS FOR FIRE, HEALTH, AND CODE INSPECTIONS.

For the purpose of an inspection of any specified premises to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance.

Magistrate Is Not Limited To Evidence Of Specific Knowledge:

- (1) The age and general condition of the premises;
- (2) Previous violations or hazards found present in the premises;
- (3) The type of premises;
- (4) The purposes for which the premises are used; and
- (5) The presence of hazards or violations in and the general condition of premises near the premises sought to be inspected.

Administrative Search Warrant



Public Hearing Civil Abatement

1. An identification, which is not required to be a legal description, of the structure and the property upon which it is located.
2. A statement that an official has found the structure to be substandard. With a brief and concise description of the conditions and found to render the structure substandard.
3. A statement of action recommended to be taken, as determined by the official.
4. A statement that the owner, lienholder. Or mortgagee will be required to submit at the hearing proof of scope of any work that may be required to comply with the ordinance, and time it will take to reasonably perform the work.

Public Hearing Civil Abatement

- The date and time and place of the public hearing.
- Mail certified mail return receipt requested and regular mail to all lienholders, owners and mortgagees.
- File notice in county deed of records
- Post notice of hearing per open meetings act.
- Post notice in the newspaper- on or before the 10th day before the date of the hearing.

To Be Heard By Courts Of Record

1. County Court
2. District Court
3. Municipal Courts of Record
4. Building Standards Commission



Within ten days after the date of order

**After Civil
Abatement Hearing
Closes**

1. File a copy of the order in the office of the city secretary
2. Publish in the newspaper of general circulation a notice containing.
 - A. Street address or legal description of the property
 - B. Date of hearing
 - C. Brief statement indicating results of order
 - D. Instructions where complete copy of order may be obtained.
3. Mail by certified mail returned receipt requested a copy of the order to the owner and any lienholders and mortgagee.



Final Steps Review

- A. Initial inspection
- B. Obtained a voluntary consent to inspect the property to document the violations.
- C. Obtained a search warrant or right to enter document the violations.
- D. Post notice on the property.
- E. Notified owner, lienholder, and mortgagee of the violation.
- F. Held a public hearing.
- G. Notified owner, lienholder and mortgagee of a civil abatement hearing.
- H. Held the hearing in the civil abatement court.
- I. Execute the court of records abatement order.

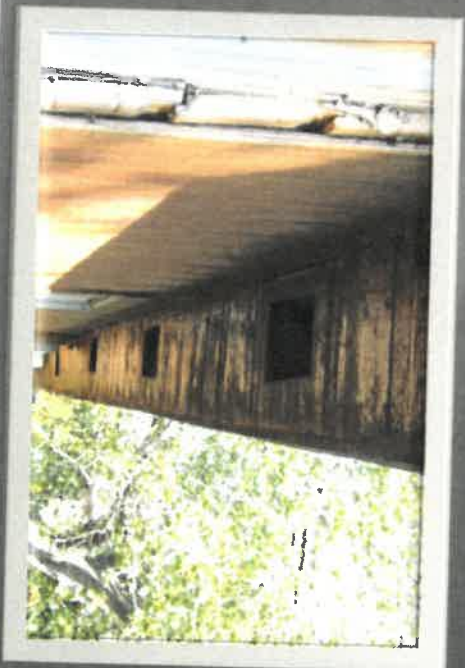
Final Results



Substandard Structures



Substandard Structures



Substandard Structure



Sub Standard Structures
Questions and Answers

STRUCTURE ABATEMENT PROCESS

1. Initial Inspection
2. Enter property Information
3. Check Property history
4. Print Notice Letter
5. Print inside inspection request
6. Post Legal Notice
7. Mail Request and notice Letter
8. Green Card returned (For Notice Letter)
9. Administrative Search Warrant
10. Inside inspection Report
11. Mail inspection report
12. Green card returned (For Inspection report)
13. Post Public hearing in the paper
14. Public Hearing held
15. Post Results of Public hearing in paper
16. Post dangerous building Placard
17. Copy of order with city
18. Copy of Order with Deed records
19. Mail Order Lien, Owners, Mortgage Co.
20. Take Bids
21. Assign Contractor
22. Notify Contractor
23. Confirm Abatement
24. Add Administrative fees
25. Print and Mail Invoice
26. Payment Due
27. Print Lien
28. File Lien
29. Release of Lien
30. Archive Case





City Council Agenda Item # 11

Title: Consideration of approving Resolution Authorizing an amendment to the Gulf Coast Center agreement transferring responsibility to the Gulf Coast Transit District.

Date: June 15, 2020

From: Tim Kelty, City Manager

Staff Recommendation:

Staff recommends approval of this resolution.

Item Summary:

Citizens of Freeport and Southern Brazoria County have been beneficiaries of the Gulf Coast Center's Public Transit System for many years, and the City of Freeport has been an active partner in this effort. The proposed resolution amends the interlocal agreement approved last year, transferring responsibility for the provision of service by the Gulf Coast Center to the newly formed Gulf Coast Transit District (GCTD) along with a 3% increase in cost (\$846) over the remaining term of the 3-year agreement.

Background Information:

The Gulf Coast Center provided transit services to southern Brazoria County previously under the umbrella of the HGAC. A few years ago, the HGAC decided it wanted to divest itself of the public transit aspect of its authority and allow the member Counties and Cities to take responsibility for the continuity of those services. A two-year study of the system and Southern Brazoria's ability to carry that responsibility, lead to the evolution and formalization of the Gulf Coast Transit District. They have demonstrated their ability to maintain a cost-effective system that remains affordable to members and ridership.

Special Considerations: This represents a coalition of the Cities of Angleton, Lake Jackson, Clute and Freeport, with those cities paying a proportion of cost based upon the volume of ridership from each city. Funding from the Cities is used as match for Federal funding which makes up the bulk of the Center's revenue supporting the cost of the service. The City Managers from each city serve as board members meeting regularly with GCTD director, to consider Budget, Services, Routes, and Agency issues.

Financial Impact:

There is an \$846.00 increase in the proposed cost for this service

Board or 3rd Party recommendation: This has been endorsed by Brazoria County Commissioners Court and adopted by other GCTD Partners

Supporting Documentation: Resolution, Amendment, Letter from the Goodman Coporation(Coordinator for the GCTD), Route Map and Partnership allocation documentation

RESOLUTION NO. 2020-2635

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS ACCEPTING THE COMMISSIONER'S COURT OF BRAZORIA COUNTY INVITATION TO JOIN THE NEW GULF COAST TRANSIT DISTRICT (GCTD) AND APPROVING THE TRANSFER OF THE CITY'S EXISTING INTERLOCAL AGREEMENTS, FOR THE PROVISION OF PUBLIC TRANSIT SERVICES AND OTHER RELATED IMPROVEMENTS, FROM THE GULF COAST CENTER TO THE GCTD

WHEREAS, the City of Freeport, Texas is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5 Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas respectively; and,

WHEREAS, Connect Transit is the public transportation provider for Galveston and Brazoria counties and is currently organized under the Gulf Coast Center (GCC).

WHEREAS, Chapter 458 of the Texas Transportation Code enables the creation of Rural and Urban Transit Districts; and,

WHEREAS, the Gulf Coast Center (GCC) is a Rural and Urban Transit District and the public transportation provider for Galveston and Brazoria counties; and,

WHEREAS, Galveston and Brazoria counties have appointed public transportation stakeholders to a Transit Evaluation Committee (TEC) to consider data and information related to the separation of Connect Transit from the GCC and to make a recommendation to the GCC Board of Trustees regarding the separation of Connect Transit from the GCC; and,

WHEREAS, the TEC has unanimously recommended the separation of Connect Transit from the GCC and the creation of a new Bi-County Transit District with the responsibility for the provision of public transportation within Galveston and Brazoria Counties; and,

WHEREAS, the GCC Board of Trustees has received the recommendation of the TEC to separate Connect Transit from the GCC; and,

WHEREAS, the GCC Board of Trustees has resolved to separate Connect Transit from the GCC; and,

WHEREAS, Galveston County, pursuant to Chapter 458 of the Texas Transportation Code, has the authority to approve the transfer of the Rural and Urban Transit District

from the GCC to a new Bi-County Transit District, subject to similar action by Brazoria County; and,

WHEREAS, pursuant to Resolutions passed by the Galveston and Brazoria County Commissioners' Courts (Attachments), the responsibility for the provision of public transportation services has been transferred from the GCC to the GCTD.

WHEREAS, Brazoria County Commissioner's Court will appoint members to the Gulf Coast Transit District Board of Directors, subject to confirmation from the respective governing bodies:

- 1 seat Brazoria County Commissioner's Court
- 1 seat City of Lake Jackson
- 1 seat City of Angleton
- 1 seat City of Clute
- 1 seat City of Freeport
- 2 seats Rural (to be appointed by Commissioner's Court in the future)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS that the City accepts the invitation of the Brazoria County Commissioner's Court to join the Gulf Coast Transit District and authorizes the City Manager to Work with the GCC on the transfer of existing Interlocal Agreements, which secure public transportation services and other related infrastructure for the City of Freeport, from the GCC to the Gulf Coast Transit District, to become effective on September 1st, 2020

BE IT FURTHER RESOLVED THAT THE MAYOR IS APPOINTED AS THE CITY'S REPRESENTATIVE, AND CITY MANAGER AS ALTERNATE TO THE GULF COAST TRANSIT DISTRICT BOARD OF DIRECTORS.

PASSED AND APPROVED this ____ DAY OF _____, 2020

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Betty Wells, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Christopher Duncan, City Attorney
City of Freeport, Texas

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

INTERLOCAL CONTRACT AMENDMENT

This Interlocal Contract Amendment ("Amendment") is made and entered into and effective as of the ____ day of _____, 2020 ("Effective Date") pursuant to the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code (the "Act"), by and between the **Gulf Coast Center** (the "**Center**"), established pursuant to provisions of Chapter 534 of the Texas Health & Safety Code Ann. (Vernon 1992), and the **City of Freeport** (the "**City**"), a Texas Home Rule City originally incorporated in April 1960.

RECITALS

WHEREAS, pursuant to the Act, the Center and City are authorized to contract with eligible entities to perform governmental functions and services, including governmental functions in which the contracting parties are mutually interested.

WHEREAS, the parties entered into an Agreement, dated August 19th, 2019, to provide for the provision of public transportation services by the transit division of the Center, Connect Transit, for the period covering FY 2020 to FY 2022, in accordance with the route and coverage area described in Exhibit A.

WHEREAS, the City has agreed to provide financial assistance to the Center in accordance with the local share commitment schedule contained within Exhibit B.

WHEREAS, the Article 5 of the Agreement anticipated the potential creation of a Bi-County Transit District as a "successor in interest" to the Center, pursuant to the provisions of Chapter 458 of the Texas Transportation Code.

WHEREAS, on May 4, 2020, the Galveston County Commissioner's Court, and on May 12, 2020, the Brazoria County Commissioner's Courts approved Resolutions

creating the Gulf Coast Transit District (GCTD), a new bi-county transit district, to provide public transit services within Galveston and Brazoria counties.

WHEREAS, the Brazoria County Commissioner's Court Resolution extended an invitation to the City to become a member and appoint a Board Member to the GCTD.

WHEREAS, it is the desire of the City to join the GCTD and transfer this Interlocal Contract (Agreement) with the GCC to the GCTD.

WHEREAS, all other provisions within the Interlocal Contract executed on August 19th, 2019 will remain in effect.

Accordingly, this Amendment to the existing Interlocal Contract with the GCC, entered into on or about August 19th, 2019, which secures public transportation services and other related infrastructure for the City of Freeport, will transfer responsibility from the Gulf Coast Center to the Gulf Coast Transit District.

THIS AGREEMENT has been executed by the parties on the date and year first above written.

GULF COAST CENTER

By: _____
Melissa Tucker,
Chief Executive Officer

Approved as to form:

General Counsel to the Gulf Coast Center

CITY OF FREEPORT, TEXAS

By: _____
Tim Kelty, City Manager

Approved as to form:

City Attorney

Exhibit A: System Map

Exhibit B: Five (5) year service improvement plan and cost sharing



**THE GOODMAN
CORPORATION**
TBPE NO. F-19990

HOUSTON: 3200 Travis Street
Suite 200
Houston, TX 77006

AUSTIN: 911 W. Anderson Lane
Suite 200
Austin, TX 78757

MEMO

PHONE: (713) 951-7951

THEGOODMANCORP.COM

May 29th, 2020

To: Mr. Tim Kelty
From: Barry Goodman
Re: Gulf Coast Transit District

On behalf of the Gulf Coast Center (GCC) and the Gulf Coast Transit District (GCTD), attached hereto are a proposed Amendment to the current Interlocal Agreement (Agreement) between the GCC and the City of Freeport (City), and related Resolution for City Council, which would transfer existing Agreements from the City to the newly formed GCTD, effective as of September 1st, 2020. The proposed Resolution also accepts the invitation, sent to the City by Brazoria County Commissioner Dude Payne, to become a new Board member of the GCTD, and appoints an elected representative and alternate (need not be elected) to the Board of Directors.

The Amended Agreement becomes effective as of September 1st, 2020, since that is the projected date when the transfer of responsibility for the provision of public transportation services within Brazoria County, from the GCC to the GCTD, should take effect. The new GCTD Board of Directors should be fully constituted by July. Both the GCC and GCTD will have to ratify the Amended Agreement to complete this transfer of responsibility.

The City's participation on the GCTD Board of Directors will be important to help guide stakeholders through this transition, toward the objective of a January 2020 transfer of operational responsibility from the GCC to the GCTD. In this regard, please try to schedule the approval of the Amendment to the existing GCC – Freeport Agreement, and appointment of a GCTD Board member and alternate by the end of June. I am available to address any additional questions you may have regarding the attached materials.

Cc. Susan Maclay
Sean Middleton
Rick Elizondo
Barry Goodman
Brooks Bass, Mayor
Dude Payne

EXHIBIT A

521



Bailey's Prairie

Angleton

274

200B

2004

Richwood

523

208

Lake Jackson

Clute

Oyster Creek

Freeport

1495

**Southern Brazoria County
Fixed Route Service**

- Regional Gold
- Angleton MF
- Freeport MF
- LJ MF Blue
- LJ/Clute MF Green

F

GULF COAST TRANSIT DISTRICT

BRAZORIA COUNTY

EXHIBIT B - MUNICIPALITY LOCAL SHARE BASIS FOR SUPPORT OF CONNECT TRANSIT SERVICES

Local share contributions from each municipality should be based on an equitable formula that takes into account each municipality's level of service and use of the fixed route transit system (fixed route trips and miles), use of the higher cost demand response service, and the municipality's share of the UZA population.

The table below presents service statistics for each municipality as follows:

1. Percentage of Connect Transit fixed route trips.
2. Percentage of total fixed route system miles; shared routes are apportioned among cities
3. Percentage of demand response trips originating in each municipality.
4. Percentage of the Lake Jackson/Angleton UZA population from 2010 U.S. Census

SBCT Municipality	Fixed Route Trips	Fixed Route Miles	Demand Response	Population	New Average Factor	Proposed 3yr Contribution	Prior Average Factor	Prior Contribution	Contribution Delta
Lake Jackson	47%	40%	49.06%	38.94%	43.71%	\$68,994	36.39%	\$49,952	\$19,042
Angleton	21%	26%	29.15%	27.31%	26.02%	\$41,080	27.50%	\$37,749	\$3,331
Clute	6%	17%	14.46%	16.26%	13.45%	\$21,232	17.40%	\$23,884	(\$2,652)
Freeport	25%	17%	7.33%	17.50%	16.82%	\$26,552	18.71%	\$25,683	\$869
						\$157,858		\$137,268	\$20,590

*Ridership and route miles of Gold Regional is attributed 25% to each city.

A RESOLUTION BY THE COMMISSIONERS COURT OF BRAZORIA COUNTY APPROVING THE CREATION OF A NEW BI-COUNTY TRANSIT DISTRICT AND THE TRANSFER OF RESPONSIBILITY FOR THE PROVISION OF PUBLIC TRANSPORTATION SERVICES AND THE RECEIPT AND EXPENDITURE OF FEDERAL AND STATE TRANSIT FUNDING FROM THE GULF COAST CENTER TO THE GALVESTON AND BRAZORIA COUNTY BI-COUNTY TRANSIT DISTRICT

WHEREAS, Chapter 458 of the Texas Transportation Code establishes the creation of Rural and Urban Transit Districts;

WHEREAS, the Gulf Coast Center (GCC) is a Rural and Urban Transit District and the public transportation provider for Galveston and Brazoria Counties;

WHEREAS, Connect Transit is the public transportation provider for Galveston and Brazoria counties and is currently organized under the Gulf Coast Center (GCC);

WHEREAS, Galveston and Brazoria counties have appointed public transportation stakeholders to a Transit Evaluation Committee (TEC) to consider data and information related to the separation of Connect Transit from the GCC;

WHEREAS, the TEC has unanimously recommended the separation of Connect Transit from the GCC and the creation of a new Bi-County Transit District with the responsibility for the provision of public transportation within Galveston and Brazoria Counties;

WHEREAS, the GCC Board of Trustees has received and approved the recommendation of the TEC to transfer public transportation responsibility from Connect Transit to the Gulf Coast Transit District at the April 22, 2020, Board of Trustees meeting;

WHEREAS, Brazoria County, pursuant to Chapter 458 of the Texas Transportation Code, has the authority to approve the transfer of the Rural and Urban Transit District from the GCC to a new Bi-County Transit District, to be renamed the Gulf Coast Transit District;

WHEREAS, Galveston County Commissioners' Court will consider a similar action;

WHEREAS, Brazoria County will appoint voting members to the Gulf Coast Transit District Board of Directors, subject to confirmation from the respective governing bodies:

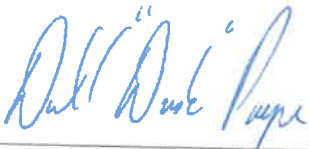
- 1 - Brazoria County Commissioners Court
- 1 - City of Lake Jackson
- 1 - City of Angleton
- 1 - City of Clute
- 1 - City of Freeport
- 2 - Rural Representation; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF BRAZORIA COUNTY TO TRANSFER THE GALVESTON AND BRAZORIA COUNTY RURAL AND URBAN TRANSIT DISTRICT FROM THE GULF COAST CENTER TO THE NEW BI-COUNTY TRANSIT DISTRICT, TO BE NAMED THE GULF COAST TRANSIT DISTRICT.

Be it Further Resolved that the Commissioners Court appoints Commissioner Dude Payne to the Gulf Coast Transit District Board of Directors, and that Judge L. M. "Matt" Sebesta, Jr. be appointed as alternate.

Be it Further Resolved that a similar resolution accepting membership in the Gulf Coast Transit District be considered by the City Councils of Lake Jackson, Angleton, Clute, and Freeport.

Passed and Approved this the 12th day of May, 2020.



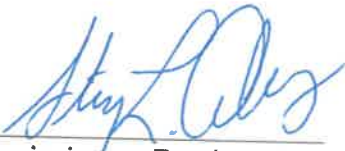
Commissioner, Precinct 1
Donald "Dude" Payne



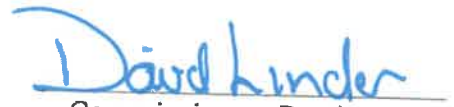
Brazoria County Judge
L. M. "Matt" Sebesta, Jr.



Commissioner, Precinct 2
Ryan Cade



Commissioner, Precinct 3
Stacy L. Adams



Commissioner, Precinct 4
David Linder



On this the 4th day of May, 2020, the Commissioner's Court of the County of Galveston, Texas convened in a regularly scheduled meeting with the following members thereof present:

Mark A. Henry, County Judge;
Darrell Apffel, Commissioner, Precinct No. 1;
Joe Giusti, Commissioner, Precinct No. 2;
Stephen D. Holmes, Commissioner, Precinct No. 3;
Kenneth Clark, Commissioner, Precinct No. 4; and
Dwight D. Sullivan, County Clerk

When the following proceedings, among others, were had, to-wit:

Resolution Calling for the Approval of the Creation of a new Bi-County Transit District and the Transfer of Responsibility for the Provision of Public Transportation services, and the Receipt and Expenditure of Federal and State Public Transportation Funding from the Gulf Coast Center to the Galveston and Brazoria Bi-County Transit District

WHEREAS, Chapter 458 of the Texas Transportation Code establishes the creation of Rural and Urban Transit Districts;

WHEREAS, the Gulf Coast Center (GCC) is a Rural and Urban Transit District and the public transportation provider for Galveston and Brazoria counties;

WHEREAS, Connect Transit is the public transportation provider for Galveston and Brazoria counties and is currently organized under the Gulf Coast Center (GCC);

WHEREAS, Galveston and Brazoria Counties have appointed public transportation stakeholders to a Transit Evaluation Committee (TEC) to consider data and information related to the separation of Connect Transit from the GCC and to make a

recommendation to the GCC Board of Trustee regarding the separation of Connect Transit from the GCC;

WHEREAS, the TEC has unanimously recommended the separation of Connect Transit from the GCC and the creation of a new Bi-County Transit District with the responsibility for the provision of public transportation services within Galveston and Brazoria counties;

WHEREAS, the GCC Board of Trustees has received and approved the recommendation of the TEC to transfer the responsibility for the provision of public transportation from Connect Transit to the Gulf Coast Transit District at the April 22, 2020 meeting;

WHEREAS, Galveston County, pursuant to Chapter 458 of the Texas Transportation Code, has the authority to approve the transfer of the Rural and Urban Transit District from the GCC to a new Bi-County Transit District, to be renamed the Gulf Coast Transit District;

WHEREAS, under the recommendation approved by the TEC, each respective governing body will appoint the following voting members from Galveston County to the Gulf Coast Transit District Board of Directors:

- 1 seat Galveston County Commissioner's Court
- 1 seat City of Texas City
- 1 seat City of La Marque
- 1 seat City of Dickinson
- 1 seat University of Texas Medical Branch
- 2 seats Rural Representatives appointed by the Commissioners Court;

WHEREAS, each participating governing body must approve its participation in the Gulf Coast Transit District, and thereafter, further actions are expected to finalize the transfer;

NOW THEREFORE BE IT ORDERED that the Commissioners Court of the County of Galveston, Texas does hereby approve the transfer of public transportation responsibility from the Gulf Coast Center to the Gulf Coast Transit District, pursuant to Chapter 458 of the Texas Transportation Code

Be it Further Ordered that Commissioner Stephen Holmes be appointed by this Commissioner's Court to the Gulf Coast Transit District Board of Directors, and that Commissioner Ken Clark be appointed as alternate.

Be it Further Ordered that the participation of other entities named in this Resolution is subject to a similar Resolution accepting membership in the Gulf Coast Transit District by the City Commission of Texas City and the City Councils of La

Marque and Dickinson; and the Administration of UTMB.

Upon motion duly made and seconded, the above Resolution was unanimously passed on this the 4th day of May, 2020.

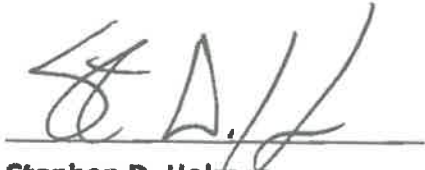
The County of Galveston, Texas



**Mark A. Henry
County Judge**




**Darrell Appfel
Commissioner, Precinct 1**



**Joe Giusti
Commissioner, Precinct 2**

**Stephen D. Holmes
Commissioner, Precinct 3**



**Kenneth Clark
Commissioner, Precinct 4**



ATTEST:

**Dwight D. Sullivan
County Clerk**

Item 1a: Draft Resolution to Accepting the Recommendation to Separate Connect Transit from GCC

A RESOLUTION BY THE BOARD OF TRUSTEES OF THE GULF COAST CENTER ACCEPTING THE RECOMMENDATION OF THE TRANSIT EVALUATION COMMITTEE (TEC) TO PROCEED WITH THE CREATION OF A BI-COUNTY TRANSIT DISTRICT, SUBJECT TO APPROVALS BY THE FEDERAL TRANSIT ADMINISTRATION, THE TEXAS DEPARTMENT OF TRANSPORTATION, AND THE HOUSTON – GALVESTON AREA COUNCIL AND AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO TAKE ACTIONS NECESSARY TO FACILITATE SAID CREATION

WHEREAS, the Gulf Coast Center (GCC) is the recipient of federal and state transit funding and other federal funding related to the provision of public transportation services within Galveston and Brazoria counties;

WHEREAS, the GCC is a rural and urban transit district created pursuant to the provisions of Chapter 458 of the Texas Transportation Code;

WHEREAS, the GCC Board of Trustees, confirmed by Resolutions of Galveston and Brazoria County Commissioner's courts, has created a Transit Evaluation Committee (TEC) to review relevant data and information regarding the GCC's responsibilities for the receipt and expenditure of federal and state transit funding, and other administrative, operating and financial requirements of a Bi-County Transit District, and to consider the extent to which the transfer of public transit responsibilities from the GCC to a new Bi-County Transit District is desirable;

WHEREAS, on March 26, 2020 the TEC unanimously approved a motion (see attached) to recommend to the GCC Board of Trustees, the transfer of responsibility for the provision of public transportation services, and the receipt and expenditure of state and federal transit funding, from the GCC to a Bi-County Transit District, pursuant to the provisions of Chapter 458 of the Texas Transportation Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE GULF COAST CENTER THAT THE BOARD OF TRUSTEES OF THE GCC ACCEPTS THE RECOMMENDATION OF THE TEC, AND AUTHORIZES THE CHIEF EXECUTIVE OFFICER TO TAKE THE FOLLOWING ACTIONS:

1. Notify Galveston and Brazoria County Commissioner's Courts of the GCC BOT's acceptance of the TEC's recommendation and request approval for the creation of a new Bi-County Transit District.
2. Execute a Memorandum of Understanding with the new Bi-County Transit District Board of Directors, when legally constituted, for the transfer of all Federal Transit Administration (FTA)- and Texas Department of Transportation Public Transit Division (TxDOT)- funded assets, equipment and facilities and related liabilities.
3. Request that the FTA, the Public Transportation Division of TxDOT, and the Houston – Galveston Area Council (H-GAC) concur in the transfer of all grants and agreements related to the GCC Connect Transit to the new Bi-County Transit District.

APPROVED ON THIS 22nd DAY OF APRIL, 2020.

Melissa Tucker
Chief Executive Officer

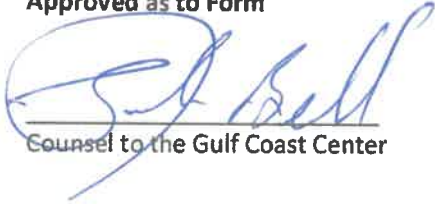


Secretary



Item 1a: Draft Resolution to Accepting the Recommendation to Separate Connect Transit from GCC

Approved as to Form

A handwritten signature in blue ink, appearing to read "S. Bell", is written over a horizontal line. The signature is stylized and cursive.

Counsel to the Gulf Coast Center



City Council Agenda Item # 12

Title: Consideration of approving Ordinance Amending requirement regarding residential dwelling size in connection with Brazoria County Community Development Projects

Date: June 15, 2020

From: Tim Kelty, City Manager

Staff Recommendation:

Staff recommends approval of the proposed Ordinance.

Item Summary:

The proposed Ordinance amends Chapter 150 by providing an exception to the 1,300 square foot dwelling size requirement and the requirement for an enclosed garage for those projects that are receiving funding from the Brazoria County Community Development Grant program.

Background Information:

There have been several homes in extreme disrepair that have qualified and been earmarked to receive funding from the Brazoria County Community Development Grant Program. In multiple cases a proposal called for demolition and construction of a new home in place of the one falling down.

When application was made for building permit it had to be denied because the home qualified to be built under the program would be less than the existing 1,300 sf requirement and would only include a covered carport. In order for improvements to be made to these properties and not miss out on the grant funding being offered to these residents this ordinance is necessary.

Special Considerations: None

Financial Impact: None

Board or 3rd Party recommendation:

N/A

Supporting Documentation: Ordinance

ORDINANCE NO. 2020-2603

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS CONTAINING A PREAMBLE; AMENDING CHAPTER 150 OF THE CODE OF ORDINANCES OF SAID CITY, DWELLING CODE, RELOCATING 150.011(A) AND RENUMBER TO 150.012; RENAMING AND NUMBERING 150.011(B), AND ADDING A NEW 150.011(B); GRANTING SPECIFIC BUILDING STANDARD EXCEPTIONS FOR BRAZORIA COUNTY COMMUNITY DEVELOPMENT FUNDED CONSTRUCTION; AND RENUMBER 150.12 TO 150.13 AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE IMMEDIATELY UPON EXECUTION.

WHEREAS, Chapter 150 of the Code of Ordinances of the City of Freeport, as amended, establishes and regulates certain building standards in order to protect the health, safety, welfare and good order of the City and its inhabitants; and

WHEREAS, the current ordinance regulations of Section 150.011(A) should be relocated and renumbered to 150.012 to enhance use of the code of ordinances; and

WHEREAS, Section 150.011 should be amended, renamed and reorganized for clarity and to grant specific building standard exceptions form Brazoria County Community Development funded construction; and

WHEREAS, the City Council finds that funds provided through the Brazoria County Community Development Housing Authority and Welfare Department for each house project are insufficient to build houses that comply with the minimum size and garage requirements set forth in Section 150.011(B)

WHEREAS it is in the interest of the orderly redevelopment of the City, to accommodate and encourage destruction of inhabitable homes of indigent owners, and construction of new houses through the Brazoria County Community Development Housing Authority and Welfare Department, to provide certain specific exceptions of building standards necessary to obtain community development funds;

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

FIRST, 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.

SECOND, The following ordinances contained in Chapter 150 of the Code of Ordinances of the City is hereby revised with the specific items set forth below to read as follows:

DWELLING CODE

Section 150.011 – Residential Dwelling Building Specifications

(A) *Minimum Dimensions Per Dwelling Unit.* Each dwelling unit shall have a minimum of 1,300 square feet of habitable living space exclusive of porches, garages and carports. The area is to be measured from the exterior walls of the dwelling unit. All new residential construction shall be required at a minimum to include a single car garage, either attached or detached.

(B) *Exception, Brazoria County Community Development Grants.* The building official may grant an exception to the minimum size requirement and the requirement for an enclosed garage set forth above, for construction projects using funds from the Brazoria County Community Development Grant program.

Section 150.012 – Temporary RV Use

The owner of a dwelling that is homesteaded and undergoing reconstruction due to a natural disaster (fire, wind, flood, and the like) shall be allowed one RV/camper on-site (off the street) to use as a temporary residence for the duration of the reconstruction, but not to exceed six months. The Building Official may, at his or her discretion, grant an extension.

Section 150.013 – City Council to Act as Board of Appeals

The provisions of the International Residential Code adopted by § [150.010](#) to the contrary notwithstanding, the City Council shall constitute and sit as the Board of Appeals in all matters pertaining to such code.

THIRD, 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.

FOURTH, all Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

FIFTH, 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 _____, 2020.

**Brooks Bass, Mayor,
City of Freeport, Texas**

ATTEST:

APPROVED AS TO FORM ONLY:

**Betty Wells, City Clerk,
City of Freeport, Texas**

**Christopher Duncan, City Attorney,
City of Freeport, Texas**



City Council Agenda Item #13

Title: FEDC Request for Approval of the Freeport Tax Abatement Program

Date: June 15, 2020

From: Courtland Holman, Executive Director

Staff Recommendation:

Staff and FEDC board recommend that City Council (the "Council") approve the Freeport Tax Abatement Criteria and Guidelines.

Item Summary:

At Tuesday June 9, 2020 FEDC Regular Board meeting the board reviewed and recommended that City Council approve and adopt the attached New Property Tax Abatement Criteria and Guidelines. See Resolution.

The attached Tax Abatement Agreement focus is on business and industry development for targeted businesses and industries in four tiers of abatements that include job creation Categories A through D and a Fifth incentive for LEED projects that could incentivize mixed use projects such as retail – housing.

Duration of all abatement's incentives will be for 10 years regardless of time of funding is abated. Example, if the tax abatement is for a total of four years, as shown in the Resolution under D – Category A, and the operation stops in year 6 then the operation clawback is that they would pay back the city the funds that were abated.

Background Information:

Every two years the Property Tax Abatement program via Chapter 312 of the Texas Tax Code requires the City Council to adopt guidelines and criteria governing tax abatement agreements every two years if the Council elects to be eligible to participate in tax abatement.

The previous Property Tax Abatement Program, resolution 2017-2531, expired on October 2, 2019 for both residential and commercial tax abatements.

The FEDC subcommittee has met on October 25, 2019, January 31, 2020 and May 20, 2020 to development a new property tax abatement that focused on Business and Industry that can be recommended to City Council.

Special Considerations:

None

Financial Impact:

None

Supporting Documentation:

Resolution - Freeport Tax Abatement Program

RESOLUTION NO. 2020-2636

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, ADOPTING GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT AGREEMENTS IN THE CITY OF FREEPORT UNDER CHAPTER 312 OF THE TEXAS TAX CODE TO BE EFFECTIVE ON MAY __, 2020.

WHEREAS, Chapter 312 of the Texas Tax Code requires the City Council to adopt guidelines and criteria governing tax abatement agreements every two years if the Council elects to be eligible to participate in tax abatement; and

WHEREAS, the guidelines and criteria may only be amended or repealed by a vote of three-fourths of the members of the City Council during the two-year period; and

WHEREAS, Tax Code § 312.002 (c-1) requires the City Council to hold a public hearing at which members of the public are given the opportunity to be heard, before it may adopt, amend, repeal, or reauthorize guidelines and criteria governing tax abatement; and

WHEREAS, the City Council has conducted, in the time and manner and after notice required by law and applicable ordinances, a public hearing on the proposed adoption of guidelines and criteria governing tax abatement; and

WHEREAS, the City Council elects to remain eligible to participate in tax abatement as provided for in Chapter 312 of the Texas Tax Code and wishes to adopt guidelines and criteria governing tax abatement according to the terms set forth in this Resolution; NOW, THEREFORE;

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

Section 1. That it elects to remain eligible to participate in tax abatement as provided for in Chapter 312 of the Texas Tax Code, as amended, by adoption of these guidelines and criteria.

Section 2. That it adopts the following guidelines and criteria for granting tax abatement in the City of Freeport:

A. Definitions.

Abatement means the full or partial exemption of property from ad valorem taxes of certain real property and improvements thereon in a Reinvestment Zone designated by the City for economic development purposes.

District means the Brazoria County Appraisal District.

Ineligible Property includes:

1. Land;
2. Real property used for residential purposes;
3. Real property with a productive life of less than 10 years;
4. Tangible personal property that the District classifies as inventory or supplies;
5. Tangible personal property located on the Real Property Improvements prior to the effective date of the applicable tax abatement agreement;
6. Any property owned or leased by a member of the City Council or the planning and zoning commission on the effective date of a tax abatement agreement; and
7. Any other property for which Abatement is not allowed by state law.

Owner means the Owner of the real property to which the abatement agreement applies.

Personal Property means any property classified as tangible personal property by the District that is not Ineligible Property.

Real Property Improvement or Improvements means any new facility or structure or the expansion or modernization of an existing facility or structure classified as real property by the District that is not Ineligible Property.

Reinvestment Zone means an area that the City Council of the City of Freeport designates by ordinance as a Reinvestment Zone that meets the requirements of Chapter 312 of the Texas Tax Code.

Targeted Business or Industry means a type of business or industry that the City Council determines would primarily fall into one or more of the following classifications:

1. Regional or national corporate headquarters;
2. Scientific Research and Development and Related Manufacturing;
3. Advanced Technology Research and Development and Related Manufacturing;
4. Retail enterprises, including hotels, conference centers, restaurants, financial services, mixed use development, tourist and entertainment venues if located adopted map area as shown in Exhibit A;
5. Regional Entertainment;
6. Food Manufacturing;

7. Automobile, Truck, Engine, Train or Ship Development and Related Manufacturing;
8. Expansion of existing businesses via the addition of buildings, structures, fixed machinery or equipment for purposes of increasing production capacity and employment;
9. Medical Research and Development and Related Manufacturing; and
10. Administrative Services and Engineering related to Energy & Petroleum Industry.

Value means the appraised value as shown on the records of the District.

B. Minimum Qualifications for Abatement.

1. The City Council may grant Abatement for Real Property Improvements and Personal Property if:
 - (a) Upon completion: (1) The Cumulative Value of Improvements and Personal Property is at least \$1,000,000 with job addition; or (2) Improvements and Personal Property will be used by a Targeted Business or Industry with job addition; and
 - (b) A building permit for the Improvements has not been issued.
2. As to the Personal Property, the Personal Property is located on the same property as the Improvements for which Abatement is granted and the Abatement is for the same year or years as the Abatement of the Improvements; and
3. Any abated Improvements and Personal Property, must meet all the requirements of state law.

C. Factors Considered in Granting Abatement. To determine whether to grant Abatement, the types of property to be abated, and the percentage and duration of the abatement, the City Council may consider any factor that could have an impact on the community, including, but not limited to, the following:

1. The type, value, and productive life of the property to be abated;
2. The number of jobs that will likely be retained or created;
3. The amount of local payroll that will be created;
4. The amount of local sales taxes that will be generated;
5. The increase in the tax base during and after abatement;

6. The amount applicant proposes to expend on public infrastructure, whether on or off-site, to provide for or serve the Improvements;
7. The Improvements and Personal Property will be used by a Targeted Business or Industry;
8. The Value of the applicant's existing, improvements, personal property and investment within the City; and
9. The applicant's demolition of an existing improvement for purposes of building new Improvements within the City.

D. Amount and Duration of Abatement. The following table provides guidance when granting Abatement for Improvements and Personal Property for projects that meet the requirements of state law and these guidelines and criteria the City will use the guidelines regarding total added tax value and the minimum number of **Full Time Jobs** to be created with regard to the expansion of existing business and / or new business shown below. **Only persons in the direct employ of the property owner or lessee occupant of the Facility will be counted in satisfaction of the Full Time Job requirements. Contract, leased or temporary employees shall not be counted as Full Time Jobs. Duration of all abatements will be for 10 years regardless of time of funding is abated:**

Total Added Tax Value	and	# of Full Time Jobs	Recommended Abatement Schedule
Applicant Category A: <u>expansion to existing business only</u>			
\$1,000,000 to \$4,000,000		10 – 20	Year 1: 100% (const.) Year 2: 75% Year 3: 50% Year 4: 25%
Applicant Category B: <u>expansion to existing business and/or new business</u>			
\$4,000,000 to \$8,000,000		21-50	Year 1: 100% (const.) Year 2: 100% Year 3: 80% Year 4: 60% Year 5: 40% Year 6: 20%
Applicant Category C: <u>expansion to existing business and/or new business</u>			
\$8,000,000 to \$24,000,000		51-150	Year 1: 100% (const) Year 2: 100% (const) Year 3: 95% Year 4: 90% Year 5: 85%

Year 6 : 80%
 Year 7: 70%
 Year 8: 60%
 Year 9: 40%
 Year 10: 20%

Applicant Category D: expansion to existing business and/or new business

\$24,000,001- \$40,000,000	150 or More	55% Up to 100%*
\$40,000,001 - \$75,000,000	200 or More	75% Up to 100%*
\$75,000,001 and Greater	300 or More	Up to 100%*

* Three years up to 100% but negotiable from years four to ten.

E. Leadership in Energy and Environmental Design (LEED®) Tax Abatement.

1. Definitions. In this section:

LEED Tax Abatement means an additional Abatement the City Council may grant under this section for Improvements that receive LEED certification.

LEED Value means the amount of the total Value of the Improvements that the City attributes to the LEED certification levels, calculated as follow:

<u>Certification Level</u>	<u>LEED Value</u>
Certified (Basic) Level	1.0% of the Value of the Improvements
Silver Level	2.5% of the Value of the Improvements
Gold Level	5.0% of the Value of the Improvements
Platinum Level	10.0% of the Value of the Improvements

2. Qualifications. In addition to any other Abatement on the Improvements granted under another section of this Resolution, the City Council may grant a LEED Tax Abatement for Improvements if the Owner:

- (a) Has applied for and is qualified to receive Abatement on the Improvements, other than the LEED Tax Abatement provided for in this section;
- (b) Has registered with the U.S. Green Building Council (USGBC) seeking LEED Certification for the Improvements prior to applying for tax abatement;
- (c) The LEED Value is at least \$100,000; and
- (d) Is receiving an Abatement of less than 100% of the Improvements under another section of this Resolution.

3. **Amount.** If granted, the LEED Abatement is for 100% of the LEED Value. The LEED Value abated under this section is deducted from the total Value of the Improvements before any other abatement is applied to those Improvements under any other section of this Resolution.

4. **Time of Abatement.** The Owner is qualified to receive the LEED Tax Abatement on the Improvements on January 1st of each year if:

- (a) The City has notified the Owner in writing that documents submitted by the Owner to the City are sufficient to verify that the Improvements are LEED certified;
- (b) The Owner is receiving an Abatement on the same Improvements under another section of this Resolution; and
- (c) The Owner has met any requirements of the District for receiving the LEED Abatement on the Improvements.

F. Conditions. A subcommittee of the City Council charged with Economic Development oversight may recommend and the City Council may impose any other conditions in a tax abatement agreement that the City Council deems necessary to promote the purposes of these guidelines.

G. Abatement Agreement Requirements. To receive abatement, the Owner of the Real Property Improvements must enter into the City's standard tax abatement agreement that provides for:

1. The kind, number, and location of the Improvements;
2. The annual percentage of Abatement for property receiving Abatement;
3. The duration of the agreement, but not exceeding ten years;
4. Recapture of abated taxes if the Owner breaches the agreement;
5. A City Council finding that abatement agreement complies with these guidelines;
6. Limiting the use of the Improvements to the purpose for which Abatement is granted;
7. The construction of Improvements by "separated contracts," as defined by State law or regulations, so that the City receives municipal sales taxes on the materials incorporated into the Improvements;
8. The Owner to certify annually that the Owner is in compliance with the abatement agreement and that the Owner will provide, upon the City's request, any information reasonably necessary for the City to determine if the Owner has complied with the

abatement agreement;

9. City access to the Improvements during regular business hours to determine if the Owner is in compliance with the abatement agreement and stipulates that employees and/or designated representatives of the City will have access to the abated property during the term of the Abatement to inspect the facility to determine if the terms and conditions of the Agreement are being met. All inspections will be made only after the giving of prior notice, and will be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards. The City Tax Assessor-Collector has direct authority to act on behalf of the City with all inspections;
10. City to terminate the agreement if the Owner breaches the agreement;
 - a. **“Termination.”** If the company or individual (1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or (2) violates any of the terms and conditions of the Agreement and fails to cure during the Cure Period (as defined below), the Agreement then may be terminated and all taxes previously abated by virtue of the Agreement will be recaptured and will be due and payable thirty (30) days after the termination of the Agreement;
 - b. **“Cure Notification.”** Should the City determine that the company or individual is in default according to the terms and conditions of its Agreement, the City shall notify the company or individual of such default in writing at the address stated in the Agreement, and if such is not cured within thirty (30) days from the date of such notice (“Cure Period”), then the Agreement may be terminated;
11. The Chief Appraiser of the Brazoria County Appraisal District shall annually determine an assessment of the real property covered under the Abatement. Each year, the company or individual receiving abatement shall furnish the Chief Appraiser with such information as may be necessary for the Abatement. Once value has been established, the Chief Appraiser shall notify the City of the amount of the assessment.
12. The recording of a copy of the agreement in the Brazoria Real Property Records by the Owner;
13. Upon completion of construction, the designated representative of the City shall annually evaluate information regarding each facility receiving abatement to insure compliance with the Agreement, and a formal, written report shall be made to the City Tax Assessor- Collector and the City Council;
14. The City shall timely file with the Texas Department of Commerce and the State Comptroller’s Office all information required by the Tax Code. The City Tax

Assessor-Collector has direct authority to act on behalf of the City with this requirement;

15. The Abatement Agreement may not be transferred nor assigned by the holder to a new owner or lessee of the same facility without prior approval by the resolution of the Freeport City Council. Any assignment shall provide that all conditions, terms and obligations in the original Abatement Agreement are guaranteed by the execution of an additional contractual Agreement with the City as an addendum to the Abatement Agreement. No assignment or transfer shall be approved if the parties to the existing Agreement (the new owner or new lessee) are liable to any jurisdiction for outstanding taxes or other obligations;
16. Any other provisions required by law or required by the City Council.

H. Application and Processing.

1. Any person may request Abatement by filing a written application with the City on forms provided by the City for that purpose.
2. The City's Economic Development Corporation will review the application and make its recommendation to City Council. The City's Economic Development Corporation may develop policies and procedures for processing abatement applications that are not inconsistent with these guidelines or State law.
3. The City's Economic Development Corporation will review all abatement applications it receives. If City's Economic Development Corporation believes the City should grant Abatement to the applicant, it will submit the application to the City Council along with its recommendation of the terms and conditions under which Abatement should be granted. If the City's Economic Development Corporation believes Abatement should not be granted to the applicant, no further action will be taken on the abatement application unless the applicant requests in writing that the City's Economic Development Corporation submit the application and its negative recommendation to the full City Council.
4. Before the City Council may approve a Tax Abatement agreement or designate an area as a Reinvestment Zone, the City Council must first establish guidelines and criteria governing tax abatement agreements under the requirements of Chapter 312, Texas Tax Code. It is then necessary to designate a Reinvestment Zone by ordinance, which requires a public hearing under Chapter 312, Tex. Tax Code. The notice of the public hearing must be published in a newspaper having general circulation in the municipality not later than the seventh day before the date of the public hearing. The public hearing must be identified on the City Council agenda and posted as provided in the Open Meetings Act. Additionally, notice of the hearing must be delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone not later than the seventh day before the date of the

public hearing. The ordinance designating a Reinvestment Zone must be identified on the City Council agenda and posted as provided in the Open Meetings Act. A Reinvestment Zone ordinance requires two readings of the City Council.

5. Notice of any proposed abatement agreement to be presented to the City Council must be identified on a City Council agenda that must be posted as required by the Open Meetings Act, at least 30 days prior to the meeting as required Chapter 312, Tex. Tax Code, and given to other taxing jurisdictions, as required by state law. A tax abatement agreement must be approved by the affirmative vote of four or more City Council members at a regularly-scheduled meeting.

6. After a tax abatement agreement has been approved by City Council a copy of the abatement must be submitted to the Brazoria County Appraisal District.

I. City Discretion. The City's adoption of these guidelines and criteria does not:

1. Limit the City's discretion in deciding whether to enter into a specific tax abatement agreement; or

2. Limit the discretion of the City Council to delegate to its employees the authority to determine whether or not the City Council should consider a particular Application or request for Tax Abatement; or

3. Create any property, contract, or legal right in any person, partnership, corporation or other entity to have the City Council consider or grant a specific Application or request for Tax Abatement; and

4. The City Council expressly reserves the right to substitute other equivalent benefits or incentives in lieu of an offer of tax abatement. Such incentives include but are not limited to a cash advance or reimbursement payment or payments to offset a portion of any taxable liability that might otherwise be subject to abatement under this policy. In such case the abatement may be reduced or eliminated.

Section 3. That these guidelines and criteria are effective on May ____, 2020 and remain in force for two years, unless amended by a vote of three-fourths of the members of the City Council of the City of Freeport.

APPROVED on _____, 2020.

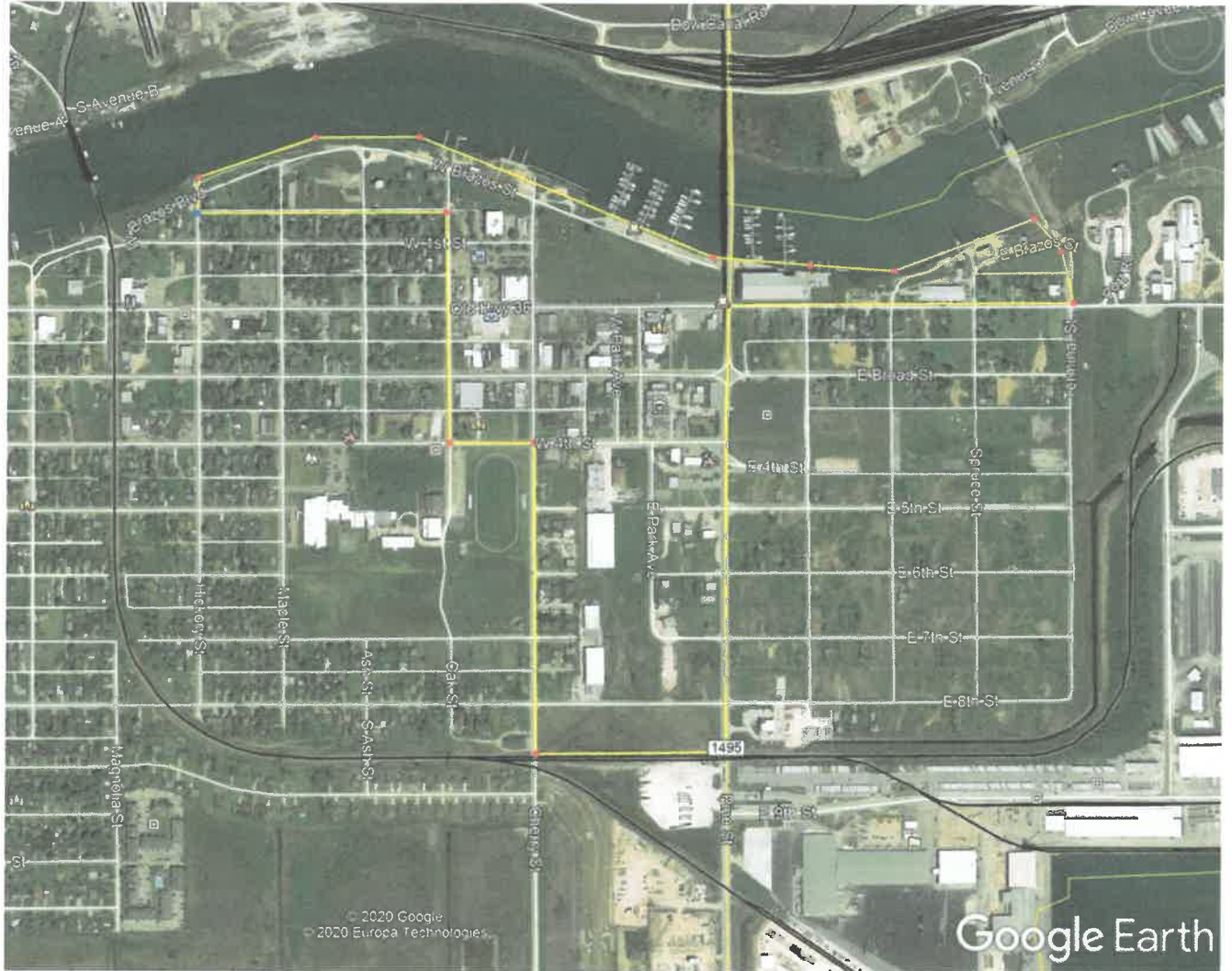
Brooks Bass, Mayor

ATTEST:

Betty Wells, City Secretary

Approved as to Form:

EXHIBIT A









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PUBLIC WORKS MONTHLY REPORT

Date: June 10, 2020

From: Lance Petty, Director of Public Works

Parks Maintenance Activities

Location	Work Performed
Stephen F. Austin Park	Weekly Mowing of Park/Ball Fields
Lincoln Park	Weekly Mowing of Park
Arrington Park	Weekly Mowing of Park
Pocket Park	Weekly Mowing of Park
Velasco Community House	Weekly Mowing of Park
Velasco Bridge Levee	Mow
Freeport Community House	Weekly Mowing of Park
Fire Station #2	Weekly Mowing of Grounds
West Broad	Weekly Mowing of Grounds
Library	Weekly Mowing of Grounds
FMP	Weekly Mowing of Park
Police Department	Weekly Mowing of Grounds
City Hall	Weekly Mowing Grounds
Rec Center	Landscape Maintenance Around Pool
City Wide	Clean Inlets
288/Travis Marine	Trim Hedges
288 High School	Trim Hedges

288 United Rentals	Trim Hedges
Velasco	Trim Tress off Roadway
Stephen F. Austin	Repaired (3) Benches in Park
2 nd Street	Trim Trees off Roadway
All City Grounds	Weed Control

Building Maintenance Activities

Location	Work Performed
Rec Center	Painting Upper Level in Gym
Antenellis	Remodel Complete
288 Entrance	Repair Broken Flag Mounts
Library	Repair A/C Unit
Service Center	Install New Gutters
Golf Course	Install Plexi Glass in Pro Shop
Lucy Goose	Replaced Hot Water Heater
Police Department	Repaired Generator
River Place	Repaired Step Lights
Service Center	Repaired Flag Pole
City Hall	Build Partition Wall
FMP	Repair in Men's Restroom
Rec Center	Operate Bucket Truck for Tree Trimming
Library	Change Out Furnace
River Place	Replace Broken Boards on Fishing Pier
Police Department	Repaired Lights in Elevator
Beach	Help Install Trash Cans

Beach/Facilities Activities

Location	Work Performed
Bryan Beach	Daily Litter Control
City Hall	Daily Sanitize
Police Department	Daily Sanitize
City Parks	Daily Litter Control
Freeport Community House	Clean and Sanitize Restrooms
FMP	Clean and Sanitize Restrooms
Surfside Beach	Daily Litter Control
River Place	Daily Litter Control
Velasco/36	Litter Control
VIC	Clean Out Building
Museum	Daily Sanitize
Memorial Park	Landscape Maintenance
Pixie House	Stake Palm Tree
City Hall	Pressure Wash
River Place	Landscape Maintenance
Service Center	Sanitize
City Hall	Clean Drive Thru
Pixie House	Landscape Maintenance
2 nd Street	Litter Control
Flood Gate	Litter Control

Streets/Drainage Activities

Location	Work Performed
700 Block Broad	Break Forms
700 Block Broad	Form/Rebar for Pour
Penny's Electric Alley	Install Culvert
700 Block Broad	Backfill
Groce	Pour inlet box base
1515 9 th	Saw cut
1006 9 th	Saw cut
4 th /288	Repair Sidewalk
2 nd /Holly	Saw Cut
Hudgins/Groce	Jet/Clean 800ft Culvert Pipe
Hudgins/Groce	Re Set 350 feet Culvert Pipe
714 W 4 TH	Replace Culvert Pipe
700 Blk W. Broad	Repair (2) Driveway approaches
Quadrant A,B,C,D	Street Sweep
City Wide	Trim Low Hanging Branches
Rec Center	Trim Trees
Service Center	Equipment Maintenance
City Wide	Clean Outlets
2 nd Street	Install Sod
Uvalde	Jet/Clean 350ft Culvert Pipe
Wharton	Jet/Clean 296ft Culvert Pipe
Fisher/Ave D	Replace Culvert Pipe

Projects:

City Hall A/C

Gym Floor Rec Center – Scheduled

Ball Field lights - Planning

Fountain in Downtown – Waiting on Quotes

Soccer Goals, Dirt, Sod – Planning

Ball Field infield conditioner – Planning

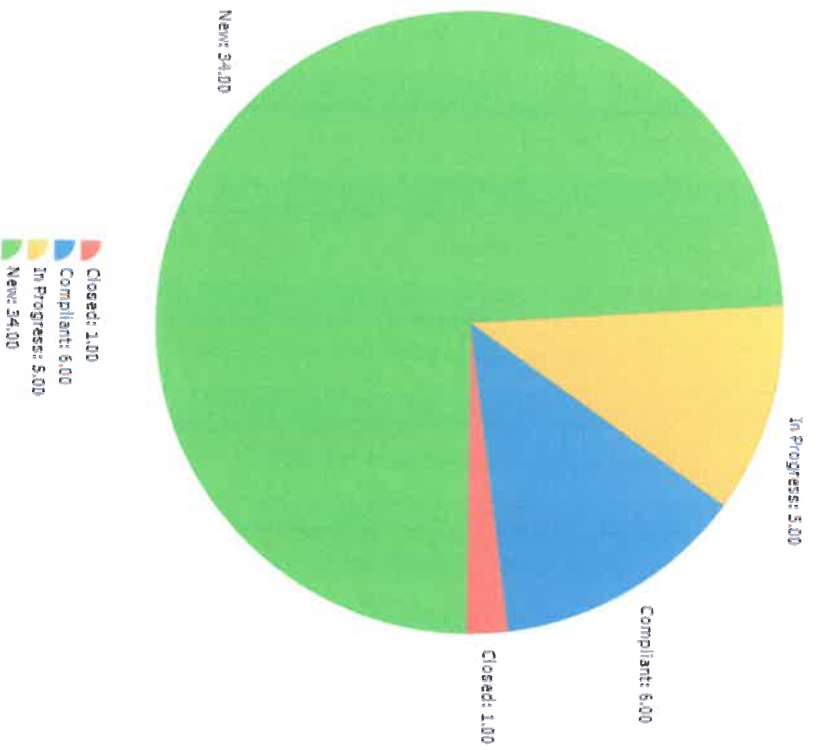
Mystery Boat – In Progress

Employee of the Month:

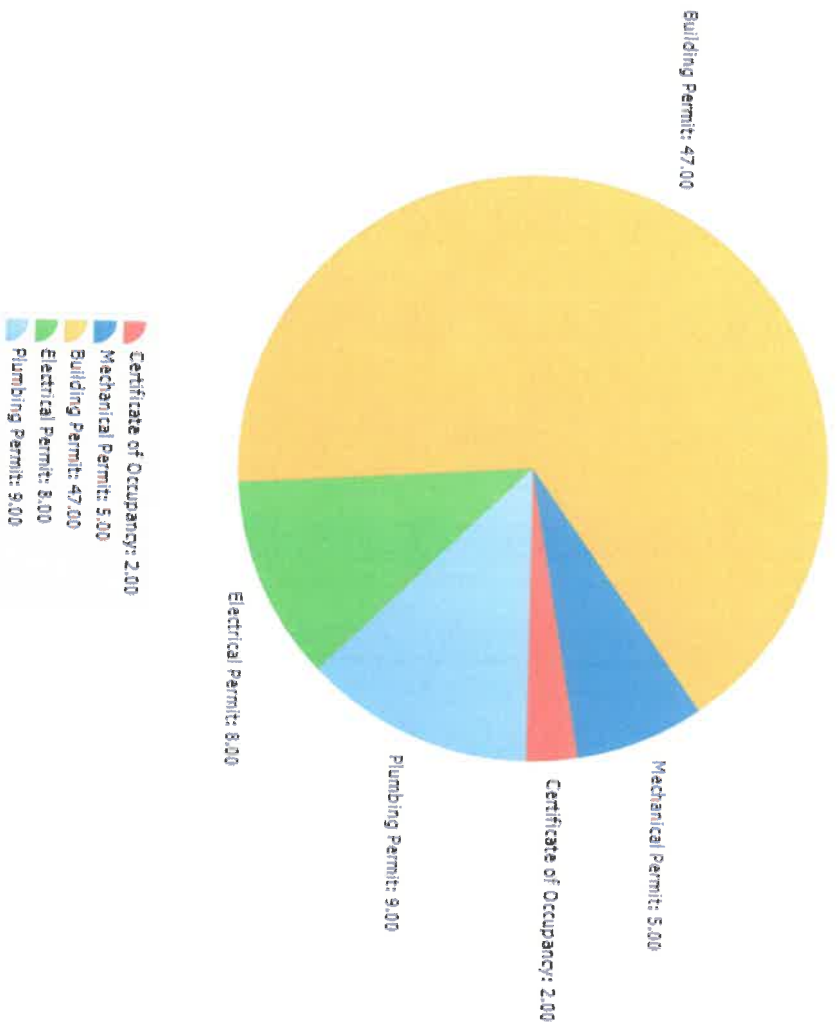
Patricia Castillo

Building & Codes

May Report



Code Cases
May 2020



Building Permits May 2020



Before



After

1502 West 6th St



Before



After

102 N. Ave A



Before

1526 West 7th



After



Before



After

827 West 10th

City of Freeport
Culture, Recreation & Tourism Department
Monthly Summary Report
May 2020

FREEPORT HISTORICAL MUSEUM & VISITORS CENTER

Exhibits

During the month of May, we successfully hosted our virtual exhibit, *100 Years of HERSTORY: A Texas Women's Exhibit*, highlighting local women that led the path to women's suffrage: Elisabet Ney, Dr. Sofie Herzog, Jane Long and Carrie Nation. Our thanks to Museum Board member and local reenactor Carolyn Weatherly who gave a guided tour as Mary Austin Holley. All video is now available on Facebook, Twitter, Instagram and on the city's website. We will also incorporate virtual tours for all exhibits we host in the future allowing us to draw a limitless range of visitors.

Rental Venues

VIC staff cancelled or rescheduled all rentals for the month of June. We are not taking any additional reservations until further notice, and looking at options to continue rentals in July at 50% capacity.

Maintenance

There were no maintenance issues to report at the Historical Museum/VIC.

Museum Statistical Data

There are no revenues or attendance statistics to report for the month of May as the facility remains closed to the public.

FREEPORT RECREATION CENTER

Maintenance Projects

- Rec Center staff finished interior painting of the facility with the locker rooms and weight room boasting a bright and fresh new look, and cleaned out and freshened up the lifeguard office for the summer.
- Public Works cleaned out all landscaping on the west side of the pool and plan to expand the pool deck with pavers allowing for additional picnic tables.
- A new Accutab chlorine system has been installed eliminating the need for liquid chlorine and providing a safer pool environment for guests and staff. Progressive offers the Accutab distribution system at no charge provided they remain our distributor for the chlorine tabs.

Programs

Rec Center staff confirmed instructors for summer water aerobics and Zumba classes upon reopening to the public. Zumba classes will resume to members when we open at designated maximum capacity in June. Staff designed a social media marketing plan to keep the public engaged in fitness goals during the closure.

Summer Staffing

Our Rec Center Supervisor has been working closely with Human Resources to advertise for summer staff. While we do not plan to open to the public for the regular pool season, we still need staff to oversee lap swim and classes we offer. With social distancing guidelines still in place, there have been no lifeguard training courses available to recruit new lifeguards. Fortunately, we have a few returning guards to help accommodate those needs for us throughout the summer.

Recreation Center Statistical Data

There are no revenues or attendance statistics to report for the month of May as the facility remains closed to the public. Paid memberships will receive credit for future months once we reopen.

SPECIAL EVENTS

Special Events

As we do not foresee accommodating the crowd size that KidFest hosts in August, we have scheduled to host a Summer Drive-In Movie series on Friday nights throughout the summer. Brazosport High School has been kind enough to allow us to use the student parking lot as the location, and the steering committee has scheduled all aspects of the event to begin on June 12, 2020. We will host eight movies through August 7 with the exception of 4th of July weekend.

MAIN STREET

With the approval of City Council, our Main Street application for recertification was accepted and work continues on the application process. We have several applications to fill the three available positions on the Historical Commission and Main Street Advisory Board.

FREEPORT BRANCH LIBRARY

In April, the Freeport Branch Library opened for curbside services only, but are planning to reopen to the public at limited capacity as soon as the county allows. They are hosting Storytime live on Facebook to keep the community engaged in reading and children entertained. The library is scheduled to open to the public at limited capacity in June.

SENIOR CITIZENS COMMISSION

The Senior Citizens Commission is anxious to reconvene their schedule as normal. We continue discussions to make that possible in regards to social distancing guidelines and their regularly scheduled events and activities.

FEDC Executive Director's Report

May 11th through June 5th

May 11th

Conference call with Project Sky High and investors regarding the development of the Community Development Entity for funding development.

Conference call with CBRE had talked to Attorney of property for Project Sky High's development on 500 acres. Appears good so far.

May 12th

CBRE has possible site for lease for head quarters for Project Sky High.

Due to the Extreme increase in property valuation I have been receiving calls from retail property owners asking what to do as this will hurt them. I have directed them to contact the Brazoria CAD director, State representatives and Governor. Got a couple of calls today on this.

Conference call with Mr. Harris who is a consultant working for an industrial firm for a small chemical firm that will need to transport its product via ship. They are working on one property that they needed information. I have also recommended another location.

Scheduling a conference for Friday call with Project Sky High, Tim, Chris, and Billy regarding development of expanded downtown.

Chris sent TIRZ by-laws to Board.

Discussion with Jeffery Binford of CBRE as I am investigating the development of a Hotel Study. At this time of the consultants I have talked to suggested to wait a few month as Covid virus has shut down hotels right now.

Obtaining NDA's for Project Wing Tips.

Conference call with members of Project Sky High in development of downtown.

FEDC Board and TIRZ meetings

May 13th

Had Trey sign the approved Realty World Third Agreement and sent soon thereafter to Kirk Pascal and Michael Payne for their signature.

Set up Tax Abatement meeting for next Wednesday with subcommittee noon.

Many hours conversation with a industrial company that I have been working with since January in regards to acquiring the Olin Chlorine plant that is closing. He needs good contact information that I will obtain tomorrow.

The FDI Alliance Magazine article that I wrote is now live and has been seen by 43000 CEO's per Courtney the owner of the magazine. It has been well received by the amount of responses I am getting.

May 14th

With Tim's help on one contact with Olin that led to another contact I was able to connect the industrial company with the correct person at Olin.

Representative from Project Sky High for the Downtown developments has requested information that was sent. He needs the downtown map, ordinances, and other info.

Jensen Shen from GHP contacted me regarding developments in downtown and if we are seeing a downturn with industry. So far no and we are attracting others as I described. The conversation led to need to diversify which happens to be the article I wrote and sent it to him. He liked it.

Contacted Waterstone for Chris to complete the development agreement on Housing.

May 15th

HREDA Conference call.

Discussion with Samer group on information they requested.

Kirk Pascal sent the signed Third Amendment awaiting bond.

Conference call with Project Sky High on downtown development with Tim, Chris, Billy and the development group.

Discussion until 6:30PM with industrial company that looking to acquire the Chlorine Plant. He has started the discussion with them on the plant. If acquired this will lead to other developments in Freeport and possible headquarters.

May 18th

City Council meeting

Talking to Jason Hochberg regarding the 4 Corners shopping center. Bella Roma is gone and packed up over night unknown to them. Maria Bonita restaurant is struggling as she has not been able to open. We

will be scheduling a meeting this week with her and Bob (Property Manager for Jason). He has a 3200 sqft space open (Bella Roma) and one other space (Pharmacy). I have placed Jason in contact with various commercial brokers that may have tenants.

Discussion with an industrial developer that we have been talking to. He needs contacts with Huntsman.

Sent out requested board contact updates and committees. Also noticed board that City Council will be reviewing all boards that need re-appointment for today's council meeting. No action.

Long discussion with a consultant on a property and what it can be used for.

May 19th

Staff Meeting. I asked if it was possible for city council to send a letter to the Governor or as a collective with other cities in the County to limit the property value increase to last years numbers. Even though it is being reported that the values overall only increased under 20% much of our retail corridors have had over 100% increase in value. If tax rates stay the same this could put many local businesses out of operation. I have been getting some calls on this from property owners.

Planning and Zoning meeting on Downtown Zoning creation and ordinances

Long conversation with an attorney on property and what it can be used for

Discussion with CBRE on property in downtown.

Worked on Property Tax Abatement language for tomorrow's meeting.

Need to work on Waterstone Development Agreement as things were found that are inconsistent. Some minor others might be a problem as city mayor is requesting that homes be built as soon as infrastructure is done. Waterstone was missing the exhibits in their version which I forward. This was the construction schedule and costs they gave us.

May 20th

Sub-Committee meeting on Property Tax Abatement. Once this meeting was over and all changes were updated, I sent the copy to the board for reading and reviewing now before our special board meeting.

Meeting with Stan McCann who is helping Maria the owner of Maria Bonita restaurant, Bob Brooks the property manager for the 4 Corners Shopping center, Gina Adams of the Brazoria County Chamber of Commerce to discuss strategies to keep Maria open. Other cities are giving grants to businesses like Maria to keep them open. Now that Maria can open up at 50% there is the good chance that this business can be saved.

Start working on Agenda for special meeting next week.

Long conference call with Nigel an industrial developer that is looking to purchase the Olin plant for a product he produces. This would be an integrated plant. He also wants to move his headquarters from Houston to possibly Freeport and has asked for a location. I will be sending one to him next week but not hopeful. Unfortunately, Olin has stated to him that the plant is not for sale even though they announced that they are closing the plant.

May 21st

Rick, an industrial business is looking for a contact at LNG plant as he has a friend that need LNG product in another country. I have placed them in contact with Freeport LNG but that may not be the correct contact. He may need to contact the Natural Gas companies that supply gas to Freeport LNG.

I have placed a Hotel Operator of La Quinta with Samer for the Boardwalk project.

May 22nd

Retail Strategies Downtown Analysis meeting with deliverables conference call

Freeport Small business recovery meeting with Tim, Gina (County Hispanic Chamber) and others.

Finished Special Board meeting and posted it. Needed to move from Wednesday to Thursday as I think we well need the extra day for finishing up the Waterstone Development Agreement corrections. As they have lost 60 days they will be reducing the construction time for the infrastructure as I talk to Ken Schott.

I will need to schedule a meeting in the next week or so for a discussion with the city and board on a possible downtown development agreement to redevelop the downtown with Robert Haywood

May 25th

Memorial Day - Holiday

Discussion with Project Sky High regarding DOW contacts and Downtown.

Conference call with an industrial firm needing contact information with Freeport LNG but that turns out that they really need to contact a Natural Gas provider for their client in India.

May 26th

Conference Call with Retail Strategies on Downtown Assessment. I have a draft version now submitted.

Meeting with Marinell and Roc regarding rental of city property and expansion efforts as well as Covid slowdown.

Meeting at Police Station with Brooks Bass, Tim, Chris, Trey on Waterstone housing developments.

Setting up a meeting with Glen Pelt on Friday for a housing development on property they have potentially.

Emailed Michael Payne and Kirk Pascal of Realty World regarding Performance bond on project as it is getting close.

From: Michael Payne <michael.aeboftexas@gmail.com>
Sent: Tuesday, May 26, 2020 10:01 PM
To: Courtland Holman <cholman@freeport.tx.us>
Subject: Re: Realty World bond for project

No worries. Thank you. I have it addressed: City of Freeport as the legal name. Will have it in hand tomorrow or next day for certain. Just waiting for the document.
Sent from my iPhone

On May 26, 2020, at 9:57 PM, Courtland Holman <cholman@freeport.tx.us> wrote:

Michael, you were clear. Just getting closer to the timeframe than I like. I don't want this project to fail.
Courtland

From: Michael Payne <michael.aeboftexas@gmail.com>
Sent: Tuesday, May 26, 2020 9:36 PM
To: Courtland Holman <cholman@freeport.tx.us>
Subject: Re: Realty World bond for project

Yes Courtland I got your message. Nothing has changed. We will deliver a bond on the project as is customary and it will be on time according to your demands. If I missed the mark, my apologies I thought when we spoke that it was clear.

Regards

Michael Payne
RWPH LLC
Sent from my iPhone

On May 26, 2020, at 9:06 PM, Courtland Holman <cholman@freeport.tx.us> wrote:

Kirk and Michael,

Not sure if my voice messages are being received. Thus I am getting concerned and want to keeping this development in compliance.

The Performance Bond per the third amendment, attached, is due end of business day Friday, May 29, 2020.

Courtland Holman, BSME, PCED
Executive Director
Freeport Economic Development Corporation
200 West Second Street Suite 232
Freeport, TX 77541
Direct: 979-871-0117
Office: 979-233-3526
Cell: 936-776-0195
Email: cholman@freeport.tx.us
www.FreeportEDC.com

<Doc May 15 2020 1017.pdf>

May 27th

Working on Strategic Plan for Tim

Going through archives in city files and various closets where I found past studies that the city has developed along with vision maps on development of the city, downtown and Bryan Beach.

Contacted board as the Special Board Meeting for Thursday needs to be canceled as I had to pull Maria Bonita Restaurant assistance request due to not receiving the documents as well as need for additional Waterstone Development Agreement changes to document.

May 28th

Video Conference Call with Project Sky High / Pegasus / and Project Wing Tips as over time I have put them together and they are forming a relationship.

Discussion with CBRE regarding looking for property for Project Sky High / Pegasus

Contact Carlos Zepeda of Txdot FM 1945 bridge timeframe for replacement and actual location that it will have egress within the downtown area as plans have changes. He will be sending me a KMZ file once Txdot servers are back on line as they were hacked by Ransom Ware.

From: Kirk Paschal <kirkpaschal@yahoo.com>
Sent: Thursday, May 28, 2020 2:33 PM

To: Courtland Holman <cholman@freeport.tx.us>
Cc: Michael Payne <michael.aeboftexas@gmail.com>; Tim Kelty <tkelty@freeport.tx.us>; Trey Sullivan (tre@vernor.com) <tre@vernor.com>; Chris Duncan <chrisdunc@gmail.com>; Billy Shoemaker <bshoemaker@freeport.tx.us>; Kirk Paschal <kirkpaschal@yahoo.com>
Subject: Re: Realty World bond for project

Cortland,

My understanding Michael is communicating and responding to your email and voice mails. Please continue to communicate with Michael about the bond.

Thank you

Kirk Paschal

May 29th

HREDA video conference call regarding recovery from Covid

Meeting with Gardo Campbell on Housing

Meeting with Glen Pelt on housing development using pre-manufactured housing.

Zoom meeting with Tim and me. Brooks Bass and Chris were not able to attend. This is a conference call with Project Sky High and others regarding creating a development agreement to fund and redevelop downtown with property owner participation.

Completed and sent in to Tim the Strategic plan based upon goal from the board and many plans that the city has created since 1999.

June 1

4PM Subcommittee meeting conducted by Chris with Lesa and Marinell attending regarding Pop-up box potential program

City Council meeting

Project Snack Pack was sent to me and other from the Governor's office that I had to contact them to get clarifications on as they stated an FTZ was needed although all product arrived on trucks so having an FTZ was not making sense if not transported from out of country modified and then sent back out of country. The potential business will accept non FTZ sites.

I started putting together sites for Glen Pelt on various housing locations. This will take several days.

In looking for property I found an error on CAD, I hope, that shows part of an apartment complex is on Wong property. Sent an email to Laura to check.

Saib Y. Saour, P.E., RPLS the President of Benchmark Engineering Corporation is the engineering firm hired by Samer for the Boardwalk mixed use project. City is trying to provide him information. I will need to follow-up later this week to see if he received it.

Realty World cannot provide bond.

Gentlemen,

After approaching the bonding company with the performance bond as you requested, the underwriter would not Bond RWPH and/or the selected contractor to the City of Freeport without a developed scope of work under contract.

The qualifications for a Performance bond are one or both of the following”

1. An approved and permitted plan by the City of Freeport for the development stated.
2. A letter from the City Engineer stating detailed scope of work and requisites to be included in the finished product.

A word of caution from the Gallagher Company: The letter from the engineer would have to be extremely specific in its form to give the bonding company the expectation to which we would be bonded.

It would be better served to deliver an approved and permitted plan with the engineers seal.

With that made clear we asked for them to issue a permit bond so that we could move along in good faith. Upon completing the permit RWPH will amend the bond request and will then provide a performance bond in accordance with the terms of the development agreement. to the development agreement. We would then move forward.

Regarding the Payment portion requested this would only be added should it be the contractor bonding to RWPH the contractor and “Owner” as it would be funded.

Attached please find the permit bond with rider: Road and Street Builder. The underwriter would be willing to avail himself to the City manager should he need further clarification.

This was the best solution we could achieve to the request. Again in absence of a city approved project permitted it will be impossible for this bonding company or any other to assure the work.

Respectfully

Michael Payne
RWPH LLC

Drove the city and found the old post office is now for lease that I need to send out to two possible businesses. Ben Miller is representing the ownership: 1200 N Ave H. the sale price would be \$ 950,000, the lease would be \$ 9,500 per month.

June 2

Hotel discussion with Retail Strategies. He is sending me a contact that is looking for a site to build on so possible the Boardwalk of any other location project in Freeport.

Special EDC board meeting to discuss Realty World and Waterstone.

Gary Bassinger contacted me a I need to provide an industrial site to Gary as he has hired NEON CLOUD to do a video to promote Brazoria County.

Start working on Regular Board Meeting Agenda.

Re-worked FEDC portion of Strategic Plan and sent to Tim.

June 3

Video Conference with Retail Strategies on Downtown Assessment. It is complete and I need the board to review it to determine if we want to proceed with full downtown revitalization plan. In my discussion with them I may not be hiring them as I am working with a developer that could be taking on this task.

I have a business that is already investing in Freeport and looking to do a Fireworks stand. Currently the City of Freeport does not allow Fireworks sales therefore he will need to be in the county. Bummer as we miss the sale tax generation.

Typed up meeting minutes from June 2 Special Board meeting and had Lesa and Kenny verify their motions. Sent that to Chris who is typing up Forbearance letter to Realty World. Trey, Tim and I commented on the language and Chris sent to Kirk Pascal. I forward letter to Michael Payne.

Introduce Samer and the Hotel Operator that Retail Strategies brought. The hotel operator has been given approval by the hotel chain to explore or land in Freeport.

Created the Draft Agenda and sent it out to board with request for advice

June 4

Jeff has additions to agenda

Reached out to GHP on other cities that have an already approved Business Recovery Grant for the businesses that were shut down or affected by the COVID pandemic. One city that I contacted after talking to La Porte was Dickenson as they have a well defined version that their EDC and City Council adopted for businesses that are 50 employees and under, not a home occupation and inside city limits. I have plagiarized their version and placed on this agenda for discussion and consideration as we still have businesses that are struggling.

Virtual meeting with the Alliance and GHP on development of our cities in the county and how GHP can assist. Attending was Clute, Alvin, Pearland, Freeport, Sweeney and a few other cities.

Schedule a discussion with Retail Strategies and the Hotel owner that I sent to Samer. They also do strip centers.

June 5

Conference call with Jeff and Trey on Agenda. I have removed from the agenda a presentation for the Downtown Assessment that I will need to bring to the next board meeting. Agenda is now posted.

We have received not responses from Realty World regarding Forbearance letter that Chris sent to Kirk Pascal.

Submitted Project Snack Pack

The Office of the Governor has been contacted by an international company that manufactures food and feed additives for bakery products, animal feed, and wine. 100% of the company's finished product is shipped via truck. The company is seeking 5 acres of land within an industrial park in order to build 44,000 sq. ft. of production and warehouse facilities. Foreign Trade Zone designation is desired (I was able to get this as not a requirement).

Approximately 50 operators and technicians will be employed at the proposed operation with an average wage of \$48,000 per year. The company anticipates spending approximately \$14 million in capital investment. The company will ideally conduct site visits in September 2020 with a final decision determined by December 2020.



FREEPORT POLICE DEPARTMENT

430 N. Brazosport Blvd • Freeport, TX 77541 • 979.239.1211 • Fax 979.239.2075

*Lt. Corey Brinkman
CID Commander*

*Raymond Garivey
Chief of Police*

*Capt. Danny Gillchriest
Patrol Division Commander*

To: Mayor and Council

During the Month of May, my officers responded to 2566 calls for service. Those calls include all crime related calls, calls for citizen assistance, Animal Control calls, citizen contact and traffic stops. Anytime an officer calls out on the radio, a call type is generated.

The doors to the police department remained locked due to the Corona Virus. "Ring Door Bell" cameras were installed at both entrances of the police department where we could still communicate with our citizens and service their needs. Officers would instead meet the citizens out by the entrance doors, and while maintaining social distancing, would then tend to whatever matter brought to us by our citizens. This was done to minimize the chances of our officers contracting the virus.

The police department also continued wearing masks if within 6 feet of another person and each employee was also required to check their temperature everyday as they arrived for work. Logs were maintained and forwarded over to Human Resources.

Significant Incidents:

We had one subject arrested on the charge of Aggravated Assault with a Deadly Weapon after he threatened to harm his wife with a kitchen knife

Another subject was arrested and charged with Terroristic Threat after he threatened to harm his son while allegedly holding a gun. The father never actually pointed the gun at the son according to the son. The argument was over some missing money.

We had no serious incidents related to or citizens adhering to the Governor's orders related to the Corona Virus, mainly social distancing. Officers did have to warn and remind a few people about social distancing and all complied without further incident.



To Protect, Serve, Model Integrity and Demonstrate Professionalism

Community Events:

During the Month of May, due to many celebrations being cancelled because of the Corona Virus, the police department began doing "birthday drive byes" for kids in our community. This consisted of officers driving by the birthday persons house with lights and sirens on, and even a birthday song over the PA system. We participated in about 10 of these which were very successful and appreciated by our citizens.

We also hosted an event at the police department for the Brazosport Senior Class 2020. The police department wanted to do something special for them since their senior year memories was cut short due to the Corona Virus. With the help of staff, volunteers and generous sponsors, we had a special tee shirt designed and provided BBQ sandwiches and drinks for the entire senior class. We escorted them in a parade style formation from the high school to the police department where we were met by parents, friends and staff. As always, "Our kids Our Commitment".

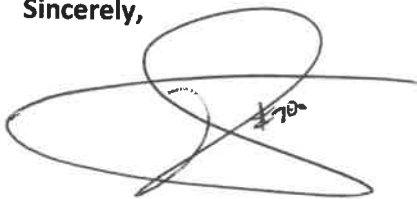
Employee of the Month:

Employee of the Month for June is the entire police department staff. During this virus pandemic, your proud police department came together even stronger to serve our community under cautious circumstances. They not only had to worry about the citizens we serve, but also had to be safe and cautious of their health. We continued to answer calls for service without missing a beat. I'm very proud of all of them!

Open Positions:

We currently have no open positions at the police department.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray", with a large, stylized flourish that loops around the name.

Chief Raymond Garivey

Freeport Police Department

(979) 415-4187



CITY OF FREEPORT
FREEPORT FIRE & EMS DEPARTMENT

131 East 4th Street
Freeport, Texas 77541
Phone (979) 233-2111
Fax (979) 233-4103

Christopher Motley
Chief / EMC
Mike Praslicka
Deputy Chief
EMS Coordinator

To: Mr. Kelty, City Manager

From: Christopher D. Motley, Fire Chief

Date: June 15, 2020

Re: May 2020

Response alarms: August: Fire – 11
EMS: - 176
Total: 187

Significant Events:

Air Ambulance transport: 0
Request mutual aid into the city to cover EMS response: 3
Two EMS units working calls at the same time: 22
Three working EMS alarms: 5
Four working EMS alarms: 0
Transport rate 56 %

Equipment/Instructure: Unit 907 rear door latch mechanism pending replacement.

Emergency Management: Weekly conference calls for COVID-19.

Personnel: Fire Marshal vacancy: Position reposted
Fire Fighter Vacancy: (Two personnel)
Canceled testing in March for COVID-19
Employee Testing in May - 6
Made offer to two potential employees, pending state certification

Public Relations: Canceled due to COVID-19



Finance, Court & Water Departments

Title: Monthly Report for May 2020

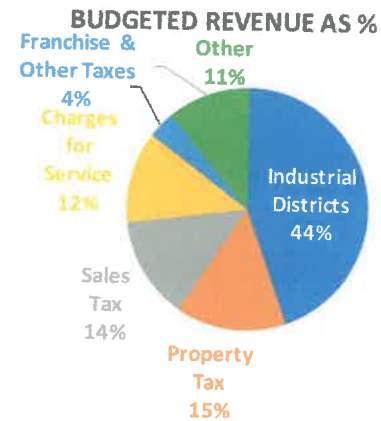
Date: June 15, 2020

From: Stephanie Russell, Assistant City Manager/Finance Director

Major Revenue

Below is a summary of Revenue received to-date by category followed by detail for the top three.

	Current Budget	Actual FYTD	% Budget Received
Industrial Districts	(7,820,758)	(4,872,415)	62%
Property Tax	(2,601,000)	(2,438,003)	94%
Sales Tax	(2,400,000)	(979,558)	41%
Charges for Service	(2,144,490)	(1,179,725)	55%
Franchise & Other Taxes	(638,278)	(371,256)	58%
Intergovernmental	(506,575)	(301,980)	60%
Fines & Forfeits	(475,331)	(160,201)	34%
Miscellaneous Income	(346,420)	(138,239)	40%
Lease Income	(282,574)	(113,136)	40%
License and Permits	(191,831)	(72,845)	38%
Investment Earnings	(150,000)	(75,573)	50%
Grand Total	(17,557,257)	(10,702,931)	61%



Industrial District Contracts

To date, the City has received half (\$919,946 for the Freeport Industrial District and \$2,177,469 for the Brazosport Industrial District) of its Industrial District Payments. The other half are due this summer. Additionally, the City has already received its \$1,775,000 annual payment from Freeport LNG.

Property Tax

As of the end of April, the City had received 94% of its Property Tax Revenue.

Fund	Budget	Actual FYTD	% Rcvd FYTD
General Fund	\$ 2,601,000	\$ 2,443,639	94%
Capital Purchase DS	\$ 564,832	\$ 520,423	92%
Total	\$ 3,165,832	\$ 2,964,062	94%

Sales Tax

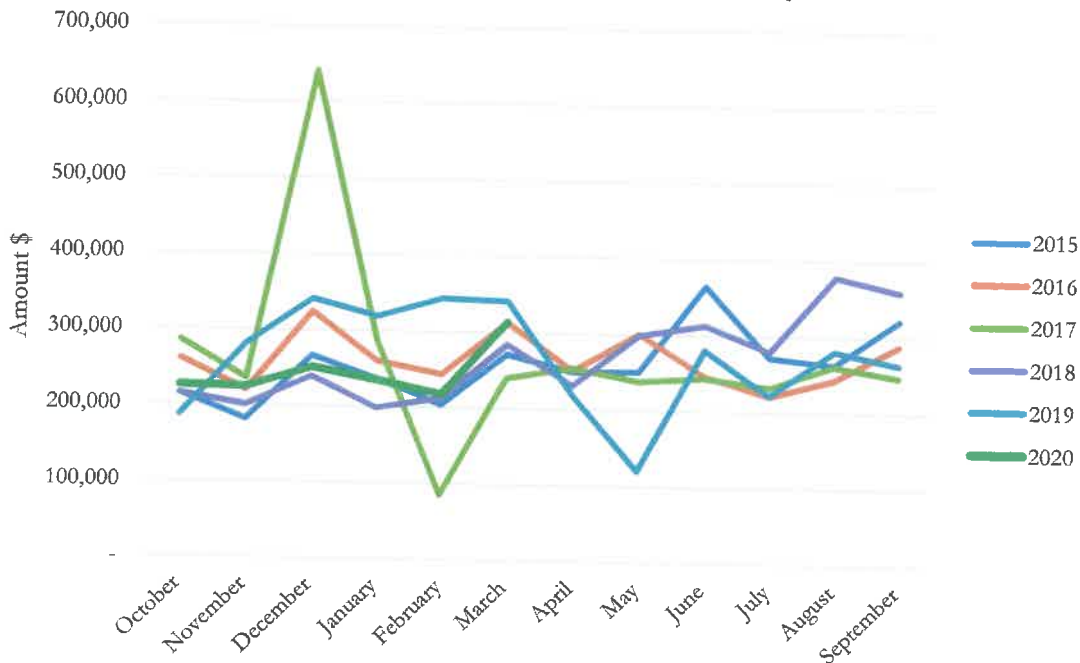
Sales Tax Revenue through March (received in May) was over \$ 979,000, which is down from last year (-19%) and also under budget by 21%. It appears 2017 and 2019 were outlier years and thus we are seeing revenue dip to prior year trends. Sales tax in March was up from February, however; due to the lag in reporting, we probably will not see the true impacts (if any) from the COVID-19 pandemic until later this summer. Please note, there is a two-month lag from when sales tax is collected and received by the City; thus, March's sales tax was received in May.

Actual Sales Tax	FY2019	FY2020	% Change
October	124,907	150,803	21%
November	187,840	149,808	-20%
December	227,666	167,601	-26%
January	212,873	157,025	-26%
February	229,262	145,073	-37%
March	227,704	209,248	-8%
April	146,054		
May	80,307		
June	187,205		
July	147,760		
August	187,451		
September	175,616		
Grand Total	2,134,644	979,558	-54%

Total Budget 2,350,000 2,400,000 2%

% of Budget YTD 90.8% 40.8%

Comparison of Sales Tax Revenue by Year



Budget vs. Actuals

Fund	Current Budget	Actuals FYTD	Budget-Actual
General Fund			
Revenue	-17,557,257	-10,702,931	-6,854,326
Administration	2,534,822	1,408,966	1,125,856
Building	346,400	191,709	154,691
Code Enforcement	446,950	167,180	279,770
EMS	914,290	466,795	447,495
Fire/Emergency Management	1,308,637	828,015	480,622
Garbage	992,453	647,534	344,919
Golf Course	998,300	612,838	385,462
Historical Museum	230,293	136,995	93,298
Library	28,300	24,713	3,587
Municipal Court	180,508	103,712	76,796
Parks	2,123,767	1,251,596	872,171
Police/Animal Control	4,743,390	3,148,373	1,595,017
Recreation	750,200	286,453	463,747
Service Center	219,090	108,281	110,809
Sr. Citizen's Commission	10,100	6,329	3,771
Street	3,542,276	1,659,877	1,882,399
Transfers	2,350,000	300,000	2,050,000
General Fund Total	4,162,519	646,435	3,516,084
Water & Sewer			
Revenue	-5,276,100	-3,328,371	-1,947,729
Transfers	-1,750,000	0	-1,750,000
Water/Sewer	6,946,112	3,383,528	3,562,584
Water & Sewer Total	-79,988	55,158	-135,146
Capital Debt Service			
Revenue	-565,232	-518,953	-46,279
Debt Service	565,232	569,224	-3,992
Capital Debt Service Total	0	50,270	-50,270
COO 2008 Construction			
Administration	54,000	0	54,000
COO 2008 Construction Total	54,000	0	54,000
Special Revenue			
Revenue	-64,100	-40,814	-23,286
Beach Maintenance	6,500	2,244	4,256
Hotel/Motel	10,250	5,000	5,250
Municipal Court	24,800	9,378	15,422
Police/Animal Control	15,000	4,449	10,551
Special Revenue Total	-7,550	-19,742	12,192
Street & Drainage			
Street	300,000	11,394	288,606
Transfers	-300,000	0	-300,000
Street & Drainage Total	0	11,394	-11,394

Utilities

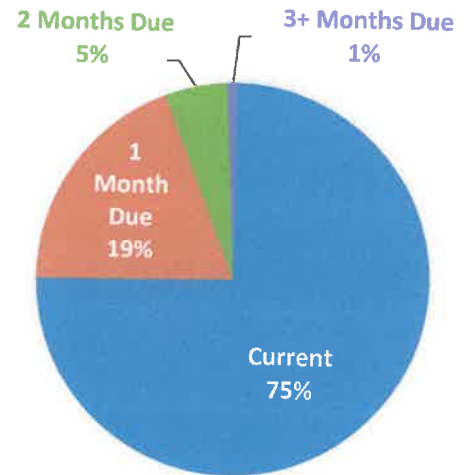
As of the end of April, 75% of water accounts were current and 25% had outstanding balances.

May-20

Billed	Water	Sewer	Total FYTD
Residential	\$550,208	\$475,564	\$1,025,771
Commercial	941,032	827,349	1,768,381
Outside CL	235,914	3,017	238,931
Irrigation	7,487	0	7,487
Water Only	134,006	0	134,006
Total Billed	\$1,868,647	\$1,305,930	\$3,174,576
Last FYTD	\$1,763,428	\$1,252,820	\$3,016,248
% Change	6.0%	4.2%	5.2%

Consumption	Water	Sewer	Total FYD
Billed	231,764,000	179,905,189	411,669,189
Unbilled	1,249,000	0	1,249,000
Total Gallons	233,013,000	179,905,189	412,918,189
Last FYTD	254,749,000	197,760,668	452,509,668
% Change	-8.5%	-9.0%	-8.7%

AGING REPORT FOR WATER ACCOUNTS



Municipal Court

Fiscal Year Total Through	May-18	May-19	May-20	% Change
Violations				
Filed	2,635	2,619	1,575	-39.9%
Completed	2,635	1,715	1,083	-36.9%
Net Difference Filed/Complete	0	904	492	-45.6%
Warrants				
Issued	821	432	209	-51.6%
Warrants Cleared	954	576	380	-34.0%
Change in Total Warrants	-133	-144	-171	18.8%
Total Fees/Fines Paid*	\$428,404	\$370,671	\$231,846	-37.5%

* Includes Regulatory, State & Other Agency Fees

Ongoing Initiatives

Audit

The final Comprehensive Annual Financial Report for FY2018-2019 was shared with Council in March and was presented to Council June 1st. Staff has already scheduled the interim audit for FY2019-2020 for the week of July 13.

Budget

Council approved a 3rd Budget Amendment May 18. Planning for FY2020-2021 Budget will be kicked off during the Strategic Planning Workshop June 27.

Bond Issuance

Staff presented the initial recommendation to issue new certificate of obligation bonds May 18. Council approved the publication of the Notice of Intent on June 1. Staff is now working with its Financial Advisor and Bond Council to meet the proposed milestones for the sale:

Date	Action	Responsible Party
Mon - Jun 1	» City Council Meeting - Approve Publication of Notice of Intent to sell Certificates. Present Plan of Finance	City
Fri - Jun 5	» Publish 1st Notice of Intent & Post Notice to City website	City
Fri - Jun 12	» Publish 2nd Notice of Intent	City
Mon - Jun 15	» Distribute 1st Draft of Bond Documents	FA
Week of June 29	» S&P Rating Call/Meeting	City/FA
Mon - Jun 29	» Distribute Bond Documents for inclusion in Council Packets	FWG
Mon - Jul 6	» City Council Meeting - Approve Preliminary Official Statement and Notice of Sale	City
Wed - Jul 22	» Receive S&P Rating	City/FA
Thu - Jul 23	» Electronically Distribute Bond Documents	FA
Mon - Aug 3	» City Council Meeting - Adopt Ordinance and Approve Sale of Certificate	City
Mon - Aug 24	» Close	FWG

Financial Software

Council approved the upgrade to Incode 10 with Tyler Technologies June 1st. Staff has already begun working with Tyler on implementation.

Grant Administration

Staff submitted quarterly report for the GLO Beach Maintenance Reimbursement (BMR) Program and worked on the 2020-2021 BMR application. Staff is also working on reimbursement through the Texas Coronavirus Relief Fund (CRF) under the Cares Act as well as hiring a grant consultant to assist with the application to the General Land Office (GLO) for the next round of disaster recover funds.

The GLO announced the kick-off of the application process for the first round of more than \$2.3 billion for mitigation projects to protect Texas communities hit by Hurricane Harvey and severe flooding in 2015 and 2016. During the first round, the GLO will conduct three (3) competitive application programs from the CDBG-MIT Action Plan. Those programs include:

1. 2015 Floods State Mitigation Competition (\$46,096,950)
2. 2016 Floods State Mitigation Competition (\$147,680,760)
3. Hurricane Harvey State Mitigation Competition Round 1 (\$1 billion of \$2,144,776,720 total)

Online Services

Residents may now pay their water bill over the phone without any fees. Additionally, residents may now apply for new water and garbage services online. The new website will also allow residents to sign-up for other utilities. Additionally, staff is working to upgrade the website for online payments which should be available in June.

Policies

There are not any new updates for May. Staff is reviewing current policies and procedures to determine updates and new policies moving forward. Staff is currently working on administrative procedures to ensure internal controls, financial accountability, and year-end closing.

Purchasing

Staff received proposals in April for an RFP for Integrated Financial Software and an RFQ for Engineering Services regarding Hurricane Harvey Repairs. Council awarded the Engineering RQF to Freese and Nichols in May and Integrated Software RFP to Tyler Technologies June 1st. Additionally, staff is still evaluating the proposals to Re-write the City's Zoning and Subdivision Ordinances and for Integrated Financial Software.

Records

There are not any new updates for May. There is a need to sort and organize the paper records left by the previous Director for ease of reference and compliance with records retention.

Texas Comptroller of Public Accounts' Transparency Stars program

No new updates for May. The Texas Comptroller of Public Accounts' Transparency Stars program recognizes local governments for going above and beyond in their transparency efforts. Over the next year or so, the Finance Department will be working towards expanding its online presence in an attempt to increase transparency and possibly submit for recognition.

Utility Rate Study

No new updates for May. The final report was presented to Council April. Based on the direction from Council during that meeting, staff will include the proposed rate increases in the FY2020-2021 Proposed Budget.



Human Resources Monthly Report

Date: June 11, 2020

HR TEAM: Brenda Miller-Ferguson and Donna Fisher

HR Services Team Priorities and Results for May 2020:

- **COVID Response:** Our highest priority in May remained being an on-demand resource for employees and managers regarding COVID resources and payroll benefits under FFCRA. This month we worked with managers to facilitate their employees' safe return their work. COVID activity this month included:
 - **Compliance with Governors' G-18 Return to Work Training Protocol:** Safety materials prepared and distributed first week May.
 - **Emergency Messaging for Employees - Employee Hotline:** We are exploring options to improve our direct communication with employees during emergencies like COVID. While Directors and HR do our best to use texts or personal email to connect with employees during non-standard hours, many do not prefer receiving work texts and emails on personal devices. One solution we are implementing is an Employee Hotline into which employees can call to hear recorded messages with instructions specific to their departments. Brenda will be the administrator of this Employee Hotline. We have identified an existing direct-in-dial (DID) line, and Laura Tolar is working with our phone vendor to get this operational by mid-June. The cost is estimated at only about \$160 - \$200.
 - **COVID Screening Tools:** Forms were created for Recreation Center Patrons, Visitors accessing non-public areas of City buildings, and Employees returning from Travel or Vacation.
- **Pay Increases and Performance Evaluations Executed:** Performance Evaluations for employees were prepared using our new format, which focuses on Core Values, Core Competencies, and Goals. Ratings were reviewed by City management for fairness and consistency. Merit-based pay increase amounts were calculated for eligible employees, along with lump sum amounts for increases retroactive to Oct. 1, 2019. Increase were posted for the pay period beginning May 17, 2020.
- **Salary Survey Initiated:** HR researched options and reviewed proposals from three vendors. We are grateful to City leadership and Council for approving a city-wide salary study to be conducted by Strategic Government Resources. Data gathering has begun and an official kick-off meeting is being planned by mid-June. The timeline for completion is 12-16 weeks.
- **Policy Update Progress This Month:**
 - **Weapons in the Workplace and Workplace Violence Policies:** Updates to Section 5.17 in the Personnel Policy Handbook were approved by Council and distributed to employees. A permission to carry form is being created for employees seeking consent under the exceptions clause of policy.
 - **Chapter 9 Policy Updates:** Updates have been drafted for multiple sections in Personnel Policy Handbook Chapter 9 (Employee Wage and Benefits). Revisions are being grouped for ease of explanation before management review and presentation to Council. Chapter 9 Policy updates include: Longevity Pay, Tuition Reimbursement, Travel Reimbursement, Per Diem, Education Pay, Certification Pay.

- **Payroll Software Conversion Research Completed:** We are grateful to City leadership and Council for approval of the Incode Financial Suite, which will include enhanced time-keeping and payroll functionality. This progress completes the research phase of the conversion project. Brenda will contact the other eight (8) payroll/HR vendors who were evaluated.
- **New HR Strategic Plan Progress:** The HR Services Team's new strategic plan is drafted, and we look forward the Strategic Planning Session on June 27th. Detailed Action Plans for Strategic Initiatives are being developed.
- **Training/Coaching This Month:**
 - **Performance Evaluation Meeting Coaching:** Brenda participated with several managers to conduct employee performance evaluation discussions using the new format.
 - **Governor's G-18 Return-To-Work Protocol's:** We prepared and distributed flyers for employees outlining safety protocols to keep employees safe as they return to work.
 - **Strategic Government Resources On-Line Training:** Stephanie approved our participation in a great introductory offer for unlimited online supervisory training sessions from SGR. The resource was shared with Directors for use in developing Supervisor skills.
 - **Cyber Security Training:** The online option for Cyber Security Training distributed In April was utilized by several employees in May. HR is tracking our progress toward the mandated deadline of June 15 [as mandated by HB 3834].
- **Organizational Restructuring Project Progress:**
 - **Public Works Department** position descriptions are being reviewed and updated. Lance and Brenda are working on revised descriptions and organizational chart options.
- **Recruiting & Hiring Progress This Month:**
 - **Firefighter/EMS position recruiting:** Received 16 applications in current campaign; **Top 2 candidates** are being reviewed and scheduled for testing by Fire management.
 - **Golf Course Coordinator:** recruiting completed; new employee started in May.
 - **Museum Attendant:** recruiting continues.
 - **Pool Workers at Recreation Center:** re-hiring of seasonal lifeguards is progressing, with 2 hired in May and 2 more starting in mid-June. Brenda is sourcing candidates with Workforce Solutions.
 - **Fire Marshal:** Recruiting continues after offer declined. Position Description upgraded in April.
 - **Fire Dept. Driver / Operator:** Fire Chief requested this new position in Strategic Plan; new Position Description created and Vacancy Verification submitted in April.
- **Open Positions [recruiting for vacancies in-process]:**
 - Fire Fighter (1 vacancy)
 - Fire Marshal
 - Golf Course Attendant and Seasonal Grounds Positions
 - Recreation Center Seasonal Pool Attendants/Lifeguards
 - Police Dept. Crossing Guard—on hold due to school closure & discussion to transfer responsibility to school district

- **Risk Management and Insurance Updates:**
 - **Workers Compensation Claims:** no new claims.
 - **Family & Medical Leave Cases (FMLA)-** No new cases; one on-going intermittent FMLA case in Recreation.
 - **Property/Accident Claims- One New Claim** for Transformer at Police Department struck by lightning.
 - **Health Insurance Benefits Renewal** – We have initiated the benefits renewal process. Medical insurance is going out to bid; other benefits have multiple year agreements in place. Brenda is working with Stephanie and Benefits Seminars PLUS to prepare an RFP to post in mid-June.
 - **Asset Management Updates:** Donna Fisher completed our Vehicle and Equipment Audit Project and updated Incode with data not entered during transitions in 2018-2019. A few updates to TML inventory have been identified and will be recorded.
 - **Property Insurance:** Windstorm policy renewal completed; premium processed in May.

Priorities for June:

- **Continued due diligence with Directors and Employees to manage COVID response.**
- **Salary Survey Project** – complete data gathering and facilitate progress with vendor.
- **Payroll/HR System Conversion Project** – assist with migration process to Incode 10 payroll/HR modules.
- **Strategic Plan Progress**– next steps and updates as directed; prepare presentation for June 27th meeting.
- **Policy Reviews/Revisions In-Process for Updates to Chapters 5 and 9 in Employee Handbook:**
 - **Review and Obtain Approval on Chapter 9 Employee Wage and Benefits Policy Edits** noted above
 - **Draft New Workers' Compensation-Return to Work Policy/Process** (consulted w/TML - policy draft in process)
 - **Random Drug Testing** (change policy to safety sensitive positions only)