



**AGENDA  
REGULAR MEETING  
FREEPORT CITY COUNCIL  
MONDAY, JULY 20, 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 20<sup>th</sup> DAY OF JULY 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 LIMITED AND WILL BE POSITIONED TO MEET THE REQUIREMENTS OF THE CDC. ATTENDEES WILL BE REQUIRED TO WEAR A FACE MASK.**

**THE PUBLIC MAY ALSO VIEW AND/OR LISTEN TO THE MEETING REMOTELY VIA THE FOLLOWING:**

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

**OR**

**AUDIO VISUAL CONFERENCE CALL USING:**

**PCs, Macs®, Chromebooks™, iOS and Android™ phones and tablets.**

**International dial-in numbers: [https://fccdl.in/i/council\\_mtg\\_072020](https://fccdl.in/i/council_mtg_072020)**

**OR**

**[https://join.freeconferencecall.com/council\\_mtg\\_072020](https://join.freeconferencecall.com/council_mtg_072020)**

**enter access code 5678901# and the online meeting code is: council\_mtg\_072020.**

**OR**

**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.**

**REMOTE PARTICIPANTS WILL NOT BE ABLE TO ADDRESS COUNCIL DIRECTLY. COMMENTS FROM REMOTE**

**PARTICIPANTS MUST BE SENT VIA EMAIL TO [publiccomments@freeport.tx.us](mailto:publiccomments@freeport.tx.us) ANY TIME**

**PRIOR TO, OR DURING THE MEETING ALL COMMENTS RECEIVED WILL BE READ ALOUD INTO THE RECORD.**

**THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:**

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

**INVOCATION AND PLEDGE OF ALLEGIANCE:** (Council Member)

**CITIZENS' COMMENTS:**

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

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

1. Emergency management briefing COVID-19. **(Motley/Garivey)**

**COUNCIL BUSINESS – REGULAR SESSION:**

2. Consideration and possible action on the approval of City Council meeting minutes from July 6, 2020. **(Wells)**
3. Discussions and direction from Council on the 2020/2021 Tax Rate. **(Russell)**
4. Consideration of adopting Ordinance No. 2020-2602 amending regulations on substandard and unsafe structure abatement. **(Shoemaker)**

**WORK SESSION:**

5. **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:**

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

**COUNCIL BUSINESS – REGULAR SESSION:**

**ADJOURNMENT:**

7. 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 2<sup>nd</sup> Street, Freeport Texas, before 6:00 p.m. in accordance with Open Meetings Act.



Betty Wells, City Secretary  
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, July 6, 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 Absent  
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 Via teleconference  
LeAnn Strahan, Freeport Destination Director Via teleconference  
Chris Motley, Freeport Fire Chief  
Nat Hickey, Freeport Property Management  
Ray Garivey, Freeport Police Department Chief  
Billy Shoemaker, Director for Building and Code  
Lance Petty, Freeport Public Works Director  
Courtland Holman, Freeport Economic Development Corp., Director  
Clarisa Molina, Administrator Assistant Via teleconference

Visitors:

Melanie Oldham	Edmeryl Williams
Jeff Pena	Ruben Renobato
David McGinty	Mario Muraira
Manning Rollerson	Nick Irene (Facts)
Brent Bowles (IAD)	

Visitors, Via Teleconference:

Pam Tilley	Vander Williams
Chase Eastland	Jessi Parker
Blomquis Garcia	Drew Masterson
Kristin Blomquist (Masterson)	

**Call to order.**

Mayor Pro Tem Sandra Loeza called the meeting to order at 6:03 p.m.

### **INVOCATION AND PLEDGE OF ALLEGIANCE:**

Invocation was led by City Manager Tim Kelty, the Pledge of Allegiance was conducted by Mayor Pro Tem Loeza.

### **Citizen's Comments**

Manning Rollerson spoke about Open Record Request. He also spoke of the apartments that his daughter lives in. Mr. Rollerson said that they are living there without any A/C.

Ruben Renobato 1507 West 2<sup>nd</sup> Street said that the City needs residential housing. He said that he does not believe we should have tax abatement. He said that he feels the City has the right plan to move forward.

Jeff Pena 224 West Park, spoke to Council about the flag pole that is in the Downtown Memorial Park, he said that there needs to be a flag on this. He also said that the EDC is currently developing a qualifying process for builders.

Edmeryl Williams said that the citizens have no desire to defund the Police Department. She said that we are blessed to have a good rapport with our PD. She congratulated the Police Chief for his award.

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

#### **Emergency management briefing COVID-19.**

Freeport Deputy Fire Chief/EMS Coordinator Michael Praslicka said that the COVID-19 numbers have increased over the last few weeks. He said that Freeport had a total of 68 cases and 25 recoveries. He said that the PPE equipment is good at this time. Mr. Praslicka said that if you call for EMS, please have the intention of being transferred, with every call the PPE equipment is being used. He said that there will be a COVID-19 test site in the Freeport Municipal Park on July 24, 2020. He said to use mask when in public, avoid large groups, practice social distancing and wash hands.

Freeport Police Chief Ray Garivey said that the Police Department is still ready to serve. He said that his officers that were out from the COVID-19 are back and ready to work. He said to wear the mask, sanitize, and wash your hands. He said that there was nothing major on the beach this weekend. Chief Garivey said that the turnout for the fireworks was great with social distancing being done.

### **REGULAR SESSION**

#### **Consideration and possible action on the approval of City Council meeting minutes from June 15, 2020 and June 27, 2020.**

On a motion by Councilman Green, seconded by Councilman Cain, with all present voting "Aye" 4-0 Council unanimously approved City Council meeting minutes from June 15, 2020 and June 27, 2020.

**Public Hearing: Pubic Hearing and possible action of a proposed replat on Tower Hill Subdivision a two Lot Subdivision out of 19.97 acre tract (called 20 acres) Conveyed to C.F.S. Investments Inc. Recorded in County Clerk's file 200105673 of the Brazoria County Official records situated in the McDermott labor abstract 342 Brazoria County, Texas March 2020.**

Mayor Pro Tem Sandra Loeza open the Public Hearing at 6:25 P.M.

Freeport Building and Code Department Director, Billy Shoemaker presented to council the proposed replat on Tower Hill Subdivision a two Lot Subdivision out of 19.97 acre tract (called 20 acres) Conveyed to C.F.S. Investments Inc. Recorded in County Clerk's file 200105673 of the Brazoria County Official records situated in the McDermott labor abstract 342 Brazoria County, Texas March 2020.

Councilman Green asked if Planning and Zoning approved this replat. Mr. Shoemaker said yes.

Manning Rollerson asked if this is a new subdivision in the city. Billy Shoemaker said no.

Mayor Pro Tem Sandra Loeza closed the Public Hearing at 6:29 P.M.

On a motion by Councilman Green, seconded by Councilman Cain, with all present voting "Aye" 4-0 Council unanimously approved the proposed replat on Tower Hill Subdivision a two Lot Subdivision out of 19.97 acre tract (called 20 acres) Conveyed to C.F.S. Investments Inc. Recorded in County Clerk's file 200105673 of the Brazoria County Official records situated in the McDermott labor abstract 342 Brazoria County, Texas March 2020.

Consideration and possible action of approving Ordinance No. 2020-2601 on creating a downtown zoning district and establishing its boundaries.

City Manager Tim Kelty presented to council Ordinance No. 2020-2601 creating a downtown zoning district and establishing its boundaries. He said that this has eliminated the apartments, Planning and Zoning is ready to move forward and this is important for the Downtown. Mr. Kelty said that staff recommends moving forward on this.

Manning Rollerson voiced opposition of the ordinance and asked about the quad-plex's on Cherry. Mr. Kelty said the quad plex's are not part of the zoning.

Melanie Oldham, 922 West 5<sup>th</sup>, she said that she thinks this is a good idea. She asked if this new zone will allow for Wellness Centers? Mr. Kelty said yes.

Jeff Pena said that this is a good idea, but asked that it be tabled for more discussion. His issue is with timing he said that he wants to get this done, but get it done right.

Ruben Renobato said that he supports this new district.

Edmeryl Williams, 520 East 6<sup>th</sup> asked if the church on 4<sup>th</sup> and Cherry will be affected in any way. Billy Shoemaker said that it will not be.

Councilman Green asked if the Mayor approved this map? City Manager Tim Kelty said yes.

On a motion by Councilman Green, seconded by Councilman Yates, with all present voting "Aye" 4-0 Council unanimously approved Ordinance No. 2020-2601 on creating a downtown zoning district and establishing its boundaries.

Consideration and possible action on the Architectural Proposal for City Hall.

Assistant City Manager Stephanie Russell presented to council the Architectural Proposal for the rehab of City Hall. She said that staff received a proposal from Integrated Architecture & Design for \$39,500.00, and staff recommends this proposal.

Councilman Roy Yates said that he thinks this is a good idea.

Councilman Jerry Cain said we are using the money that is already in the budget. Ms. Russell said yes.

Melanie Oldham, spoke on her concerns for this item.

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting "Aye" 4-0 Council unanimously approved the Architectural Proposal for City Hall.

Consideration and possible action of approving Resolution No. 2020-2638 for the revision of the Temporary Emergency Sick Leave Policy in the Personnel Policy Handbook.

Freeport Human Resource Director Brenda Ferguson presented Resolution No. 2020-2638 for the revision of the Temporary Emergency Sick Leave Policy in the Personnel Policy Handbook. She said that this will reduce an exception to the Policy Handbook for the city's First Responders. She said with this exception First Responders will also be eligible for 80 hours COVID-19 sick time, that will not reduce their standard sick leave accrual.

On a motion by Councilman Green, seconded by Councilman Cain, with all present voting "Aye" 4-0 Council unanimously approved Resolution No. 2020-2638 for the revision of the Temporary Emergency Sick Leave Policy in the Personnel Policy Handbook.

Discussions and direction from Council on comparison cities/and or organizations for salary survey.

Freeport Human Resource Director Brenda Ferguson spoke to council for direction regarding comparison cities/and or organizations for salary survey. She said that the city is having a salary survey being done by SGR. She said that we have to decide which cities and or organizations we want to use for this survey. She told council that staff would like councils input on which cities are used for the survey.

City Manager Tim Kelty said that this is about a three- or four-month process for the salary survey.

Councilman Green said that the city trains the employees, we have an investment in them and we would like to keep them.

Councilman Roy Yates said that the job description is a big deal.

Melanie Oldham spoke on this item, she said that the city needs a Grant Writer.

On a motion by Councilman Green, seconded by Councilman Cain, with all present voting "Aye" 4-0 Council unanimously approved the Proposed Comparison Organization.

Discussion and Direction Regarding FY2020-2021 Budget Assumptions.

Assistant City Manager Stephanie Russell spoke to council about direction on the FY2020-2021 Budget Assumptions. She said that staff would like direction from council regarding the assumptions to be used to develop the FY2020-2021 Budget. She said that she is wanting feedback from council.

Melanie Oldham thanked the City Manager and Assistant City Manager for posting the agenda with all the supporting documents. She also spoke on this item.

Councilwoman Loeza asked about the status of the TWDB water/sewer funding. City Manager Tim Kelty said this will be on the next agenda to submit for this funding.

Manning Rollerson spoke on the Block Grants. He asked if the ditches and drainage will be cleaned.

No action was taken by council to change the assumptions being presented.

#### Consideration and Possible Action Regarding Preliminary Official Statement and Notice of Sale.

Assistant City Manager Stephanie Russell presented to council the Preliminary Official Statement and Notice of Sale. Ms. Russell said that this is a preliminary sale and a preliminary amount. She said that Drew Masterson recommends the approval on this item.

Melanie Oldham asked about the City not having a bond rating. Ms. Russell said that the City is being rated now.

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting "Aye" 4-0 Council unanimously approved the Preliminary Official Statement and Notice of Sale.

#### **WORK SESSION:**

Councilman Green had no comments.

Councilman Cain said that the fireworks were beautiful. He thanked the PD for the traffic control. He asked about the mandate that the Governor says that we must all wear mask, he asked how do you enforce this is people are not wanting to wear them? Chief Ray Garivey said the PD has not had to face this issue yet. He said that the first contact is a warning, and after that the fine can be up to \$250.00. City Attorney Chris Duncan said that signs must be hung, a warning is given, if they refuse he said it is a Class C charge with fine of \$250.00.

Councilman Roy Yates said that the Fishing Fiesta was a huge success. He said that Ann Johnston works very hard on this every year. He said that defunding the Police Department is not happening in the City of Freeport.

Councilwoman Sandra Loeza said that there needs to be "No Parking" signs at the citizen boat ramp on 2<sup>nd</sup> Street for the trucks that are backing boats. She also asked about the kids jumping off the boat ramp, she said that seems unsafe. City Manager Tim Kelty said that he will get with the City Attorney on this matter. She thanked the Code Department on getting the property on Ave H mowed. She asked about the dealership on Gulf Blvd., if the sale fell through and commented on how long of timeframe it will be for Church's Chicken being completed.

City Manager Tim Kelty had no comments.



Update on reports / concerns from Department heads

There was no comment from Department heads.

Open session was closed at 7:46 pm and Council entered into Executive Session.

**CLOSED SESSION:**

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

**REGULAR SESSION**

Mayor Pro Tem Sandra Loeza reconvened regular session at 7:59 P.M.

No action was taken.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting "Aye", Mayor Pro Tem Sandra Loeza adjourned the meeting at 7:59 PM.

---

Mayor, Brooks Bass  
City of Freeport, Texas

---

City Secretary, Betty Wells  
City of Freeport, Texas



## City Council Agenda Item # 3

**Title:** Discussion and Direction Regarding FY2020-2021 Property Tax Rate

**Date:** July 20, 2020

**From:** Stephanie Russell, Assistant City Manager/Finance Director

---

**Staff Recommendation:**

Staff requests direction regarding the scenarios Council would like to see when setting the Property Tax Rate for the FY2020-2021 Budget.

**Item Summary:**

Valuations overall have increased over 10% from 2019, putting the current property tax rate of \$0.628005 far above the Voter Approval Rate (formerly known as the Rollback Rate). Thus, staff recommends adjusting the property tax rate for the FY2020-2021 Budget.

Below are preliminary projections for the No-New Revenue (formerly known as the Effective Tax Rate) and Voter Approval Rates. Staff recommends a rate in between the No-New Revenue and Voter Approval Rate. A rate equal to 3% above the No-New Revenue Rate is shown below, however; staff seeks direction regarding any other scenarios Council would like to consider.

	Example Rates	Example Tax Bill for Average Homestead	Increase from NNR	General Fund Revenue	Increase from NNR
Current Projections*					
Projected No-New Revenue Rate	0.581013	\$428		\$2,586,667	
NNR +3%	0.598444	\$441	\$13	\$2,681,665	\$94,998
Projected Voter Approval Rate	0.606669	\$447	\$19	\$2,726,494	\$139,827

*\*These figures are for discussion purposes only.*

**Background Information:**

Senate Bill 2 (SB2), also known as the Texas Property Tax Reform and Transparency Act of 2019, was passed by the Texas Legislature in 2019. At its most fundamental level, SB2 reforms the system of property taxation in three primary ways: (1) lowering the tax rate a taxing unit can adopt without voter approval and requiring a mandatory election to go above the lowered rate; (2) making numerous changes to the procedure by which a city adopts a tax rate; and (3) making several changes to the property tax appraisal process.

**Special Considerations:**

N/A

**Financial Impact:**

N/A

**Board or 3<sup>rd</sup> Party recommendation:**

N/A

**Supporting Documentation:**

N/A



## City Council Agenda Item # 4

**Title:** Substandard and Dangerous Buildings

**Date:** 7/20/2020

**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 3<sup>rd</sup> 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 condition and stability of commercial buildings in the historic downtown of Freeport, are of particular concern, specifically there have been recent incidents of building failure, such as an abandoned building collapsing, without warning, and crushing neighboring buildings with ongoing business, buildings with collapsed roofs or observed to be in the state of failure and nearing collapse of its roof, and failing, collapsing façade structure positioned over public walkway areas; and

**WHEREAS**, the commercial buildings in the historic downtown of Freeport, were built during the same time period, using similar construction techniques; and

**WHEREAS**, presenting an additional danger to the public, many of the commercial buildings in historic downtown Freeport share common walls, such that structural failure of one building presents a severe risk to damage life and property of neighboring properties; and

**WHEREAS**, the City Council finds that it is necessary to establish a regular and standardized procedure to inspect commercial buildings in the historic downtown of Freeport, to protect the life and property of citizens, visitors, and property owners; 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 150, 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, rain, 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<sup>[c1]</sup><sub>[c2]</sub> 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, rain 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 any 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<sup>[c3]</sup>.

(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 Board of Adjustments 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, is 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 statues of the state, is 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) *Closed/Occupied Buildings.* Upon probable cause to suspect that any building or premises are in violation of this article, 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 may enter the building or premises for the purposes of inspecting such building or premises, with prior notice to the owner by certified mail as set forth in the tax rolls and shall have recourse to every procedure, right or remedy provided by law with prior notice to the owner as set forth in the tax rolls, to secure entry for the purpose of inspecting the building or premises.

(4) *Opened/Unoccupied Buildings.* The Building Official may enter an opened and clearly unoccupied building or premises for the purpose of inspecting and securing the building or premises without notice to any person. The Building Official may take any action to secure an opened/unoccupied building or premises that is an attractive nuisance, and the cost of such action shall be assessed against the property owner. 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.

(5) *Inspection of Commercial Buildings Over 50 Years Old.* The Building Official may enter a commercial building or premises that is over 50 years old for the purpose of inspecting the building or premises with prior notice sent certified mail, to the owner as set forth in the tax rolls; 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 complaint can be performed no more than once every 12 month period. The Building Official may inspect more often based upon other probable cause or complaint.

(6) *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 with prior notice to the owner by certified mail as set forth in the tax rolls, and without specific 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 complaint can be performed no more than once every 12 month period. The Building Official may inspect more often based upon specific probable cause or complaint. All abandoned buildings shall be secured to prevent entry of trespassers and prevent attractive nuisance. The Building Official may 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.

(7) *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.

(8) *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 Board 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.

(9) *Appearance at hearings.* Appear at all hearings conducted by the Board of Adjustments and testify as to the conditions of the dangerous building or structure.

(10) *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 Board of Adjustments, 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 Board of Adjustments, 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 Board of Adjustments 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 Board of Adjustments 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 Board of Adjustments 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 chapter 214. In addition, if there is a mortgagee or lienholder, the Board of Adjustments 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 Board of Adjustments 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 Board of Adjustments, 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 Board 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 Board of Adjustments 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 Board of Adjustments order, unless the Board of Adjustments allows for additional time which shall be entered only if the Board of Adjustments 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 Board of Adjustments, 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 - BOARD OF ADJUSTMENTS**

**Sec. 1-01. - Board of Adjustments.**

The City of Freeport Board of Adjustments shall have jurisdiction to hear all matters and make all findings regarding this Article XIII, Substandard and Abandoned Building Abatement.

**Sec. 2-01. - Proceedings.**

- (a) *Board required for action.* All cases to be heard by the Board 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 Board 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 Board shall be open to the public, held at the call of the chairman, and at other times as determined by the Board.
- (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 Board. 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 Board and filed immediately in the office of the city secretary as public records.
- (f) *Continuances.* The Board may grant continuances for good cause shown.

**Sec. 2-02. - 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 Board may inspect upon notice to all parties any building or premises involved in a hearing before the Board only during the course of such hearing.

**Sec. 2-03. - Purpose.**

The Board 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. 2-04. - Board actions.**

The Board 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 Board;
- (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. 2-05. - Board orders.**

- (a) *Written orders.* The Board 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 Board 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 Board other than filing of a certified copy of the order establishing the penalty with the district clerk.

**Sec. 2-06. - Judicial review.**

- (a) *Standing.* Any person or persons, jointly or severally aggrieved by a decision and/or order of the Board, may file a petition in a district court of the county, duly verified, setting forth that the decision and/or order of the Board 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 Board 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 Board.
- (c) An appeal to the district court of any decision and/or order of the Board shall be limited to a hearing under the substantial evidence rule except, if a decision and/or order of the Board 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 Board decision.
- (e) *Costs.* Costs may be allowed against the Board 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 Board decision is affirmed or not substantially reversed but only modified.

**Sec. 2-07. - Board decision final.**

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

**Sec. 2-08. - 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;

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

**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:**

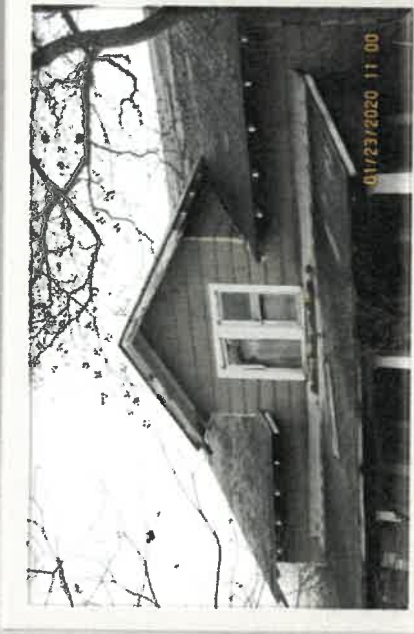
\_\_\_\_\_  
**Betty Wells, City Clerk,  
City of Freeport, Texas**

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

# ABATEMENT PROCESS



# Substandard/Dangerous Structure





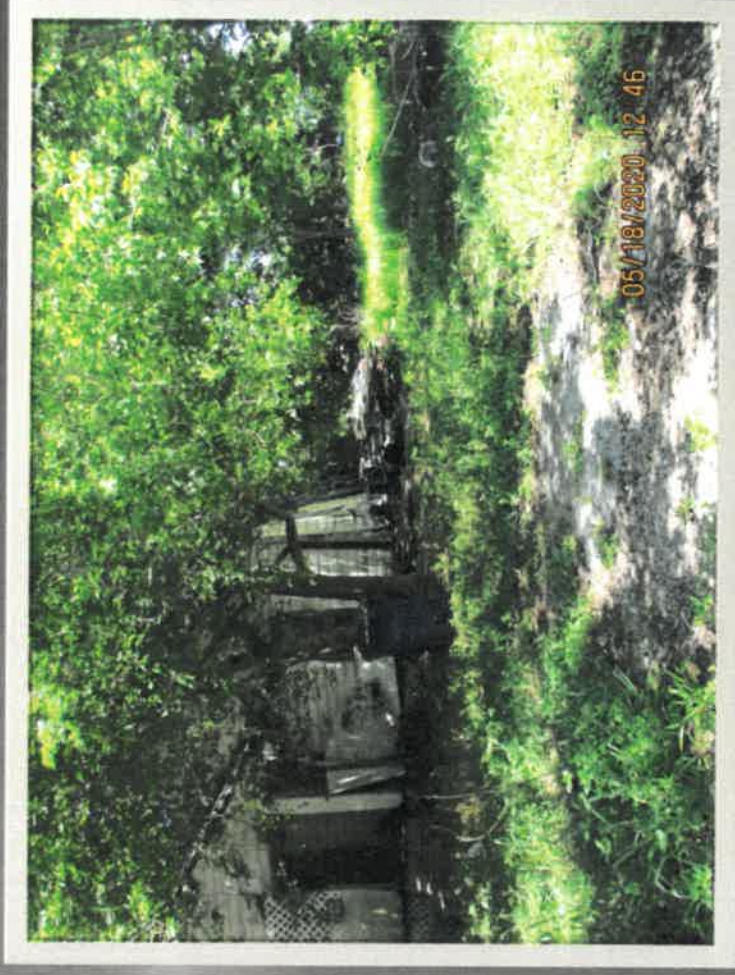
## Ordinance Required

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 10<sup>th</sup> 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**



## After Civil Abatement Hearing Closes

### Within ten days after the date of order

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

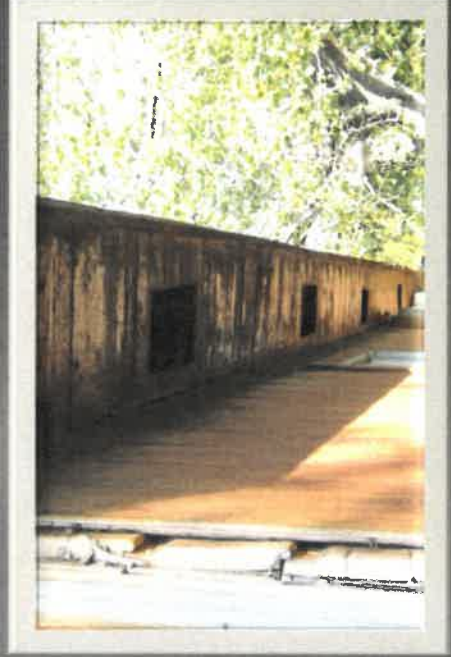




# Substandard Structures



# 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







## Monthly Golf Course report June 2020

For our monthly golf course report, I will start out by giving you our monthly goals vs actual numbers followed by details regarding the month.

	Goal	Actual	Difference
Green fee	\$17,000	\$17,773	\$+773
Cart Rental	\$8,000	\$ 6,427	\$-1,573
Merchandise	\$16,000	\$13,785	\$-2,215
Prep Food	\$ 1000	\$221	\$-779
Beer Sales	\$ 7,500	\$8,144	\$+644
Drinks/Chips	\$ 4,000	\$3,510	\$-490
Memberships	\$ 7,000	\$12,292	\$+5,292
Total	\$60,500	\$62,152	\$+1,652

For the month of June, we were still under guidelines due to COVID-19, but we were open to the public and allowing two riders per cart. We saw a big spike in revenue over last month and our membership continues to grow. Last month we were at 213 members and for May we reached 221. This is always an important number to me as members are guests that have committed to making this their home course. We were also able to host two outings with strict Covid guidelines and still fill the event up. Unfortunately, as the numbers of Covid cases started to rise at the end of the month we will postpone gatherings until at least the end of July.

The City of Freeport should be very proud as their golf course was named golf facility of the year for Brazoria County. This was the yearly Readers Choice honor given out by the Facts paper.

Thank you as always

Brian

## Directors Notes

June 8<sup>th</sup> through July 9<sup>th</sup>

June 8<sup>th</sup>

Work on creating packets for the FEDC Board meeting and any last-minute corrections.

Work on answering question on engineering issues for Saib regarding the Mixed Used Boardwalk development on the EDC 8.8 acres.

Discuss with Waterstone a letter they would like me to forward to the board and their desire to work with the city in the future. They will soon be developing a similar project in Angleton.

June 9<sup>th</sup>

Conference call with Christopher of Retail Strategies that has brought us a possible Hotel developer Surah Patel and his father, the primary owner, that has preliminary approval to explore Freeport from Windham Hotels. I have placed them previously together with Samer for the Boardwalk development. I will be sending him on Thursday site locations other than the 8.8 acres as they want to potentially do more including shopping centers. They are hoping to come down to Freeport from Oklahoma before the end of the month with other investors. When that occurs, this will be an all-day tour.

Samer has talked to Surah. Surah needs his elevation drawings to see if it will work. May not be big enough or right layout.

Working with Laura to develop a Pictometry map layers of Freeport and its ETJ so I can better help developers looking for properties.

CBRE is working with property owners on pricing for Project Sky High. One will work but cost is \$43000 per acre for farmland. I found another location and sent it to CBRE to follow up.

Laura is also working to update Freeport City properties that I can hand to the housing developer I met with last week.

#### FEDC Board Meeting

June 10<sup>th</sup>

Work on Submittal for Property Tax Abatement that will go to council on Monday that the board recommended for approval.

Researched and sent values of properties to CBRE and Project Sky High.

General office paper work

June 11<sup>th</sup>

CBRE has contacted the second property owner for Project Sky High and we shall see if this works.

Sent message to Project Wing Tips regarding setting up meeting.

Conference call with Surah and his father regarding development of Hotel and other development in Freeport. I have sent them more site information today including Bridge Harbor and incentive information.

Made some recommendations for the Pop Box program to help keep cost low. Researched ductless AC heat pumps and generators.

June 12<sup>th</sup>

Met with Tim and Stephanie on EDC portion of Strategic Plan. Tim plans on presenting to city council in two weeks and is meeting with his directs and fine tuning their plans.

Representatives from Project Wing Tips want to be out here by mid-July so they will be giving me dates.

Work on Community Development Entity for board full understanding.

June 15<sup>th</sup>

Start researching property for housing builder. I am working with Laura on Pictometry information.

Contacted Clinton Wong regarding marketing his site in a video which he approved that the Alliance will be shooting along with other sites in the county.

Discussed with Trey the Workshop for the Specific Plan development and developed / posted the agenda for this Thursday. Prior to posting I contacted all to make sure a quorum would be present. Also scheduled the Subcommittee for Business Retentions after the Workshop on Thursday.

June 16<sup>th</sup>

Staff meeting at 10AM

**Doug Kirk** the local developer that is building in Clute reached out to me after Facts noticed that the Waterstone development negotiations have discontinued as he would like to meet to develop housing and infrastructure on the site.

**Doug and I** talked again today and I stated that I will need to meet with the board but if we do meet it will need to be a joint meeting with him, his architect, engineer and other such as banker along with a sub committee of the EDC board, city manager, a city councilmember, possible attorneys, and building staff to make sure we are 100% in agreement with documents ready to sign before getting final approvals from Board and City Council.

I have asked Giselle in Accounts Payable to review the budget as I notice a couple of expenditures in the wrong accounts and would like to move them into the correct accounts.

Project Sky High real estate agent obtained a more reasonable sales price for 400 acres but they desire 500 acres.

June 17<sup>th</sup>

Spent day researching property

Contacted Realty World and Billy in Building on progress of Obtaining Engineering approvals. Received no correspondence from Realty World only Billy.

Drove some sites

June 18

Webinar with the Economic Development Administration in Austin and H-GAC on Care Act Grants.

Researching property

I had a quick meeting with owner of Maria Bonita restaurant that the board subcommittee is reviewing if we can proceed with the possible business retention program as presented at the last board meeting.

Adding property to ZoomProspector. Found on LoopNet a few more that will need to go onto our property locator.

Lance the Director of Streets received a call from the Contractor that will be building the streets for Realty World asking if the bond was issued which I explained to Lance the issues. I asked Lance to talk to Billy on engineering issues. Still no word from Realty World directs.

June 19<sup>th</sup>

Work on meeting minutes for last evening workshop, development and positing of next week's Workshop Agenda.

Meeting with Roc's Café on assistance. Also discussed expansion and growth of their business.

Talked to Governor's office on an industrial auto manufacture that wants a 3 million square foot building and was able to get them to consider a greenfield but we still may not qualify as it needs to be 250 acre shovel ready with rail. Employees are 1500.

Asking Stephanie to provide a list of business, if she can, for Freeport so we can contact or advertise them.

Contacted Mark Noriega from Workforce solutions for same request.

Chris contacted Tim and Myself if there has been any progress with Realty World as has is preparing to send the demand letter today. I explained what has been emailed this week and Billy receiving electronic info.

June 22

Sick Day

June 23

Contacted Saib the engineer for Samer's mixed use project on our 8.8 acres. Sent him response from the questions he asked City. Not certain if there is any other information that we can provide. They will need to hire a consultant for the rest. We will need to work with them on a Development Agreement and determine if they have the funding. I had a discussion with Samer and with Chris on this and determined we will need to have a meeting with Samer on developing an agreement.

Discussion with Coe Parker of CBRE as they have listed the 121 S Avenue A and surrounding properties the property owner owns. I have placed this on ZoomProspector.

Birdsong Realty has a 1.3acre greenspace on Velasco Blvd and W. Ave B. I have contacted the Broker and also placed this on the Property Locator.

Prep work and Workshop Meeting.

June 24

Made a request to GIS Planning on ZoomProspector to include a check off box for New Market Tax Credit area as from 2<sup>nd</sup> Street to the end of city limits north is in a Severely Distressed NMTC and beyond that Eligible for NMTC.

Worked on final update to Strategic Plan that was discussed Tuesday night and submit to city.

Contacted Timothy Jeffcoat the district director of the SBA regarding a business in Freeport that had been denied the PPP and EIDL funds. I have placed the business and SBA together and they will talk tomorrow to determine cause as it appears this business is qualified.

Submitted Project Jedi Force to GHP. It is a major new North American automotive manufacturing facility for the production of 300,000 high-end automobiles annually upon ramp up, and will include body in white, paint shop, final assembly and ancillary facilities to support production. The estimated building site size requirement is approximately 3-4 million square feet on 250 acres with 1800 jobs.

Clinton Wong contacted me for a 2 hour discussion on development of his 330 acres and other properties in the Freeport Area. He is building subdivisions in Iowa Colony and Missouri City per our discussion.

Discussion with an Attorney representing a property owner on Casco Road looking to develop their property. He will place me in contact with them tomorrow

June 25

Staff meeting regarding Strategic Plan. Tim is requesting a Power Point be developed and submitted by Friday morning. This will take most of the day.

I had a long conversation with Mr. Khlaed the owner of properties on Casco Road next to Bridge Harbor on what they were first thinking of doing but I have discussed options with him. I have scheduled a meeting for next Wednesday to meet with him and his father on development of his properties.

July 26

Submitted final Power Point to Clarisa on Strategic Plan.

Work on scheduling a meeting with Doug Kirk on discussions to develop the 192 lots.

Discussion with Christopher regarding Hotel Group in trying to get us all meeting as it now needs to be in person. The hotel chain has given approval to Suraj and wants the meeting to occur as soon as possible per Christopher. I have talked on this item in the last director notes or two.

Discussion with Timothy Jeffcoat of the SBA today regarding the business owner that was denied the PPP and EIDL funding. It appears the banking lender did not know what they were doing in processing the application. Tim has connected the business with a correct lender that is very good and hopefully will get this fixed within 30 days as that is the deadline as they have already appealed and lost.

June 29

Spent majority of the day uploading properties for sale or lease in Freeport onto ZoomProspector. This takes a few hours per property.

Sent email to board briefing all members on the City Workshop from my presentation on Saturday. The Downtown Revitalization plan was what the council indicated that they want per the sticker board on what is most important to them.

Sent out meeting invited for July 7<sup>th</sup> to select city councilmembers, city staff, board and to Doug Kirk with his team to discuss potential development of the city property 192 lots.

June 30

Breakfast meeting with Jeff on developer meeting with Doug Kirk and other items.

Conference call with James McDonald and his wife on downtown developments. Some board members have asked that I talk to James to change his colors which I have already done a week or two ago. But since the city does not restrict colors and a downtown plan has yet to be developed by the citizens that would include color requirements there is no enforcement ability at this time. We did discuss once the DT Plan is in place the EDC would like to work with them to conform with an overall downtown color scheme. They are making a major investment into Downtown and other parts of Freeport on Hwy 288. They are looking to upgrade and invest in a few more downtown buildings for boutique stores so I recommend being flexible with them.

Conference call with Timothy Jeffcoat the regional director in Houston with the SBA. One of our businesses that is making a significant investment in Freeport has multiple businesses in the Houston MSA. Last week he reached out to me stating that he was denied the PPP and his appeal was denied as well. As it did not make sense to me I contacted Tim and had him call the business owner as there is a short window to see if he can get funding. By placing Tim and the business together they found out that the Banker was not competent in the PPP processes. Tim placed him with a local banker that got all approvals and funding today. As this business has been paying his employees out of pocket during the shutdown from COVID he also qualified that the funding is forgiven. This is a success in supporting our local businesses.

Again, spent majority of the day uploading properties for sale or lease in Freeport onto ZoomProspector. New sites showed up on LoopNet.

Sent Glen Pelt some city properties to build housing on. I am working on a larger list that needs to get out next week.

Discussed with Doug Kirk the format of the round table discussion for the possible housing development on city property. I also informed him that the meeting may be canceled and replaced with a Special Board meeting to discuss the qualifications of contractors first.

Jeff has requested a Special Board meeting for the 7<sup>th</sup> with Marinell seconded to discuss Contractor Qualification Application and the Process therein.

Called all the board members to see if we have a quorum for July 7<sup>th</sup> and we do.

Start work on Special Board Meeting Agenda. Sent out to the board the version that will be posted after any errors are corrected. It will be posted tomorrow.

Andrew Jewett of CBRE sent me a new listing of his for a Laydown yard to be placed on the EDC Property Locator ZoomProspector.

Sent email to my HREDA peers to see if any have a Contractor Qualification Application and the Process.

July 1

Meeting in Tim's office with Gardo Campbell and the Cundiff's regarding housing development on their property on 2<sup>nd</sup> street. I also discussed with Mr. Elliott Cundiff where he is at in his negotiations with CBRE and Project Sky High. I asked Mr. Cundiff if he can find added acres for a contiguous 500 acres as that is what the Project needs.

Posted the Agenda for July 7 Special Board Meeting. I contacted Doug stating that the round table development meeting has been canceled.

Met with property owner Saad Yassir and his attorney Mr. Basheer for lunch and a detailed tour of Freeport and his property. Discussions included incentives, opportunity zone, New Market Tax Credit area as Saad's property is in this zone. We toured sections of the town that need investment and reinvestment. Saad appears to be changing his mind or at least exploring a better use for his property than what they were going to do such as entertainment retail. Both stated they have never driven into Freeport heart and was not aware what Freeport has to offer. They were excited.

Received June 9 draft meeting minutes from Clarisa and started to review them before end of day.



Clinton Wong and I are trading calls today as he is trying to get in contact with me.

July 2

Met with James McDonald as he is working on his alcohol permits

Gina of the Hispanic Chamber introduced me with the owners of Justice Sand Company. They are working with the Hispanic Chamber and they may be interested in investing in Freeport.

Responded to Jeff's emails for much of the day in development and promotion of the Hwy 332 corridor as it was felt we are not marketing this area. Jeff has desires to have certain businesses but we have already approached those businesses at Red River conference and with Retail Strategies. This is the area I toured with Saad yesterday. I obtained our traffic counts but they are still from 2018 which is 2017 data from TxDOT. I contacted Lance in the Streets department to see if we can do our own traffic counts. He will contact the County for their machine but if that does not work Lance gave me a traffic count company to hire. Chris stated there have been 110,000 passes sold to Surfside beach and with a traffic count of just under 7000 is odd.

Completed Meeting Minutes for June 9. The conversation regarding Contractor Qualification Application and the Process was moved from item G in the agenda to executive session under City Property For Housing Development. This conversation never occurred as the executive session was stopped prior to this discussion item.

The LOI with Project Sky High and Development Agreement with Samer needs to be done as soon as possible. Need to determine on how to remove park designation from the 20-acre city park property on 2<sup>nd</sup> street as that affect the development that Samer and his group proposed.

Of the HREDA group that I asked if they have a Contractor Qualification Application and the Processes only 4 responded and all stated no. They were from Terrell Texas, Fulshear Texas, City of Brenham, and Friendswood. They do a case by case determination.

July 3, 2020

Holiday office closed.

On July 10, 2020 I will be taking the day off.

July 6, 2020

Long discussion with Clint Evans, Clint Saner and Robert Haywood on Project Sky High also known as Project Pegasus with them. They are talking to Chris Duncan on an MOU with City and EDC for starting redevelopment of downtown planning. Also, I discussed the properties in our ETJ that they need to follow up on with CBRE and the downtown office space.

Received Project Terra Blush that I am starting to work on from the Governors office. This is a good infill as building is not large, about 30,000 square feet.

The Governor's Office has been contacted by a European manufacturer of organic perfumes, cosmetics, and hygiene products. The company is looking for a location for their HQ, as well as a manufacturing and distribution facility for their US subsidiary company. This location will produce and sell organic powder products, organic paste, and organic emulsions. Capital Investment: \$1,500,000

Jobs: Company will hire 10-15 employees within the first year and will reach 25-30 employees within 3 years.

Timeline: Initial site visit expected in September 2020. Proposed final decision date is November 2020. Production will begin in 2021.

Coe Parker of Cushman and Wakefield updated me with information on 101 A street the 40,000 square foot building for sale. Now on Property Locator.

Contacts from Project Wing Tips request information on the site that they are interested in if utilities are in place and if not, can it be installed. I will be answering this question over the week. All of my contacts at CenterPoint Energy were laid off last week and was given new people to call.

July 7, 2020

Received an email from Mr. Sangsu Son from IEN Hanchang looking for a location to build a Transformer Manufacturing Plant in Dayton. I informed him I no longer work for Dayton but let him know that there are opportunities in Freeport if he would like to contact me.

City Staff Meeting

Clint Saner of Project Sky High sent follow-up information for the MOU that I hope to either discuss in Executive session or have a base document from Chris created to discuss in executive session.

Andrea Fernandez of Maxx Builders contacted me yesterday regarding if we had a need for their development services. While I said we don't I asked them if they have clients that do and gave Andrea marketing information of the city and our new downtown rezone designation. She has placed this on LinkedIn to all of her clients.

**Prepare for Special Board Meeting.**

**Meet with James McDonald and discussed downtown building acquisition. The unit that the EDC owns on 318 2<sup>nd</sup> Street and color scheme of downtown buildings. He stated once the city has a color ordinance for the downtown he will repaint.**

**July 8, 2020**

**Meeting with Roc and Ray Cantu regarding Roc's Café in Downtown with Tim Kelty. Discussed were may options as well as the leases that are expired on the property. Roc's is looking to expand into a new location.**

**Working on Agenda most of the day as it needs to be posted tomorrow. Need all items that should go onto the agenda by Noon on Thursday as City Secretary is coming in at 2PM to sign and stamp the agenda for posting. Sent out the draft at 6:30PM**

**James McDonald has sent me an email for an offer to purchase EDC Property that will be presented in Executive Session.**

**July 9, 2020**

**Working on Agenda most of the day. Agenda was posted at 2PM. Backup for Agenda Packet is being attached to the agenda.**

**Chris has determined that the park property on Second Street and Hwy 288 are dedicated parks which will affect the development request that Samer Tawakkol is trying to do. This need to be talked about in executive session along with creating a development agreement.**

**Meeting with Western Auto ownership and they asked for help finding a buyer for their property or business. I have contacted Retail Strategies and said I would give his information to a couple brokers that are commercial brokers that have clients looking for sites like his.**



**CITY OF FREEPORT**  
**FREEPORT FIRE & EMS DEPARTMENT**

131 East 4<sup>th</sup> 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: July 20, 2020

Re: June 2020

Response alarms: August: Fire – 5  
EMS: - 180  
Total: 185

Significant Events:

Air Ambulance transport: 1  
Request mutual aid into the city to cover EMS response: 0  
Two EMS units working calls at the same time: 24  
Three working EMS alarms: 3  
Four working EMS alarms: 0  
Transport rate 53%

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

Hydrant Maintenance: 115 hydrants tested by the 3 shifts combined.  
A list of 24 hydrants that have issues has been sent to Jerry Meeks, Project Manager, Veolia and Public Works Director, Lance Petty.

Emergency Management: Weekly conference calls for COVID-19.  
Cleaning public buildings by FD personnel: This cleaning is the utilization of an aerosol spray cleaner to the affected department or work space of positive tested employees.

Personnel: Fire Marshal vacancy: Position reposted, also posted on TCFP  
Interviews in the process of being scheduled  
Fire Fighter Vacancy: (Two personnel)  
One has been filled and one pending state certification verification to make offer  
Employee Testing – Still accepting applications for future testing

Public Relations: Two Birthday Parades

Visit us online at [www.freeport.tx.us](http://www.freeport.tx.us)  
[facebook.com/FreeportFire](https://facebook.com/FreeportFire)  
[fire@freeport.tx.us](mailto:fire@freeport.tx.us)



## **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 June, my officers responded to 2318 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.

As confirmed COVID cases continue to rise, we are still taking precautions by requiring mask when entering our building. We also have hand sanitizer at both entrance doors for visitors to sanitize their hands before entering the building as well.

The police department also continues wearing masks if within 6 feet of another person and each employee is still required to check their temperature daily as they arrive for work. Logs were maintained and forwarded over to Human Resources.

### **Significant Incidents:**

We had two deaths of elderly residents that we responded to. In both cases there were no signs of foul play and both appeared to be deaths by natural causes.

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. We have also had a couple of complaints on business owners such as Bucees, where citizens are complaining that Bucees is not enforcing the mask order implemented by the Governor. After speaking with the District Attorney Jeri Yeni, it was determined that business owners are not required to enforce the mask order on customers, but simply have signs posted regarding the mask order.



*To Protect, Serve, Model Integrity and Demonstrate Professionalism*

We have since begun carrying extra masks in our police units and if dispatched to calls regarding folks not wearing masks, we try to make contact and educate our citizens on the importance of wearing a mask and even offer them a mask if they do not have one.

Our two police officers who tested positive for COVID have since returned back to duty. Both are doing well and in good health.

We did have our CID secretary who was also quarantined for several days after a family member tested positive for COVID. She too has since returned to work and is doing well and in good health.

**Community Events:**

During the Month of June, due to many celebrations being cancelled because of the Corona Virus, the police department began doing "birthday drive bys" 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 4 of these which were very successful and appreciated by our citizens. One of the birthday drive bys included a long time Freeport resident who turned 99 years young.

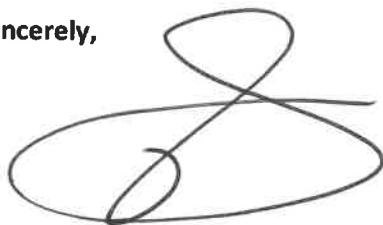
**Employee of the Month:**

On Thursday 06/25/2020, a homeless Navy Veteran came to the police department seeking a ride to the Salvation Army to stay the night. This veteran shared with officers that he had hit hard times and was headed out of state to hopefully find new beginnings. Officer Chuck Willard felt in his heart to do something deserving for a man who served our beautiful country, and reached out to his squad and collected enough money to get this veteran a hotel room and a meal on his last night in Freeport. Officer Willard and the entire Blue Nights shift are commended for caring about this veteran and wanting to show their appreciation for his service to our country and have been selected as the departments Employee of the Month for June. These employees also include, Sgt. Bryant, Officers Wagner, Raper, Huerta, and Dispatchers Price and Solorio, and Jailer Jones.

**Open Positions:**

We currently have one police officer position open at the police department. The position has been posted and we are currently accepting applications. We hope to have this positioned filled in the next 30 days.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond Garivey". The signature is stylized with a large loop at the top and a horizontal stroke across the middle.

**Chief Raymond Garivey**

**Freeport Police Department**

**(979) 415-4187**





## **PUBLIC WORKS MONTHLY REPORT**

**Date:** June 15, 2020

**From:** Lance Petty, Director of Public Works

---

### Street / Drainage Division

- Repair sink hole @ 7<sup>th</sup> and Pecan
- Asphalt 7<sup>th</sup> and Pecan
- Replaced 24' of damaged culvert piping
- Ave F grade drainage
- Set forms on curb / gutter on Broad and Walnut
- Pour curb and gutter on Broad and Walnut
- Backfill Broad and Walnut
- Set forms on curb / gutter on 2<sup>nd</sup> and Holly
- Pour curb and gutter on 2<sup>nd</sup> and Holly
- Extend 40' culvert piping on Ave S.
- City wide street sweeping all quadrants
- Install coronavirus signage at parks
- Mow city owned lots
- Break out second section of curb / gutter on Broad and Walnut
- Grade entrance at Bryan beach
- Patch pot holes city wide

### Parks Division

- Stephen F. Austin mow and weed eat grounds x 4
- Lincoln park mow and weed eat grounds x 3
- Mow levees @ Velasco bridge x 2
- Riverside Park mow and weed eat grounds x 4
- Arrington park mow and weed eat grounds x 4
- High school levee mow x 2
- FCH mow and weed eat grounds x 4
- W. Broad, League and Scotties mow and weed eat x2
- Veterans Park mow and weed eat grounds x 4



- Library mow and weed eat grounds x 4
- FMP mow and weed eat grounds x 4
- Fire station 2 mow and weed eat grounds x 3
- Police Department mow and weed eat grounds x 4
- City Hall mow and weed eat grounds x 4
- 288 Yellowstone flower bed maintenance
- Trim hedges Travis marine
- Mow levee at Schuster House
- Trim hedges on 288 corridors
- Remove damage tree from storm on 2<sup>nd</sup> street
- Pick up palm fronds from storm
- Cleaned and repaired pond at city hall
- Trim palm trees in memorial park
- Install volleyball net at FCH park

#### Building Division

- Recreation center repaired exterior wall and painted
- Recreation center install basketball goal
- Recreation center install new a/c unit
- Antonelli's remodel complete
- Install solar lighting in FCH park
- Replace receptacle outlets at library and veterans park
- Began replacing receptacle outlets in memorial park
- Recreation center install new lighting in lobby
- Repair monitors at city hall
- Replaced heating element in PD dryer
- Recreation center install new sod at entrance
- Recreation center install grass border at entrance
- Police Department replace wall pack lighting with LED
- FMP replace security faucet in men's restroom
- River Place repair ice machine
- Install glass COVID at city hall, rec center, museum
- Lucy goose repaired toilet
- Repaired outlets at FS1
- Set up sound station at PD
- Install TV mounts at FS1
- Replace thresh hold at rec center



## Beach / Facilities Division

- Litter control Bryan Beach daily
- Litter control Surfside beach daily
- Litter control flood gate
- Litter control 2<sup>nd</sup> street
- Litter control Velasco/36
- Litter control city parks daily
- Sanitize / cleaning all city park restrooms daily
- Sanitize service center daily
- Sanitize Police Department daily
- Sanitize City Hall daily
- Sanitize museum daily
- Pressure wash city hall x 3 week
- River place landscape maintenance
- Pixie House landscape maintenance
- Clean drive thru at city hall

## Projects

- City Hall A/C – replacement part arrives 25th
- Gym Floor Rec Center – Scheduled
- Ball Field lights – waiting on quotes
- Fountain in Downtown – Waiting on Quotes
- Soccer Goals, Dirt, Sod – planning
- Ball Field infield conditioner – waiting on material quotes
- Mystery Boat – In final stage painting
- Police department chiller – waiting on quotes

Public Works Employee of the month nomination:

Earl Willis

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

**FREEPORT HISTORICAL MUSEUM & VISITORS CENTER**

**Exhibits**

As we opened to the public at the first of the month, we continued to host *100 Years of HERSTORY: A Texas Women's Exhibit* in the temporary exhibit hall. The virtual video is still available on Facebook, Twitter, Instagram and on the city's website.

**Events**

We continue preparations for the Texas Navy Day Celebration scheduled for Saturday, September 19<sup>th</sup>. We have modified plans moving the event to Freeport Municipal Park where we will hold festivities outdoors under the pavilion to allow for proper social distancing. This year we are partnering with Old Fort Velasco Historical Association as they will host their annual awards ceremony during the TND event. We are working to secure two guest speakers and a cannon to be fired over the river as part of the festivities, and plan to provide box lunches versus a catered luncheon.

**Rental Venues**

VIC staff cancelled or rescheduled all rentals through July 15th. We are not taking any additional reservations until further notice and looking at options and to continue rentals at 50% capacity. As we are now open to the public, we are accepting payments on rentals that have previously been secured.

**Maintenance**

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

**Revenues**

Facility Rentals	\$1,850.00
Concessions	<u>7.38</u>
<b>Total</b>	<b>\$1,857.38</b>

**Admissions**

Adult	17
Child	9
Senior	<u>6</u>

# **FREEPORT RECREATION CENTER**

## **Programs**

As we opened the FRC at a limited capacity in June and following all social distancing and safety guidelines as required, we are now hosting the following programs:

- Zumba                      Tuesday & Thursday      8:30am-9:30am
- Aqua Zumba              Tuesday & Thursday      5:30pm-6:30pm
- Lap Swim                   Monday – Friday            8am-12pm, 3pm-7pm  
   Saturday                      9am-2pm

## **Staff Updates**

Annual employee evaluations were completed in June. This helped us to identify our strengths and weaknesses while having the conversation with each staff member about our expectations for their individual role and as a department moving forward.

Lifeguard interviews took place with three new staff members completing the hiring process. Following lifeguard training, the pool was opened for lap swim and classes only.

FRC staff is assisting at the Summer Drive In Movie series on Friday nights.

## **Maintenance Projects**

Materials for the new gym floor have been ordered and we are waiting on word on an installation date. We anticipate closing the facility for at least 48 hours to allow for the poured product to set properly.

### **Monthly Memberships**

Active Military	\$ 40.00
Individual	435.00
Senior Citizen	<u>90.00</u>
<b>Total</b>	<b>\$ 565.00</b>

### **Admissions**

Employee	8
Individual	52
Senior	<u>36</u>
<b>Total</b>	<b>96</b>



## **SPECIAL EVENTS**

In lieu of hosting KidFest this year, we kicked off our free Summer Drive-In Movie series featuring eight family friendly flicks on Friday nights through the summer at the BHS student parking lot. Licensed movies are shown on an inflatable 33' movie screen and guests can tune in to an FM radio station for sound. The school district was kind enough to allow us use of school property provided that social distancing guidelines are followed, and security is present to enforce those guidelines. We have had up to 140 in the parking lot in a night and have received positive feedback from guests. Thanks to Public Works, Police Dept. and Fire Dept. for their support and being on call to assist when needed.

## **MAIN STREET**

Work continues on the Main Street recertification application with the deadline being extended to August 31, 2020. We have several applications to fill the three available positions on the Historical Commission and Main Street Advisory Board.

## **FREEPORT BRANCH LIBRARY**

As of June 1<sup>st</sup>, the Freeport branch opened its doors during regular business hours with reduced occupancy and limited services. Curbside pickup remains available from noon to 5pm Monday-Saturday. Meeting rooms and study rooms remain closed and all programs, activities and book clubs will be available online only.

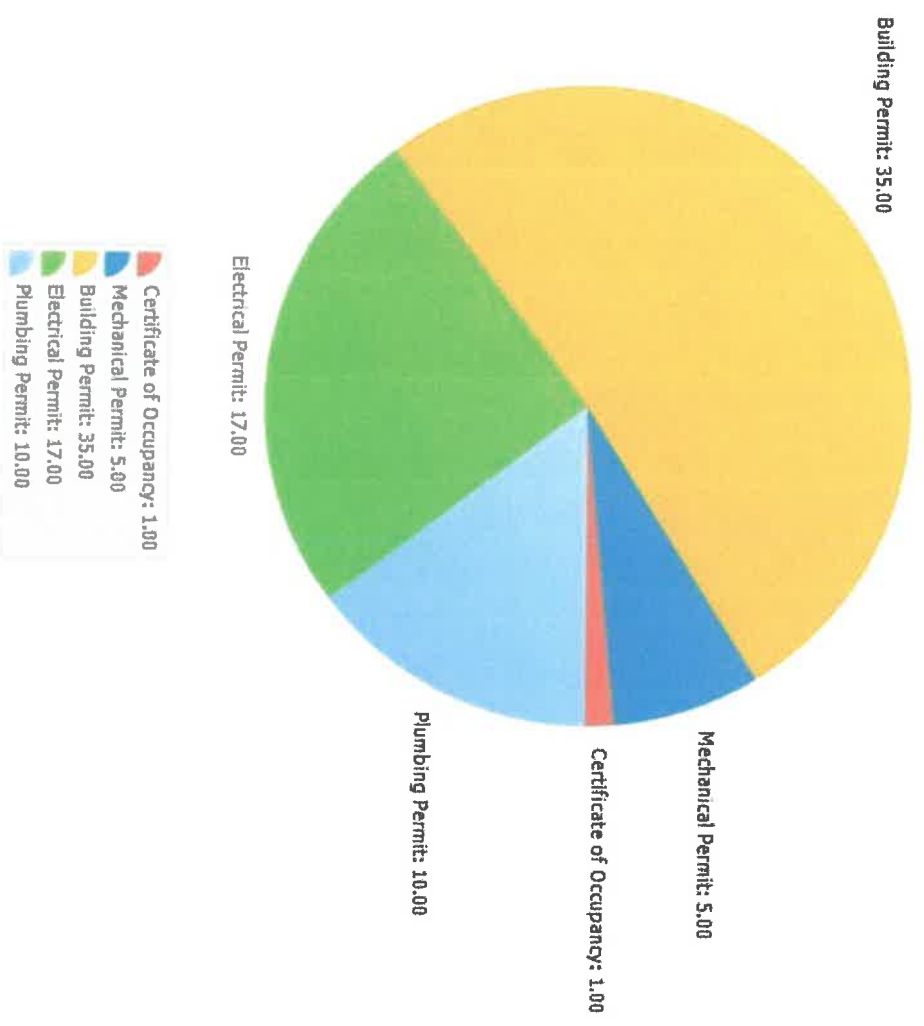
## **SENIOR CITIZENS COMMISSION**

The Senior Citizens Commission has scheduled its next special meeting to be held at the Freeport Historical Museum on July 20<sup>th</sup> to discuss upcoming events and activities. There will be no more than 10 attendees and social distancing/masks will be required.

# Building Permits Issued - Prev Month

Run Date: 07/02/2020 10:15 AM

## Type of Permit



# 12226 West 4th



# 823 W Broad



# 714 W 10th





# 803 W 12th



# 108 North A

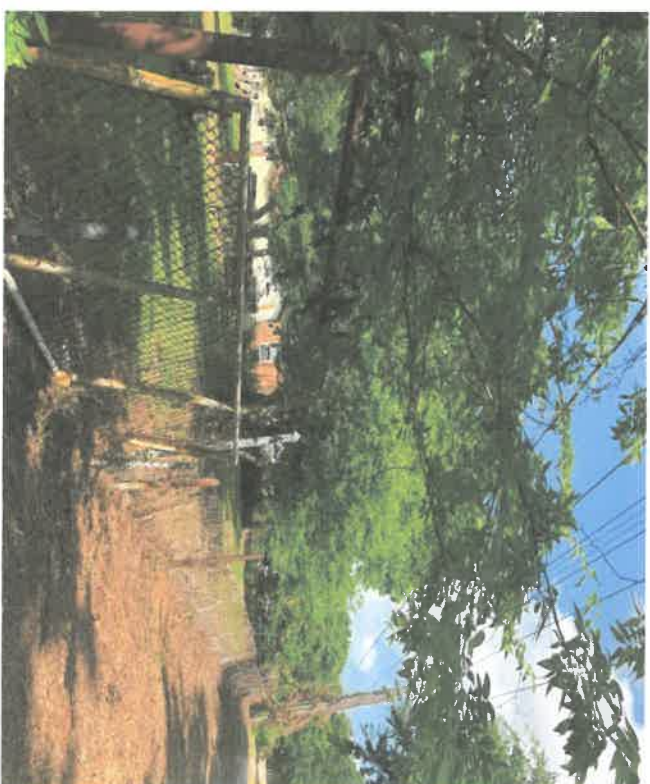


# 1750 W 5th





# 1816 N S





## Finance, Court & Water Departments

**Title:** Monthly Report for June 2020

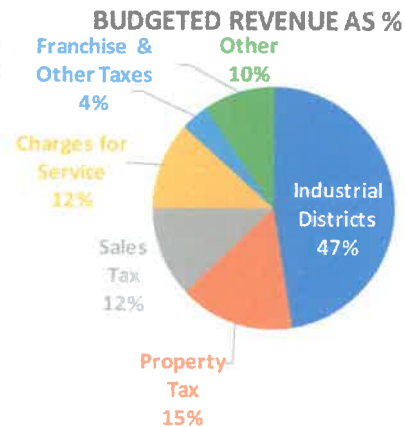
**Date:** July 20, 2020

**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	(7,969,830)	(7,049,884)	88%
Property Tax	(2,601,000)	(2,533,746)	97%
Sales Tax	(2,040,000)	(1,278,157)	63%
Charges for Service	(1,965,484)	(1,371,781)	70%
Franchise & Other Taxes	(638,278)	(411,203)	64%
Intergovernmental	(506,575)	(308,946)	61%
Fines & Forfeits	(287,800)	(171,469)	60%
Miscellaneous Income	(283,000)	(178,005)	63%
Lease Income	(282,574)	(116,336)	41%
Investment Earnings	(140,000)	(79,457)	57%
License and Permits	(104,591)	(83,405)	80%
<b>Grand Total</b>	<b>(16,828,332)</b>	<b>(13,591,672)</b>	<b>81%</b>



### Industrial District Contracts

To date, the City has received half (\$919,946 for the Freeport Industrial District and \$4,354,938 (100%) 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 97% of its Property Tax Revenue.

Fund	Budget	Actual FYTD	% Rcvd FYTD
General Fund	\$ 2,601,000	\$ 2,539,383	98%
Capital Purchase DS	\$ 564,832	\$ 540,885	96%
<b>Total</b>	<b>\$ 3,165,832</b>	<b>\$ 3,080,267</b>	<b>97%</b>

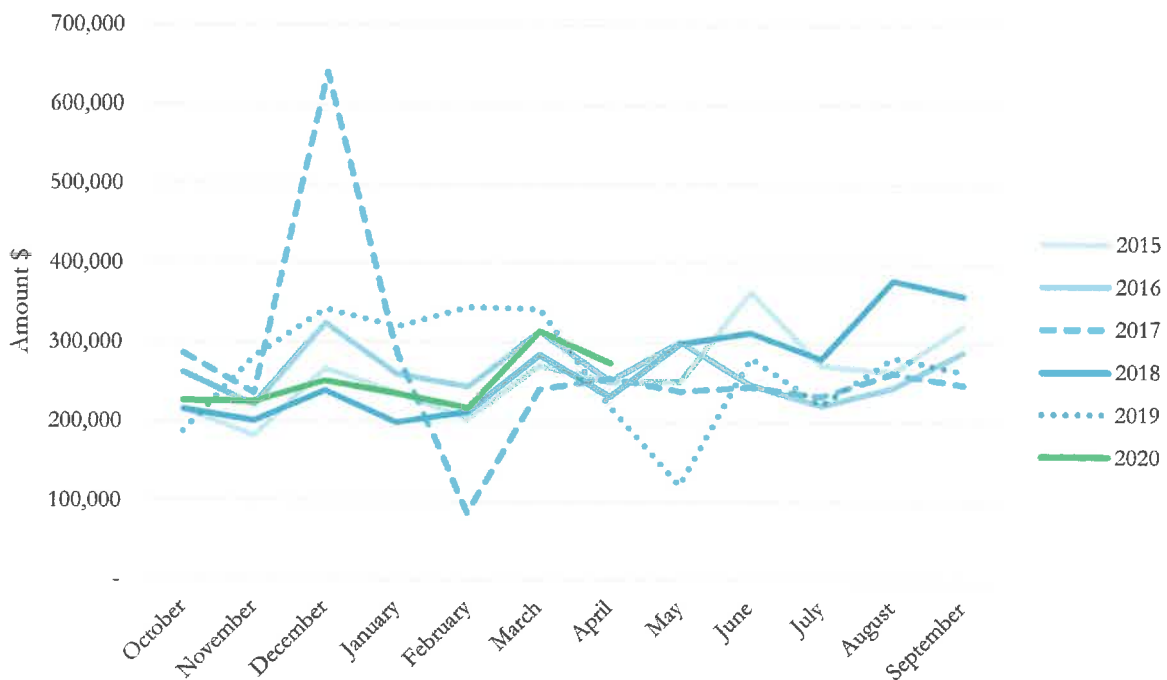


Sales Tax

Sales Tax Revenue through April (received in June) was over \$1,162,000, which is down from last year (-14%) and also under budget by 17%. It appears 2017 and 2019 were outlier years and thus we are seeing revenue dip to prior year trends. Sales tax in April was down from March, however; this was up from April 2019. Thus, so far, the impact from the COVID-19 pandemic has been minimal. Please note, there is a two-month lag from when sales tax is collected and received by the City; thus, April's sales tax was received in June.

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	182,565	25%
May	80,307		
June	187,205		
July	147,760		
August	187,451		
September	175,616		
<b>Grand Total</b>	<b>2,134,644</b>	<b>1,162,122</b>	<b>-46%</b>
<b>Total Budget</b>	<b>2,350,000</b>	<b>2,400,000</b>	<b>2%</b>
<b>% of Budget YTD</b>	<b>90.8%</b>	<b>48.4%</b>	

Comparison of Sales Tax Revenue by Year



## Budget vs. Actuals

Fund	Current Budget	Actuals FYTD	Budget-Actual
<b>General Fund</b>			
Revenue	-16,828,332	-13,591,672	-3,236,660
Administration	2,212,670	1,209,104	1,003,566
Beach Maintenance	9,200	6,084	3,116
Building	341,400	204,876	136,524
Code Enforcement	431,950	178,796	253,154
EMS	884,290	508,566	375,724
Fire/Emergency Management	1,209,222	803,041	406,181
Garbage	992,453	647,534	344,919
Golf Course	968,300	654,442	313,858
Historical Museum	276,293	152,511	123,782
Library	28,300	19,685	8,615
Municipal Court	180,508	112,771	67,737
Parks	1,448,659	870,187	578,472
Police/Animal Control	4,537,133	3,200,360	1,336,773
Recreation	584,200	201,003	383,197
Service Center	191,090	117,159	73,931
Sr. Citizen's Commission	10,100	6,329	3,771
Street	1,344,960	930,213	414,747
Transfers	5,144,348	2,199,087	2,945,261
<b>General Fund Total</b>	<b>3,966,744</b>	<b>-1,569,926</b>	<b>5,536,670</b>
<b>Water &amp; Sewer</b>			
Revenue	-5,276,100	-3,720,840	-1,555,260
Transfers	-1,000,000	0	-1,000,000
Water/Sewer	6,196,112	3,640,221	2,555,891
<b>Water &amp; Sewer Total</b>	<b>-79,988</b>	<b>-80,620</b>	<b>632</b>
<b>Capital Debt Service</b>			
Revenue	-565,232	-539,417	-25,815
Debt Service	565,232	569,224	-3,992
<b>Capital Debt Service Total</b>	<b>0</b>	<b>29,807</b>	<b>-29,807</b>
<b>COO 2008 Construction</b>			
Administration	54,000	0	54,000
<b>COO 2008 Construction Total</b>	<b>54,000</b>	<b>0</b>	<b>54,000</b>
<b>Special Revenue</b>			
Revenue	-55,600	-42,625	-12,975
Beach Maintenance	0	2,244	-2,244
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
Transfers	-12,000	0	-12,000
<b>Special Revenue Total</b>	<b>-17,550</b>	<b>-21,553</b>	<b>4,003</b>

Street & Drainage			
Street	2,249,906	770,523	1,479,383
Transfers	-2,399,906	-757,834	-1,642,072
<b>Street &amp; Drainage Total</b>	<b>-150,000</b>	<b>12,689</b>	<b>-162,689</b>
Facilities & Grounds CIP			
Administration	292,152	248,348	43,804
Golf Course	20,000	0	20,000
Library	15,000	5,650	9,350
Parks	462,902	324,397	138,505
Police/Animal Control	0	7,266	-7,266
Recreation	139,000	113,901	25,099
Service Center	25,000	0	25,000
Transfers	-954,054	-699,562	-254,492
<b>Facilities &amp; Grounds CIP Total</b>	<b>0</b>	<b>0</b>	<b>0</b>
Vehicle & Equipment			
Administration	0	39,644	-39,644
Fire/Emergency Management	79,415	80,879	-1,464
Parks	140,206	140,206	0
Police/Animal Control	181,257	149,157	32,100
Street	46,910	31,805	15,105
Transfers	-447,788	-441,691	-6,097
<b>Vehicle &amp; Equipment Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Utilities

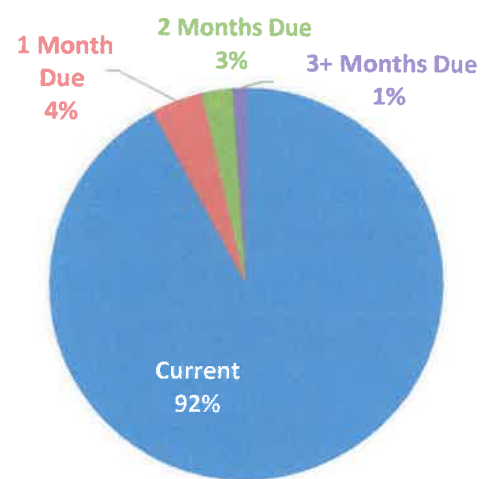
As of the end of April, 75% of water accounts were current and 25% had outstanding balances.

### Jun-20

Billed	Water	Sewer	Total FYTD
Residential	\$623,532	\$538,223	\$1,161,754
Commercial	1,026,246	907,064	1,933,310
Outside CL	275,699	3,289	278,988
Irrigation	9,389	0	9,389
Water Only	158,987	0	158,987
<b>Total Billed</b>	<b>\$2,093,853</b>	<b>\$1,448,576</b>	<b>\$3,542,429</b>
Last FYTD	\$1,986,637	\$1,404,521	\$3,391,157
% Change	5.4%	3.1%	4.5%

Consumption	Water	Sewer	Total FYD
Billed	260,456,000	201,292,655	461,748,655
Unbilled	1,757,000	0	1,757,000
<b>Total Gallons</b>	<b>262,213,000</b>	<b>201,292,655</b>	<b>463,505,655</b>
Last FYTD	288,941,000	223,233,263	512,174,263
% Change	-9.3%	-9.8%	-9.5%

### AGING REPORT FOR WATER ACCOUNTS



## Municipal Court

Fiscal Year Total Through	Jun-18	Jun-19	Jun-20	% Change
<b>Violations</b>				
Filed	3,034	2,906	1,764	-39.3%
Completed	2,200	1,914	1,150	-39.9%
<b>Net Difference Filed/Complete</b>	<b>834</b>	<b>992</b>	<b>614</b>	<b>-38.1%</b>
<b>Warrants</b>				
Issued	1125	523	213	-59.3%
Warrants Cleared	1020	643	442	-31.3%
<b>Change in Total Warrants</b>	<b>105</b>	<b>-120</b>	<b>-229</b>	<b>90.8%</b>
Total Fees/Fines Paid*	\$483,366	\$417,469	\$251,118	-39.8%

\* Includes Regulatory, State & Other Agency Fees

## Ongoing Initiatives

### Audit

The interim audit for FY2019-2020 began July 6<sup>th</sup> and has been ongoing.

### Budget

The FY2020-2021 Budget Process is underway. The first planning meeting to kick off the process was held during the Strategic Planning Workshop June 27. Since then staff has reviewed Budget Assumptions with Council and delivered budget instructions to departments. The next budget related item will be during the July 20 meeting.

### 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 1<sup>st</sup>. Staff has already begun working with Tyler on implementation.

### Grant Administration

Staff is working on reimbursement through the Texas Coronavirus Relief Fund (CRF) under the Cares Act and is reviewing proposal to hire 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 and online without any fees. Additionally, residents may now apply for new water and garbage services online. Additionally, staff is working to upgrade the website for online payments for Court.

### Policies

There are not any new updates for June. 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

Council Awarded the RFP for Integrated Financial Software to Tyler Technologies June 1<sup>st</sup>. Additionally, staff is still evaluating the proposals to Re-write the City's Zoning and Subdivision Ordinances, Grant Administrative Services, and Group Medical Insurance.

### Records

There are not any new updates for June. 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 June. 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 June. 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: July 16, 2020

HR TEAM: Brenda Miller-Ferguson and Donna Fisher

## HR Services Team Priorities and Results for June 2020:

- **COVID Response:** This month we worked with managers to manage employee absences related to positive tests or exposures. COVID activity this month included:
  - **COVID-Related Absence Tracking:** In June absences directly related to quarantines and/or positive cases ranged from a low of zero (0) to a high of twelve (12), with a total of three (3) positive cases in June. 11 of the 12 absences were due to exposure of a family member or friends outside of the home (personal visits or events).
  - **COVID Screening Tools:** In June we reinforced with employees the protocol for voluntary travel during vacations. Long periods of quarantine after vacations can make continuity of services very challenging. Regardless of that, we are requiring employees to obtain releases from their medical professionals before returning to work after travel outside the state or country.
  - **COVID-Related Policy:** In June we drafted an exception to the Temporary Emergency Paid Leave Policy that was adopted in April. The exception allows us to provide Emergency Responders with the Emergency Paid Sick Leave benefit of up to 80 hours for COVID-related absences. This exception was prepared for Council consideration at the July 6<sup>th</sup> Council Meeting.
  
- **Merit Pay Increases:** Pay increases were posted in the payroll checks on June 5<sup>th</sup>, along with lump sum amounts for increases retroactive to Oct. 1, 2019. Merit-based pay increase amounts were calculated for eligible employees based on Performance Evaluations completed in May.
  
- **Performance Evaluations:** The evaluation process began for new employees who did not qualify during the recent process. These evaluations for new employees will provide a baseline for merit-based increases being budgeted for Oct. 2020.
  
- **Salary Survey:** We engaged Strategic Government Resources in a City-wide salary and benefit survey. All of our data has been provided, including job descriptions, pay plans, etc. A kick-off meeting was conducted and we allowed Department Heads from our largest employee groups (PD, Fire, PW) to provide input to SGR directly regarding cities and entities with whom we compete. A list of proposed comparison organizations was prepared for presentation to Council on July 6<sup>th</sup>.
  
- **Policy Update Progress This Month:**
  - **Chapter 9 Policy Updates:** Updates have been drafted for multiple sections in Personnel Policy Handbook Chapter 9 (Employee Wage and Benefits). Proposed revisions are being reviewed with Department Directors for feedback before presenting the draft to Council in Aug.. Updates include: Longevity Pay, Tuition Reimbursement, Travel Reimbursement/ Per Diem, Education Pay, and Certification Pay.

- **Payroll Software Conversion Project:** Research was completed and the decision has been made and approved to proceed with Incode 10 for our Financial and HR/Payroll suite. We participated in kick-off meetings to outline the conversion process and timeline. Payroll will be the final module to convert after financials are in place. We will continue our agreement with Paycom until that time.
- **New HR Strategic Plan Progress:** The HR Services Team's new strategic plan was presented to Management and Council during the Strategic Planning Workshop on June 27<sup>th</sup>. Detailed Action Plans for Strategic Initiatives are being developed.
- **Training/Coaching This Month:**
  - **Cyber Security Training:** We complied with HB 3834 mandated Cyber Security Training and met the deadline on June 15. Our compliance certificate was submitted on time.
  - **Strategic Government Resources On-Line Training:** We encouraged Directors to utilize online training in lieu of group training sessions for COVID safety. 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. Participation has been light due to COVID coverage.
- **Organizational Restructuring Project Progress:**
  - **Public Works Department:** We recommend proceeding with the reorganization in July-August leading into the new fiscal budget year. Employees are anxious about pending changes and that is unproductive in some cases. Lance and Brenda are finalizing revised job descriptions and organizational chart options.
- **Recruiting & Hiring Progress This Month:**
  - **Firefighter/EMS: (1 remaining vacancy)** We completed recruiting to fill the final two firefighter vacancies. Blayne Redwine started on June 29<sup>th</sup>, and we anticipate the second new hire will start in July.
  - **Fire Marshal:** In June several candidates were screened, and a panel is being organized for formal interviews in July.
  - **Fire Dept. Engine Driver / Operator:** The Fire Chief requested this new position in Strategic Plan. The function is being converted to an additional Certification/Assignment for existing employees, instead of new positions. The new Certification Pay will be included in the Chap. 9 Policy Updates noted earlier which will be presented to Council soon (targeted for August).
  - **Police Officers: (1 new vacancy)** We received one new vacancy due to an Officer's resignation for personal reasons; recruiting has begun.
  - **Police Dept. Crossing Guard: (2 vacancies)** With school opening in August recruiting has begun for 2 Crossing Guards. We are hopeful that discussions will continue for this responsibility to transfer to the school district.
  - **PT Golf Course Attendants: (1 new vacancy)** We filled one open position, but have received notice for a July resignation. Recruiting has begun.
  - **Museum Coordinator:** At the end of the month our coordinator resigned without notice for personal reasons. Recruiting will begin in July, but hiring will be postponed while the Museum remains closed due to COVID restrictions.
  - **PT Museum Attendant:** recruiting continues in July but hiring will be postponed while the Museum remains closed due to COVID restrictions.
  - **Pool Workers at Recreation Center:** Re-hiring of seasonal lifeguards is progressing. We hired 2 in May and 2 more started in June. Brenda is sourcing candidates with Workforce Solutions.

- **Risk Management and Insurance Updates:**

- **Workers Compensation Claims:** One new claim in June for shoulder injury (Parks Dept.).
- **Family & Medical Leave Cases (FMLA)- Total of four (4) cases in June, with three new cases** (1 in Fire, 1 in Police, 1 in Public Works-Parks); plus one on-going intermittent FMLA case in Recreation.
- **Property/Accident Claims- One New Claim in June** for Police Vehicle Accident.
- **Health Insurance Benefits Renewal** – We have initiated the benefits renewal process. Medical insurance went out to bid, with a July 7<sup>th</sup> closing date; other benefits have multiple year agreements in place. We will be also be discussing options for our health spending accounts vendors due to employee dissatisfaction with Optum.
- **Asset Management Updates:** The TML inventory is being updated leading into the new budget year, and Brenda is work with Lance in Public Works and Jerry Meeks at Veolia to get water facilities covered.
- **Property Insurance:** Is being reviewed for budget purposes.

### Priorities for July:

- **Complete data gathering for Interim Audit.**
- **Continued due diligence with Directors and Employees to manage COVID response, including more employee awareness and communication. Include testimonials from peers who have contracted COVID.**
- **Explore options for on-site medical testing services for employees [for consistent COVID recommendations, random drug testing, workers comp assessments].**
- **Finalize Proposed Updates to Personnel Policy Chapter 9 [Employee Wage and Benefits] for presentation to Council in August.**
- **Salary Survey Project –Facilitate progress with vendor.**
- **Payroll/HR System Conversion Project – assist with migration process to Incode 10 financials and payroll/HR modules.**
- **Strategic Plan Progress– next steps and updates as directed based on feedback from June 27<sup>th</sup> workshop presentation.**