



**AGENDA
REGULAR MEETING
FREEPORT CITY COUNCIL
MONDAY, OCTOBER 19, 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 19th DAY OF OCTOBER 2020, AT 6:00 P.M., AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS

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

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

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

OR

AUDIO VISUAL CONFERENCE CALL USING:

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

International dial-in numbers: https://fccdl.in/i/council_mtg_101920

For users wanting to view and listen to the council meeting via a web browser go to https://join.freeconferencecall.com/council_mtg_101920

enter access code 5678901# and the online meeting code is: council_mtg_101920.

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 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. Employee of the month for the months of February, & September 2020. **(Kelty)**

CONSENT AGENDA:

Consent Agenda items are considered to be routine in nature and may be acted upon in one motion. Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately

2. Consideration and possible action on the approval of City Council meeting minutes from September 28, 2020, and October 5, 2020. **(Wells)**
3. Consideration and possible action by City Council approving the sale of trust property within the city limits. **(Tolar)**
4. Consideration and possible action approving Interlocal Agreement with Brazoria County and the City of Freeport for streets and alleys. **(Kelty)**

COUNCIL BUSINESS – REGULAR SESSION:

5. Consideration and possible approval for award of proposal for the comprehensive Zoning Ordinance Overhaul. **(Shoemaker)**
6. Consideration and possible action on designating a representative and an alternate to the Houston-Galveston Area Council General Assembly for the year 2021. **(Kelty)**
7. Consideration and possible action on Resolution No. 2020-2663 appointing a new member to the Freeport EDC Board replacing Kenny Hayes. **(Kelty)**
8. Consideration and possible action authorizing the City Manager to negotiate and execute Professional Services Agreements with Freese and Nichols, Inc. for CDBG-MIT projects. **(Russell)**
9. Consideration and possible action approving Resolution No. 2020-2656 to Amend the Investment Policy. **(Russell)**
10. Consideration and possible action approving Resolution No. 2020-2657 authorizing submission of FICA Application and designating signatories. **(Russell)**

WORK SESSION:

11. 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:

12. Executive Session regarding a.) (Potential Litigation) consultation with city attorney, b.) (Deliberations about Real Property), in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.071, 551.072.
 - a. Port Freeport
 - b. Wong Property

COUNCIL BUSINESS – REGULAR SESSION:

ADJOURNMENT:

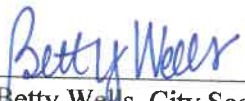
13. Adjourn.

Items not necessarily discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

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

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

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


Betty Wells, City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, September 28, 2020 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Brooks Bass:
Councilman Jerry Cain
Councilman Ken Green
Councilwoman Sandra Loeza
Councilman Roy E. Yates

Staff: Tim Kelty, City Manager
Stephanie Russell, Assistant City Manager
Betty Wells, City Secretary
Laura Tolar, Assistant City Secretary/ Special Projects Coordinator
Chris Duncan, City Attorney
Brenda Miller-Ferguson, Human Resource Director
Chris Motley, Freeport Fire Chief
Lance Petty, Public Works Director
Courtland Holman, Freeport Economic Development Director
Billy Shoemaker, Building/Code Director
Clarisa Molina, Administrator Assistant
LeAnn Strahan, Destinations Director

Visitors:

Edmeryl Williams	Angie Williams
Jerry Meeks (Veolia)	David McGinty
Kelly Lackey, BISD	William Pole Cat Culver
Melanie Oldham	Ruben Renobato
Ed Garcia	Nick Irene (Facts)
Sam Reyna	Nicole Mireles
Mary Garcia	Ty Morrow
Mike Deleon	Marinel Music
Jeff Pena	Tommy Pearson

Visitors, Via Teleconference:

Pam Tilley	Vander Williams
David Baird	Jessi Parker
Eric Hayes	

Call to order.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was led by City Manager Tim Kelty. Pledge was led by Mayor Brooks Bass.

Citizen's Comments

Ty Morrow, 1867 Acacia Circle thanked the Mayor for keeping the last council meeting in compliance with Due Process. He said that he appreciates that the rules were followed. He said that he hopes that council will follow up and make sure no ethical violations have been committed.

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

Employee of the month for the months of, February, June, July, August 2020.

City Employee Laurie Motley was presented with a certificate recognizing her for Employee of the Month of June 2020. Adriana Martinez was recognized with a certificate for Employee of the Month of July and Donna Fisher was recognized with a certificate for Employee of the Month of August 2020.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from August 31, 2020 and September 8, 2020.

Consideration and possible action on Resolution No. 2020-2654 authorizing the Mayor to execute title and close on the transfer of 212 West Park to the EDC

Consideration and possible action on a Resolution No. 2020-2655 reappointing Kenny Hayes as City representative on the Brazosport Water Authority

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye" 5-0 Council unanimously approved the Consent Agenda, with the changes to the minutes from August 31, 2020.

REGULAR SESSION

Consideration and possible approval for award of proposal for the comprehensive Zoning Ordinance Overhaul.

Assistant City Manager, Stephanie Russell presented to council the possible approval for award of proposal for the comprehensive zoning ordinance overhaul to Kendig Keast. She said that this was presented to council at the last council meeting. Ms. Russell said that since the last meeting, as requested by Council, staff was able to get the time frame reduced from fifteen months down to nine months. Ms. Russell said that Brett Keast was present to answer any questions.

Mayor Bass asked how is this beneficial to the City, what will be provided? Mr. Kelty said that there are two components to this. One being the zoning ordinance overhaul, and the other being the subdivision control ordinance overhaul. He said that the ordinances that we have now were originally drafted in 1964. He said that there have been updates to it, but it is still poorly written and not up to today's standards.

Councilman Yates asked if this was for just the zoning ordinance, he asked why it would be \$100,000.00 to rewrite about fifty pages? Tim Kelty said this is very extensive and complicated process and ordinance.

Online comment said that the Planning and Zoning needs to be the board that is handling this process. Staff responded that the Planning and Zoning Commission at their most recent meeting had voted to recommend approval of the proposed contract.

Nicole Mireles said that she is the Chairperson for Planning and Zoning, she said that the Planning and Zoning Board feel strongly that this board can update these ordinances.

Brett Keast, owner of Kendig Keast explained how his company would rewrite the ordinances in accordance to the laws. He said that the ordinances need to be brought up to date, he said that they are very outdated.

Mayor Bass asked if the amount could be reduced anymore? Mr. Keast said that they can remove and narrow it down more, but the community time may not have as much involvement.

Councilman Cain asked about the timeframe of fifteen months, or if it will be nine months for completion. Brett Keast said the fifteen months was the original version.

Councilwoman Loeza asked if the funds for this item is already budgeted? Tim Kelty said \$50,000.00 was already budgeted this year, and there is another \$50,000.00 available in the budget that will cover this.

Online comment said that this should be done by the Planning and Zoning Board, they said that there is no hurry to get this done.

On a motion to deny by Councilman Yates, seconded by Councilman Green, with all present voting 3-2 in favor of the motion, Council denied awarding proposal for the comprehensive Zoning Ordinance Overhaul. Councilman Yates, Councilman Green, and Councilwoman Loeza voted "Aye". Mayor Bass and Councilman Cain opposed.

Wyatt Ringgold with BWA spoke to council about the water issue that occurred on Friday night for cities within the BWA area. He said that all was cleared for the City of Freeport, and the issue was isolated to the City of Lake Jackson.

Consideration of approving Resolution No. 2020-2652 appointing and reappointing members to the Freeport Economic Development Board.

City Manager Tim Kelty presented to council Resolution No. 2020-2652 appointing and reappointing members to the Freeport Economic Development Board. He said that we need three two-year appointments. Ed Garcia, Trey Sullivan and Jeff Pena are up for reappointments for two-year terms.

Marinel Music asked that Jeff Pena, Trey Sullivan, and Ed Garcia be reappointed to the EDC Board.

Councilman Green spoke to Council of his concerns regarding Jeff Pena's reappointment to the EDC Board.

Jeff Pena spoke to council regarding his reappointment to the EDC Board.

Councilman Green made a motion to reappoint Ed Garcia, Trey Sullivan and to appoint Keith Stumbaugh. Motion died from a lack of a second.

On a motion by Councilman Yates, seconded by Councilman Cain, with all present voting "Aye" 4-1 Council approved reappointing Trey Sullivan, Ed Garcia and Jeff Pena as members to the Freeport Economic Development Board. Councilman Green opposed

Consideration and possible action regarding commitment of a portion of City COVID Relief Funds in support of Brazosport ISD.

Assistant City Manager Stephanie Russell presented to Council a request from Brazosport ISD for commitment of a portion of City COVID Relief Funds in support of Brazosport ISD. Ms. Russell said that so far the City has spent \$119,000.00 of the \$690,000.00 from the CARES Act. Ms. Russell said that BISD has requested support from the cities of Freeport, Clute and Lake Jackson.

Kelly Lackey, Director of Finance with BISD spoke to council of how the contribution will be matched by a grant through TEA.

Mayor Bass asked if we can spend the amount that needs to be spent in order to contribute the \$50,000.00 to BISD. He said that we need to use this money on PPE and to also help BISD.

Councilman Yates asked, if we must spend the money on PPE for COVID related things? Ms. Russell said yes.

On a motion by Councilman Yates, seconded by Councilwoman Loeza, with all present voting "Aye" 5-0 Council unanimously approved a commitment of \$50,000.00 a portion of City COVID Relief Funds in support of Brazosport ISD.

Public Hearing on Ordinance No. 2020-2614 Amending Sections 52.15 and 52.16 of the Code of Ordinances to Clarify Meter Sizes included in the Rates for Water and Sewer Services.

Mayor Bass opened the Public Hearing at 7:39PM.

City Manager Stephanie Russell presented to council Ordinance No. 2020-2614 Amending Sections 52.15 and 52.16 of the Code of Ordinances to Clarify Meter Sizes included in the Rates for Water and Sewer Services. She said that the original ordinance was adopted by council in August.

Kenny Hayes asked why do you pay more if you have a larger meter? Tim Kelty said that the base rate is higher on larger meters because the base rate is not a volumetric charge. The base rate is an availability fee. Larger meters demand a larger available capacity and thus there is a higher charge. Kenny Hayes asked about the residential usage. Tim Kelty said that this will not affect residential customers.

Roy Yates said that the base rate is hurting some businesses.

Stephanie Russell said that customers can downsize their water meters. This is at the customers expense.

Mayor Bass closed the Public Hearing at 7:46PM

Consideration of an Ordinance No. 2020-2614 Amending Sections 52.15 and 52.16 of the Code of Ordinances to Clarify Meter Sizes included in the Rates for Water and Sewer Services.

Assistant City Manager Stephanie Russell presented to council Ordinance No. 2020-2614 Amending Sections 52.15 and 52.16 of the Code of Ordinances to Clarify Meter Sizes included in the Rates for Water and Sewer Services.

Councilman Yates asked how much is this going to cost the residential customers? Ms. Russell said that this does not impact residential customers, this is only commercial.

Online comment said that we do not need to charge by meter size.

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting “Aye” 4-1 Council approved Ordinance No. 2020-2614 amending Sections 52.15 and 52.16 of the Code of Ordinances to Clarify Meter Sizes included in the Rates for Water and Sewer Services. Mayor Bass opposed.

Consideration and possible action adopting a Citizens Participation Plan for the CDBG-MIT Program, for the City of Freeport

Assistant City Manager Stephanie Russell presented to council the Citizens Participation Plan for the CDBG-MIT Program, for the City of Freeport. She said that staff recommends the adoption of the proposed Citizens Participation Plan.

On a motion by Councilman Yates, seconded by Councilman Cain, with all present voting “Aye” 5-0 Council unanimously approved the adoption of the Citizens Participation Plan for the CDBG-MIT Program, for the City of Freeport.

Consideration and possible action on Resolution No. 2020-2659 approving the Freeport Economic Development Board Budget for FY2020-2021.

Assistant City Manager Stephanie Russell presented to council Resolution No. 2020-2659 approving the Freeport Economic Development Board Budget for FY2020-2021. She said that the proposed budget was presented to the EDC Board in August 2020.

Councilman Yates asked why the salaries budget increased? Ms. Russell said this includes the new proposed assistant position.

Mayor Bass asked what is the new position? Ms. Russell said that this position is for an assistant for Mr. Holman.

Mayor Bass asked what the salary would be, Mr. Holman said about \$45,000.00 annually.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting “Aye” 5-0 Council approved Resolution No. 2020-2659 approving the Freeport Economic Development Board Budget for FY2020-2021. Councilman Yates opposed

WORK SESSION:

Councilman Green said that he appreciates all the work that has been done on Broad Street.

Councilman Cain said that there are tree branches in Brazos Landing Court that are coming over the road. He also said that street lights are out on Yaupon and 2nd Street, Broad and Mesquite, 7th Street and Locust. He also asked if the city will be doing any event for Halloween.

Councilwoman Loeza said there is a house on Ave H that is abandoned. She said that the grass is very high and it needs to be cut. She also said that there is a light out on Ave H and Yellowstone. She said there is a hole in the alley of Ave D behind Aprils Furniture she said these need to be repaired.

Councilman Yates said that he had no comments.

Mayor Bass said that he is proud of staff and city workers.

City Manager Tim Kelty said that he would like to recognize Chief Motley for his work in getting the message out for the water issue. He said that appreciates all of staff and their response.

Update on reports / concerns from Department heads

There were no comments from Department heads.

Open session was closed at 8:13 pm and Council entered into Executive Session.

Councilman Green was not present during Executive Session.

CLOSED SESSION:

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), 212 East Park Ave in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.074.

REGULAR SESSION

Mayor Brooks Bass reconvened regular session at 8:57 P.M.

No action taken in Executive Session.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 9:00 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
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, October 5, 2020 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Brooks Bass:
Councilman Jerry Cain
Councilman Ken Green
Councilwoman Sandra Loeza
Councilman Roy E. Yates

Staff: Tim Kelty, City Manager
Stephanie Russell, Assistant City Manager
Betty Wells, City Secretary
Laura Tolar, Assistant City Secretary/ Special Projects Coordinator
Chris Duncan, City Attorney
Brenda Miller-Ferguson, Human Resource Director
Chris Motley, Freeport Fire Chief
Lance Petty, Public Works Director
Courtland Holman, Freeport Economic Development Director
Billy Shoemaker, Building/Code Director
Ray Garivey, Freeport Police Chief
Clarisa Molina, Administrator Assistant Via Teleconference
LeAnn Strahan, Destinations Director Via Teleconference

Visitors: Jerry Meeks (Veolia) David McGinty
Manning Rollerson Ruben Renobato
Melanie Oldham Nick Irene (Facts)

Visitors, Via Teleconference: Amanda Sylvia Davila
Melissa Washington (GLO) Pena
Donna Williams

Call to order.

Mayor Bass called the meeting to order at 6:01 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was led by City Manager Tim Kelty. Pledge was led by Mayor Brooks Bass.

Citizen's Comments

Manning Rollerson spoke to council of his concern for the citizens of the East End, he said that he wanted to know where the city stands. He also spoke to council about the apartments his daughter lives in, and his concern of City Employees not answering the city phones.

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

Emergency management briefing COVID-19.

Freeport Fire Chief Chris Motley said that the numbers are on a downward trend, he said that they look good for the City of Freeport. He said that supplies are good. He reminded us that we are in hurricane season, and we need to keep an eye on Gama.

Freeport Police Chief Ray Garivey said that the Police Department is doing good. He also announced National Night out is Tuesday October 6, 2020 he said that this is a drive thru event this year. He said that they have been helping out the City of Lake Jackson with the POD that is set up to help with the water situation in the city.

Mayor Bass that he is proud of the city's quality leadership. He commended Chief Motley and Chief Garivey for all the dedication that these departments give.

Jerry Meeks with Veolia, spoke to council about the water issue that occurred with BWA. He said that this is affecting the City of Lake Jackson only. He said that the City of Freeport water meets all the criteria that TCEQ sets forth. He also said that water is tested daily in the City of Freeport.

Councilman Cain asked if this is a daily test because of what happened in the City of Lake Jackson? Mr. Meeks said this is something that we do every day.

Presentation by Freese and Nichols on the TWDB Grant.

Ron Bavarian, P.E. with Freese and Nichols spoke to council about the update to the pre- application that was submitted to TWDB for a \$14M Grant Loan. He said that this was submitted back in February, he said about two weeks ago they were told that the city did not rank high enough and had not been invited to submit a full application. He said that we will be applying for a TWDB low-interest loan funding in the Spring, and we are also working on the GLO Grant that will be discussed later on in the meeting.

Mayor Bass asked if we are eligible for the grants will there be money to pay back? Mr. Bavarian said there is about a \$60,000 match requirement.

Councilwoman Loeza asked why the city did not rank high enough? Mr. Bavarian said that the city's scoring on the water system did not score high enough, that the system is not broken enough, was not under any kind of enforcement action by TCEQ. He said that the money is going to other cities whose systems were in even worse shape and were under enforcement action. He said that we ranked at 89 out of 141.

REGULAR SESSION

Consideration and possible action on Resolution No. 2020-2661 authorizing the submission for City of Freeport for an application for the Community Development Block Grant-Mitigation (CDBG-MIT) 2016 HUD MID grant program administered by the Texas General Land Office (GLO).

Assistant City Manager Stephanie Russell presented to council a Resolution No. 2020-2661 authorizing the submission for City of Freeport for an application for the Community Development Block Grant-Mitigation (CDBG-MIT) 2016 HUD MID grant program administered by the Texas General Land Office (GLO). She said for this application we would submit for the amount of \$6 million. She said that the city would commit a match of one percent, which would be about \$60,000.00. Ms. Russell said that this project we would recommend the city-wide sewer line improvements.

Ron Bavarian, P.E. with Freese and Nichols, said that the repairs for this project would be for the collection system.

Councilman Yates asked what this project was for? Mayor Bass said that it is for city wide sewer improvements. Ron Bavarian said that it will be used in the most needed I & I Problems.

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council approved Resolution No. 2020-2661 authorizing the submission for City of Freeport for an application for the Community Development Block Grant-Mitigation (CDBG-MIT) 2016 HUD MID grant program administered by the Texas General Land Office (GLO).

Consideration and possible action on Resolution No. 2020-2662 authorizing the submission for City of Freeport for an application for the Community Development Block Grant-Mitigation (CDBG-MIT) Harvey HUD MID grant program administered by the Texas General Land Office (GLO)

Assistant City Manager presented to Council, Resolution No. 2020-2662, authorizing the submission by the City of Freeport for an application for the Community Development Block Grant-Mitigation (CDBG-MIT) Harvey HUD MID grant program administered by the Texas General Land Office (GLO). She said that this will need a revision to the Resolution, she said that the amount is \$6,052,000.00. She said that the city's match will be \$60,520.00.

Ron Bavarian said that this will repair the major unit at the waste water treatment plant.

Mayor Bass asked Chris Duncan if we can go forward with the amendment? Chris Duncan said yes.

Roy Yates said there are two applications, are these two different projects? Stephanie Russell said yes. One is for the I & I and the other is for the Waste Water Treatment Plant.

Councilwoman Loeza asked how long the approval process takes. Ms. Russell said it will probably be by the first quarter.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye" 5-0 Council approved Resolution No. 2020-2662 authorizing the submission for City of Freeport for an application for the Community Development Block Grant-Mitigation (CDBG-MIT) Harvey HUD MID grant program administered by the Texas General Land Office (GLO), with the revision in the amount of \$6,052,000.00 and the city's portion to be \$60,520.00 to Resolution No. 2020-2662.

Public Hearing: Public Hearing and possible action on Gregory Subdivision, a two-lot subdivision of the Mike Gregory Called 2.739 Acre Tract recorded in Clerk's File No. 20-033374 of the Brazoria County Official Records and situated in the John McNeel Survey Abstract 92 Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 6:33.

Assistant City Manager Stephanie Russell presented to Council possible action on Gregory Subdivision, a two-lot subdivision of the Mike Gregory Called 2.739 Acre Tract recorded in Clerk's File No. 20-033374 of the Brazoria County Official Records and situated in the John McNeel Survey Abstract 92 Brazoria County, Texas. She said that this was posted and notices sent with no questions or comments.

Melanie Oldham asked why Planning and Zoning did not reschedule the meeting. Mr. Kelty said that there had not been enough time to provide proper legal notice to hold a rescheduled Planning and Zoning Public Hearing.

Mayor Bass closed the Public Hearing at 6:36

On a motion by Councilman Cain, seconded by Councilwoman Loeza, with all present voting "Aye" 5-0 Council approved action on Gregory Subdivision, a two-lot subdivision of the Mike Gregory Called 2.739 Acre Tract recorded in Clerk's File No. 20-033374 of the Brazoria County Official Records and situated in the John McNeel Survey Abstract 92 Brazoria County, Texas.

Public Hearing: Public Hearing and possible action on Lyon Subdivision a two-lot subdivision of the Charles E. and Paula O. Lyon called 22.703 Acre Tract. Recorded in County Clerks File No. 13-014345 of the Brazoria County Official Records situated in the Stephen F. Austin 7-1/3 League Abstract 20, City of Freeport, Brazoria County, Texas

Mayor Bass opened the Public Hearing at 6:36.

Assistant City Manager Stephanie Russell presented to Council possible action on Lyon Subdivision a two-lot subdivision of the Charles E. and Paula O. Lyon called 22.703 Acre Tract. Recorded in County Clerks File No. 13-014345 of the Brazoria County Official Records situated in the Stephen F. Austin 7-1/3 League Abstract 20, City of Freeport, Brazoria County, Texas. She said that notice was given and there were no questions or comments.

Councilwoman Loeza asked, if they were wanting to sell one part of the lot, and keep one? Ms. Russell said yes.

Melanie Oldham said that she looked over the plats, and part of this may be in a flood zone.

Mayor Bass closed the Public Hearing at 6:41.

On a motion by Councilwoman Loeza seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Lyon Subdivision a two-lot subdivision of the Charles E. and Paula O. Lyon called 22.703 Acre Tract. Recorded in County Clerks File No. 13-014345 of the Brazoria County Official Records situated in the Stephen F. Austin 7-1/3 League Abstract 20, City of Freeport, Brazoria County, Texas.

Public Hearing: Public Hearing and possible action on Pena Subdivision a combination of lots 485 and 486, Block 3 of the Bar X Ranch Subdivision Section 2, recorded in Volume 16, Page 119-128 of the Brazoria County Plat Records situated in the Samuel Carter Survey, Abstract 53, Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 6:41.

Assistant City Manager Stephanie Russell presented to Council possible action on Pena Subdivision a combination of lots 485 and 486, Block 3 of the Bar X Ranch Subdivision Section 2, recorded in Volume

16, Page 119-128 of the Brazoria County Plat Records situated in the Samuel Carter Survey, Abstract 53, Brazoria County, Texas. She said that notice was given, and there were no questions or comments.

Councilwoman Loeza asked how long the notice is posted? Ms. Russell said that notice must be posted fifteen days prior to the public hearing. A single notice was provided for both the Plan Commission and Council public hearings.

Mayor Bass closed the Public Hearing at 6:43.

On a motion by Councilman Cain seconded by Councilwoman Loeza, with all present voting “Aye” 5-0 Council unanimously approved the Pena Subdivision, a combination of lots 485 and 486, Block 3 of the Bar X Ranch Subdivision Section 2, recorded in Volume 16, Page 119-128 of the Brazoria County Plat Records situated in the Samuel Carter Survey, Abstract 53, Brazoria County, Texas.

Consideration and possible action adopting Federal Procurement Policies & Procedures and a Resolution No. 2020-2660 to Amend the City’s existing Purchasing Policy Accordingly.

Assistant City Manager Stephanie Russell presented to council Federal Procurement Policies & Procedures and a Resolution No. 2020-2660 to Amend the City’s existing Purchasing Policy Accordingly, she said that this is to add revisions to section K for Federal Grants, in order to be compliant with grant requirements.

On a motion by Councilman Yates seconded by Councilwoman Loeza, with all present voting “Aye” 5-0 Council unanimously approved adopting Federal Procurement Policies & Procedures and a Resolution No. 2020-2660 to Amend the City’s existing Purchasing Policy Accordingly.

Consideration and possible action approving Resolution No. 2020-2656 to Amend the Investment Policy.

Consideration and possible action approving Resolution No. 2020-2657 authorizing submission of FICA Application and designating signatories.

Mayor Bass said that, he would like to table these two items, numbers 10 and 11 on the agenda. He said that he would like to have more time for council to review and ask questions on these items since they are investments on city funds.

Item numbers 10 and 11 were tabled.

Consideration and possible action of approving Resolution No. 2020-2658 for a policy revision to the Personnel Policy Handbook regarding the establishment maintenance of computer passwords.

Human Resource Director, Brenda Ferguson presented to council Resolution No. 2020-2658 for a policy revision to the Personnel Policy Handbook regarding the establishment maintenance of computer passwords. She said staff recommends this change to the Personnel Policy Handbook. Ms. Ferguson said that our existing policy does not specifically address the use of computer password.

Mayor Bass asked Councilwomen Loeza if these were the similar to what the bank requires for data security, if this is just a way to keep up with technology? Councilwomen Loeza said yes.

On a motion by Councilman Yates seconded by Councilman Green, with all present voting “

Aye” 5-0 Council unanimously approved Resolution No. 2020-2658 for a policy revision to the Personnel Policy Handbook regarding the establishment maintenance of computer passwords.

Consideration and possible action on the approval of an amendment to the Freeport EDC By-Laws.

Freeport EDC Director, Courtland Holman presented to council the possible action on the approval of an amendment to the Freeport EDC By-Laws. Mr. Holman said that the Freeport EDC is recommending changing the By-Laws, to exclude Ex-Officio members, City Liaison and City Management from closed session. He said that this is a reversal from the previous action from November 2019.

Mayor Bass asked if Mr. Holman recalled the wording for allowing their participation prior to November of last year. Mr. Holman said that the by-laws were silent on the issue.

Councilwoman Loeza asked what is Ex-Officio. Mr. Holman said that the by-laws designate the City Manager, Assistant City Manager and City Council Liaison as ex-officio members meaning that they are expected to provide input but do not vote.

Councilman Green said that as currently written the Ex-Officio and Liaison can attend closed session meetings. Mr. Holman said yes. Councilman Green also said that the liaison is there to represent City Council, if the liaison cannot go into closed session how can this happen?

City Attorney Chris Duncan said this Ex-Officio position was designated so that they can be in closed session, but not to vote.

City Manager said that if this is approved tonight, then the Ex-Officio and the City Liaison will not be allowed into the closed session of EDC.

On a motion by Councilman Cain seconded by Councilwoman Loeza, with all present voting “Aye” 3-1 Council approved to deny the approval of an amendment to the Freeport EDC By-Laws. Councilman Green, being the EDC Liaison reclude himself from voting, and Councilman Yates abstained from voting.

WORK SESSION:

Councilman Green asked about the road work on Hickory down to Walnut, he asked what is the ETA? Freeport Public Works Director, Lance Petty said hopefully in the next two weeks.

Councilman Cain said that he had no comments.

Councilwoman Loeza asked what was being done to the building next door to the Freeport Vet Clinic. Special Project Coordinator/Assistant City Secretary, Laura Tolar said that this is going to be an Animal Boarding Facility being done by the vet clinic. Councilwoman Loeza asked who is responsible for the roads in trailer parks, and if they fall under the same guidelines with our city ordinances, and if the Code Officers drive through the parks? Tim Kelty said trailer parks are required to comply with the same guidelines as regular residential houses. But the roads are private property, he said that he could not answer if the Code Officers look at the trailer parks, but he would check into it. She also asked about the digital sign in front of the park, she said that it is still not working are we going to get this fixed?

Councilman Yates said that he had no comments.

Mayor Bass said that he has received a letter from FEMA about the National Flood Insurance Program, he said that it looks as if it is complimenting us, but there is a deadline of December 30. He asked if we are still on target to get surveys done so that we are compliance.

Update on reports / concerns from Department heads

There were no comments from Department heads.

Open session was closed at 7:09 pm and Council entered into Executive Session.

CLOSED SESSION:

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), 212 East Park Ave in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.074.

REGULAR SESSION

Mayor Brooks Bass reconvened regular session at 7:34 P.M.

No action taken in Executive Session.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Yates, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 7:34 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas



City Council Agenda Item # 3

Title: Consideration and possible action by City Council approving the sale of trust property within the city limits

Date: October 19, 2020

From: Laura Tolar, Special Projects Coordinator

Staff Recommendation: Staff recommends City Council approve the sale of property located at 1524 North Avenue Q (Velasco Townsite, Block 754, Lot 1-1A).

Item Summary

An offer has been made to the Brazoria County Property Tax Resale Committee for \$4,067.00. After court costs and other fees are collected, the remaining funds will be distributed to all taxing entities. This building is being considered by the city for condemnation.

Background Information:

In November 2019, the Brazoria County Tax office took position of this property due to a delinquency of taxes being paid.

Special Considerations:

None.

Board or 3rd Party recommendation:

None.

Financial Impact:

Freeport will receive \$870.49 and the property will return to the tax roll. Brazoria County Appraisal District valued this property on the 2020 tax roll at \$9,360.

Supporting Documentation:

Brazoria County Tax Office Letter
Tax Resale Property Information
Bid Analysis
Property Maps
Brazoria County Appraisal District – Property Information Sheet
Birds Eye view of Structures



Brazoria County Tax Office

Ro'Vin Garrett, PCC
Tax Assessor-Collector

Brazoria County
111 East Locust
Angleton, Texas 77515-4682

Tuesday, September 22, 2020

City of Freeport
% Nat Hickey
200 W 2nd Street
Freeport, Texas 77541

Re: See Attached

Dear Mr. Hickey:

The Property Tax Resale Committee of Brazoria County has received an offer on certain property(s) held in trust.

The Resale Committee has approved the attached offers and asks that you present them to your governing body for approval. When your governing body has made their decision notify the Brazoria County Tax office. Also, include the property Tax Account number in your reply.

If you have any questions contact me at 979-864-1886.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholette Reynolds".

Nicholette Reynolds

Tax Resale Property Information

RESALE MEETING OF: September 22, 2020

Legal Description: VELASCO (FREEPORT), BLOCK 754, LOT 1-1A
ACRES .1779

Physical Address: 1524 N AVE Q

Account Number: **8110-3536-111**

In Trust To: BRAZORIA COUNTY

Adjudged Value: \$14,800.00

Minimum Bid at Sale: \$14,800.00

Offer: **\$4,067.00**

Offer made by: **BOBBY GRANGER**

Sheriff's Deed Filed: 11/26/2019

Redemption Expiration: 5/26/2020

Post Judgment Taxes: \$1,768.34

Post Judgment Years: 2018-2019

City weed/demo liens: UNKNOWN

Land Value: (Current) \$5,810.00

Improvement Value:(Current) \$27,330.00

Previous Owner: **NICHELLE LUCKY**

Precinct: 1

School District: BRAZOSPORT ISD

Vote:	AYE	NAY
R. Garrett	X	
C. Garner	X	
Judge Sebesta	X	
D. Payne	X	
Civil Div. Rep.	X	

Notes: PBFCM representative present

BID ANALYSIS

Cause Number:	84578-CV	Account Number:	8110-3536-111
Offer Amount:	\$4,067.00	Value \$:	\$33,140.00
Person Offering:	BOBBY GRANGER	Adjudged Value\$:	\$14,800.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	2014-2017	\$822.68
BCED	2014-2017	\$0.00
Brazosport ISD	2014-2017	\$1,719.18
BRHND	2014-2017	\$74.31
Brazosport College	2014-2017	\$490.04
Velasco Drainage	2014-2017	\$162.99
City of Freeport	2014-2017	\$1,133.30
		\$4,402.50

Costs

Court Costs	\$234.00	Sheriff Fees	\$248.44
Publication Fees	\$105.79	Research Fees	
Ad Litem		Recording fee's	\$77.00
Liens		Certified Mail	\$20.19
Cost of Deed		Deed file date	
		Total	\$685.42

Post Judgement Information

Taxing Entity	Tax Year's	Amount Due
BC	2018-2019	\$276.72
BCED	2018-2019	\$0.00
Brazosport ISD	2018-2019	\$797.93
BRHND	2018-2019	\$26.44
Brazosport College	2018-2019	\$197.54
Velasco Drainage	2018-2019	\$55.65
City of Freeport	2018-2019	\$414.06
		Post Judgment Total
		\$1,768.34

Proposed Distribution

Offer Amount	\$4,067.00	Costs	\$685.42
Net to Distribute \$			\$3,381.58

BC	18.69%	\$631.90
BCED	0.00%	\$0.00
Brazosport ISD	39.05%	\$1,320.51
BRHND	1.69%	\$57.08
Brazosport College	11.13%	\$376.40
Velasco Drainage	3.70%	\$125.19
City of Freeport	25.74%	\$870.49



1 Property with Geographic ID matching "81103536111"

VELASCO (FREEPORT), BLOCK 754, LOT 1-1A

Property ID 261677

Geo ID 8110-3536-111

Owned by BRAZORIA COUNTY IN TRUST

Address 1524 N AVE Q , FREEPORT

[Full Details](#)

Property Tax Status

[Begin a New Search](#) [Go to Your Portfolio](#) [Tax Office FAQ's](#)

Make your check or money order payable to:
Ro'Vin Garrett
111 E. Locust
Angleton, Texas 77515

Shopping Cart: For your convenience you may pay several accounts at once. Click the 'Click Here to Pay Now' button to add this account to the shopping cart. Additional accounts can be added by doing a search again, then clicking the 'Click Here to Pay Now' button for each account. Up to 50 accounts may be paid at one time. Accounts are not saved in the shopping cart after you go to the Certified Payment web site.

If using Internet Explorer version 8 or later, you may experience problems adding more than four accounts to your shopping cart. Please consider using a different browser (for ex., Chrome or Firefox) to manage your shopping cart.



A Convenience Fee of up to 2.4% will be charged for all credit card payments by the vendor providing this service. eCheck payments are accepted free of charge. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2019. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 81103536111

Address:
BRAZORIA COUNTY IN TRUST
111 E LOCUST
ANGLETON, TX 77515-4642

Property Site Address:
1524 N AVE Q

Legal Description:
VELASCO (FREEPORT), BLOCK 754, LOT 1-1A

Current Tax Levy: \$782.95

Current Amount Due: \$1,136.85

Prior Year Amount Due: \$5,074.42

Total Amount Due: \$6,211.27

Last Payment Amount for Current Year Taxes:
Not Received

Active Lawsuits: None

Pending Credit Card or E-Check Payments:
No Payment Pending

[Click Here to Pay Now](#)

Jurisdictions:
BRAZORIA COUNTY
BRAZOSPORT COLLEGE
BRAZOSPORT ISD
CITY OF FREEPORT
PORT FREEPORT
SPECIAL ROAD & BRIDGE
VELASCO DRAINAGE DIST. NO 2

Market Value: \$33,140

Land Value: \$5,810

Improvement Value: \$27,330

Capped Value: \$0

Agricultural Value: \$0

Exemptions: PRO

Last Certified Date: 01/10/2020

[Taxes Due Detail by Year and Jurisdiction](#)

[Payment Information](#)

[Print a Current Tax Statement](#)

[Click Here](#) to see your estimated amount due for a different date. You can see this information by year and by both year and jurisdiction.

Brazoria CAD

2020

Property

Account

Property ID: 261677 Legal Description: VELASCO (FREEPORT), BLOCK 754, LOT 1-1A
 Geographic ID: 8110-3536-111 Zoning: 8-27-09 AMS
 Type: Real Agent Code:
 Property Use Code:
 Property Use Description:

Location

Address: 1524 N AVE Q Mapsco: SBR115
 FREEPORT,
 Neighborhood: VELASCO (OLDER HOMES) Map ID:
 Neighborhood CD: S8110

Owner

Name: BRAZORIA COUNTY IN TRUST Owner ID: 49031
 Mailing Address: 111 E LOCUST % Ownership: 100.0000000000%
 ANGLETON, TX 77515-4642
 Exemptions: EX-XV

Values

(+) Improvement Homesite Value:	+	\$3,550	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$5,810	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$9,360	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$9,360	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$9,360	

Taxing Jurisdiction

Owner: BRAZORIA COUNTY IN TRUST
 % Ownership: 100.0000000000%
 Total Value: \$9,360

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	\$9,360	\$0	\$0.00
CFP	CITY OF FREEPORT	0.628000	\$9,360	\$0	\$0.00
DR2	VELASCO DRAINAGE DISTRICT	0.084550	\$9,360	\$0	\$0.00
GBC	BRAZORIA COUNTY	0.365233	\$9,360	\$0	\$0.00
JBR	BRAZOSPORT COLLEGE	0.300177	\$9,360	\$0	\$0.00

Brazoria CAD - Property Details

NAV	PORT FREEPORT	0.040100	\$9,360	\$0	\$0.00
RDB	ROAD & BRIDGE FUND	0.050000	\$9,360	\$0	\$0.00
SBR	BRAZOSPORT INDEPENDENT SCHOOL DISTRICT	1.185300	\$9,360	\$0	\$0.00
Total Tax Rate:		2.653365			
				Taxes w/Current Exemptions:	\$0.00
				Taxes w/o Exemptions:	\$248.35

Improvement / Building

Improvement #1:	Misc Imp	State Code:	A1	Living Area:	sqft	Value:	\$3,550
Type	Description	Class CD	Exterior Wall	Year Built	SQFT		
→ DFG	DETACHED FRAME GARAGE	4-		1977	399.0		

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	S1	PRIMARY SITE	0.1779	7750.00	0.00	0.00	\$5,810	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$3,550	\$5,810	0	9,360	\$0	\$9,360
2019	\$27,330	\$5,810	0	33,140	\$0	\$33,140
2018	\$8,990	\$5,810	0	14,800	\$0	\$14,800
2017	\$8,990	\$5,810	0	14,800	\$0	\$14,800
2016	\$8,990	\$5,810	0	14,800	\$0	\$14,800
2015	\$7,000	\$5,810	0	12,810	\$0	\$12,810
2014	\$53,900	\$5,810	0	59,710	\$0	\$59,710
2013	\$50,250	\$5,810	0	56,060	\$0	\$56,060
2012	\$45,810	\$5,810	0	51,620	\$0	\$51,620
2011	\$52,690	\$5,810	0	58,500	\$0	\$58,500
2010	\$52,690	\$5,810	0	58,500	\$5,304	\$53,196
2009	\$42,550	\$5,810	0	48,360	\$0	\$48,360
2008	\$55,060	\$5,040	0	60,100	\$0	\$60,100
2007	\$50,590	\$5,040	0	55,630	\$6,548	\$49,082

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	11/22/2019	SD	SHERIFF'S DEED	LUCKY NICHELLE ELIZABETH	BRAZORIA COUNTY IN TRUST	2019	059414	
2	2/2/2007	WT	WILL & TESTAMENTS	LUCKY RONALD N ESTATE	LUCKY NICHELLE ELIZABETH	07	026374	
3	5/25/1993	QC	QUIT CLAIM DEED	LUCKY RONALD N & PAMELA	LUCKY RONALD N ESTATE	93	018826	0

Tax Due

Property Tax Information as of 10/02/2020

Amount Due if Paid on:

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
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1524 N AVENUE
O

1523 N AVENUE
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1523 N AVENUE
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City Council Agenda Item # 4

Title: Consideration of approving and authorizing the Mayor to sign a one-year interlocal agreement between the City of Freeport and Brazoria County in regard to paving.

Date: October 19, 2020

From: Tim Kelty, City Manager

Staff Recommendation:

Staff recommends approval of the proposed agreement and authorization for the Mayor to sign.

Item Summary:

For a number of year's Brazoria County has helped the City of Freeport through the provision of labor and equipment for the paving of asphalt streets in the city. This interlocal agreement formalizes the relationship and allows the city to continue receiving this service from the Brazoria County.

It is a one-year agreement under which the Mayor can request, and the County Engineer can authorize, work on specific streets in Freeport. In those cases, the County will provide the equipment and labor to mill, regrade, and resurface city asphalt streets. Under the terms of the agreement the city will pay for all materials necessary to complete the project including fuel, and will provide signage and labor necessary in regard to traffic control during the work.

The proposed work is not warrantied and both parties are held harmless.

Background Information:

For the last few of years, the City has been limited to two road miles of improvements per year. City Council will meet in a workshop session planned for Monday, October 26 to discuss which roads will be assigned under this agreement.

Special Considerations: None

Financial Impact: None

Board or 3rd Party recommendation: None

Supporting Documentation: Interlocal Agreement

Matt Hanks, J.D., P.E.
COUNTY ENGINEER

Trey Haskins, P.E., CFM
ASST. COUNTY ENGINEER

(979) 864-1265
Office



Clay Forister, P.E., CFM
ASST. COUNTY ENGINEER

Karen McKinnon, P.E.
ASST. COUNTY ENGINEER

(979) 864-1270
Fax

BRAZORIA COUNTY ENGINEERING

451 N VELASCO, SUITE 230
ANGLETON, TEXAS 77515
www.brazoriacountytx.gov

September 30, 2020

City of Freeport
200 W. Second Street
Freeport, TX 77541
Attn: Mayor of the City of Freeport

RE: Interlocal Agreement with Brazoria County and the City of Freeport

Please find two copies of the above referenced Interlocal Agreement between Brazoria County and the City of Freeport. Please carefully review the conditions of the agreement, and if acceptable, agreement must be signed by the Mayor of the City of Freeport. I will return your copy to you with the Judge's signature.

Please return both signed copies back to the Brazoria County Engineer's Office.

If you have any questions, please contact Mandie Kelly at (979) 864-1265.

Sincerely,


Matt Hanks, JD, PE
County Engineer

MH/MK
Enclosure

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

INTERLOCAL AGREEMENT

This agreement is made at Angleton, Brazoria County, Texas between BRAZORIA COUNTY, TEXAS acting through its Commissioners' Court (hereinafter "COUNTY"), and the CITY OF FREEPORT, acting through its Mayor (hereinafter "CITY").

NOW THEREFORE, THE COUNTY AND THE CITY agrees as follows:

1.0 The term of this agreement shall be from October 1, 2020, to September 30, 2021. The AGREEMENT may be renewed annually by the written approval of COUNTY and CITY.

1.1 Pursuant to the Interlocal Cooperation Act, Texas Government Code, Chapter 791 and the Texas Transportation Code, Section 251.012, the COUNTY agrees to provide personnel and equipment at its own expense to assist in the construction, improvement, maintenance and/or repair of a street or alley located within the corporate limits of the CITY OF FREEPORT, subject to the approval of the County Engineer as set forth in Section 1.3, including sub grade preparation, base preparation, asphalt paving, culverts and ditch work, herbicide spraying, painting and striping roads, installation of permanent traffic signs, and other routine road maintenance operations. Any work performed on the City's streets and alleys which are not an integral part of, or a connecting link

to, other roads and highways is allowed if such work is determined to be a benefit to the County by Commissioners' Court. The CITY will provide materials, including fuel used by the equipment for these projects. All such materials shall be paid for by the CITY, and may be purchased through the County's suppliers. The CITY shall reimburse the cost of any work performed or obtained by the COUNTY, which is determined to be beyond the scope of this agreement, to the County.

1.2 The county work authorized by this AGREEMENT may be done:

- (1) By the COUNTY through use of county equipment;
- (2) By an independent contractor with whom the COUNTY has contracted for the provision of certain services and materials, conditioned on the CITY providing a purchase order to such independent contractor for the full amount of such services or materials.

1.3 During the term of this AGREEMENT when COUNTY work is requested, the Mayor of the City shall submit a request in writing to the County Engineer. The County Engineer and the Mayor of the City shall agree in writing as to the location and type of assistance to be provided pursuant to this AGREEMENT. It is expressly understood between the parties that the COUNTY shall have no authority or obligation to provide any service or work on any city street or alley not so agreed to in writing. The County Engineer is authorized to sign an acceptance statement for

each project at the appropriate time and authorize the work subject to be completed as the Road and Bridge Department schedules permit.

1.4 The parties intend that the COUNTY in performing such services shall act as an independent contractor and shall have control of the work and the manner in which it is performed. The COUNTY shall not be considered an agent, employee, or borrowed servant of the CITY.

1.5 For and in consideration of the above agreement by the County, the CITY agrees to provide all warning and safety signs and other safety protections as required when such work is being performed by the COUNTY.

1.6 The parties further agree that such work and materials are provided by the COUNTY without warranty of any kind to the CITY or any third party, and that the COUNTY has no obligation to provide any supplemental warranty work after a project's completion. The CITY agrees to provide any engineering or design work required for work done pursuant to this agreement.

II.

2.0 The Parties expressly acknowledge that the City's and the County's authority to indemnify and hold harmless any third party is governed by Article XI, Section 7 of the Texas Constitution, and any provision that purports to require indemnification by the City or the County is invalid. Nothing in this Agreement requires that either the City or County incur debt, assess or collect funds, or create a sinking fund.

2.1 Payment for services or materials under this agreement shall be payable from current revenues available to the paying party.

III.

3.0 Either party may terminate this agreement upon thirty (30) day's written notice to the other party.

3.1 Nothing herein shall be construed to make either party a purchaser or consumer of goods or services from the other.

3.2 Nothing herein shall be construed to create any rights in third parties.

BRAZORIA COUNTY, TEXAS

By: L.M. "Matt" Sebesta Jr.
Brazoria County Judge

By: Mayor

DATE: _____

ATTEST:

CITY SECRETARY

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

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to, other roads and highways is allowed if such work is determined to be a benefit to the County by Commissioners' Court. The CITY will provide materials, including fuel used by the equipment for these projects. All such materials shall be paid for by the CITY, and may be purchased through the County's suppliers. The CITY shall reimburse the cost of any work performed or obtained by the COUNTY, which is determined to be beyond the scope of this agreement, to the County.

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each project at the appropriate time and authorize the work subject to be completed as the Road and Bridge Department schedules permit.

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3.1 Nothing herein shall be construed to make either party a purchaser or consumer of goods or services from the other.

3.2 Nothing herein shall be construed to create any rights in third parties.

BRAZORIA COUNTY, TEXAS

By: L.M. "Matt" Sebesta Jr.
Brazoria County Judge

By: Mayor

DATE: _____

ATTEST:

CITY SECRETARY



City Council Agenda Item # 5

Title: Consider Awarding Request for Proposals (RFP) 2001 Rewrite of the Zoning and Subdivision Ordinances to Kendig Keast Collaborative.

Date: October 19, 2020

From: Billywayne Shoemaker, Building Official

Staff Recommendation:

Staff recommends awarding RFP 2001 to Kendig Keast Collaborative and authorizing the City Manager to execute a contract for an amount not to exceed \$102,450 and timeline of nine months.

Item Summary:

Staff originally presented this item to Council on September 8, 2020. During that meeting, Council expressed concern regarding the proposed timeframe for completion. Therefore; on September 28, Staff presented an updated proposal with a timeline of nine months. Additional concerns were raised in regards to the cost and the item was not approved.

Since then, staff has received a breakdown of the costs by chapter in the event Council would like to move forward with only one chapter at this time. Staff recommends proceeding with the whole scope, however; should Council feel this is too much of an undertaking at this time, Kendig Keast has provided a breakdown of the cost by chapter to consider.

The updated chapter(s) will include revised and new text additions addressing each respective section of the ordinance(s). In particular, the new regulations will:

- Restructure the ordinances to improve navigation, administration, and readability;
- Implement the recommendations of the Strategic Community Plan;
- Reflect recent changes in state and federal laws and on an add-alternate basis, the Texas model floodplain regulations;
- Address gaps or deficiencies identified by City staff;
- Be brought up to par relative to the latest planning practices;
- Ensure consistency within and between the ordinances, as well with other applicable City codes;
- Consolidate, create new or refine the current districts and uses, and identify recommended changes to the district boundaries on the zoning map;
- Add tables of land uses and dimensional standards;

- Consolidate and update the definitions;
- Update parking ratios based upon the recommended land use matrix; and
- Outline a table of required approval and permit procedures with identification of timing relative to other application types; which body reviews, recommends and approves applications; whether or not a public hearing is required; and cross-references to applicable ordinance sections.

Background Information:

This process began with staff advertising a Request for Proposals to assist the City in rewriting the Zoning and Subdivision Ordinances, in The Facts newspaper on Monday, February 10, 2020 and Monday, February 17, 2020. Proposals were opened on Tuesday, February 25, 2020. After reviewing the proposal, staff recommends awarding Kendig Keast Collaborative who also recently completed the City's Strategic Community Plan.

Special Considerations:

A comprehensive zoning ordinance update has not occurred since 1964. The City and common standards have changed a lot in the past 60 years, thus prompting the need to update and simplify the Subdivision Ordinances, Planning and Subdivision Design Standards. This update will also make the Zoning and Subdivision Ordinance easier to use by adding features like cross-references, illustrations, and consistent review procedures, which are common in city codes today.

Financial Impact:

The total proposed cost for the project is \$102,450. This project was funded in the FY2019-2020, however; since this project was not obligated in before the end of the fiscal year, a budget amendment will be necessary in FY2020-2021.

Board or 3rd Party recommendation:

The Planning Commission reviewed and heard public input on this item September 3, 2020. The Commission voted to recommend awarding this contract to Kendig Keast Collaborative.

Supporting Documentation:

Revised Exhibit A, Scope of Services dated October 10, 2020
Revised Project Schedule

Exhibit A, Scope of Services

Under contract to the City of Freeport, Kendig Keast Collaborative (KKC) will provide professional planning services to update Chapter 155, Zoning Code and on an add-alternate basis, Chapter 154, Subdivisions regulations. This work will be organized in four phases:

1. Project Initiation and Orientation;
2. Iterative Drafting;
3. Public Review and Comment; and
4. Adoption.

This work will create land usage standards that include appropriate graphics, and in the online (enCodePlus™) format, internal or external hyperlinks for cross-referencing. The ordinance update(s) will build on the Strategic Community Plan adopted by the City in February 2019.

The updated chapter(s) will include revised and new text additions addressing each respective section of the ordinance(s). In particular, the new regulations will:

- Restructure the ordinances to improve navigation, administration, and readability;
- Implement the recommendations of the Strategic Community Plan;
- Reflect recent changes in state and federal laws and on an add-alternate basis, the Texas model floodplain regulations;
- Address gaps or deficiencies identified by City staff;
- Be brought up to par relative to the latest planning practices;
- Ensure consistency within and between the ordinances, as well with other applicable City codes;
- Consolidate, create new or refine the current districts and uses, and identify recommended changes to the district boundaries on the zoning map;
- Add tables of land uses and dimensional standards;
- Consolidate and update the definitions;
- Update parking ratios based upon the recommended land use matrix; and
- Outline a table of required approval and permit procedures with identification of timing relative to other application types; which body reviews, recommends and approves applications; whether or not a public hearing is required; and cross-references to applicable ordinance sections.

The Consultant Team's project involvement and facilitation will be carried out according to the provisions of this Scope of Services and contingent upon the support of City staff to make the best use of the available budget. The Assistant City Manager will be the Project Director who will manage the overall process and collaborate with KKC in performing the project services. KKC will rely on the City Attorney to provide all necessary legal review and support on behalf of the City (i.e., KKC is not expected to provide or budget for separate legal counsel for the project).

Project Administration

KKC will complete project management activities in coordination with the City's Project Director to ensure schedule adherence, cost control, and quality assurance. These activities will include:

- A project kick-off teleconference with key City staff (following receipt of written Notice to Proceed), to review the Scope of Services, schedule, data/ information needs, and project logistics (see Task 1).
- Monthly submittal of written progress reports in conjunction with each invoice. These reports will describe the project status, and document significant work accomplished and activities scheduled for the next progress report period. The report will also document any modifications to any tasks, deliverables, or meeting attendance specified in this scope of services, or on the project duration and/or total compensation specified in our agreement.
- Preparation and maintenance throughout the project of a schedule, including due dates for all deliverables, anticipated meeting dates, plus specified review/comment timeframes to ensure adequate time for City review/approval of deliverables.

Communication and coordination with the City's Project Director by email, phone, and written correspondence, as appropriate.

City Support Services

The City will provide administrative and technical support services to assist KKC in performing this Scope of Services. The support services will include the following:

- Identify a single individual as the City's Project Director, who will serve as a primary point of contact and source of day-to-day work program direction for this collaborative regulatory drafting effort involving both City and KKC personnel, resources, and capabilities.
- Upon request, provide all available data, maps, air photos, spatial data, previous reports/plans/studies/ordinances, data sets and GIS coverages and layers already developed/maintained by the City for its entire planning area, and other information that is available to the City in digital or printed format, which may be pertinent and necessary for development of the project. Prompt compilation and delivery of such resource materials to KKC may be an essential prerequisite for initiation of the regulatory drafting process and timely progress on various initial public meeting tasks.
- Make affected or related entities or organizations aware of the project and the process for developing the regulations, as needed.
- Ensure that key City personnel and appointed and elected officials will participate as needed in the process and be available upon request, through arrangements made by the City's Project Director, to provide information and referrals and offer opinions, insights, and suggestions that are necessary for development of the various aspects of the project. This will include potential formal or informal meetings and a briefing with the City Council during Task 2.2.
- Reproduce and forward each draft deliverable provided via e-mail by KKC to appropriate staff and other project participants as appropriate. In addition, each draft deliverable will be provided to the Planning Commission and City Council for courtesy review and discussion as the project proceeds. The City's Project Director may provide briefings to the City Council or other bodies at regular intervals throughout the process.
- Provide three-ring binders with section dividers for each Planning Commission member and applicable staff for purposes of organizing and maintaining materials throughout the process.
- Consider and act on all deliverables and other interim work items submitted by KKC that require City review, comments or approval within five to 10 working days so as to enable KKC to complete the work on schedule. Specific timeframes for such City response will be incorporated into a detailed project schedule.

- Provide the Consultant Team written summaries and copies of any handouts/materials from all project-related meetings not attended by the KKC.

SCOPE OF SERVICES

Phase 1, Project Initiation and Orientation

1.1. Project Orientation. Meet via teleconference with the Project Director and other applicable staff to:

- Establish communications, scheduling, file format, and administrative protocols;
- Receive data and information, e.g., history of zone changes and variances, GIS zoning files, etc.);
- Lay out a schedule for the project outlining the deliverable and meeting dates, adequate time for review and discussion, and periods for revisions and resubmittals;
- Discuss the arrangements and dates for virtual stakeholder meetings.
 - *Deliverable(s)*: Project schedule.
 - *Meeting(s)*:
 - One teleconference.
 - Field reconnaissance only (non-public)

1.2. Stakeholder Meetings.

- Lead virtual discussions with groups of stakeholders as to their experiences, perspectives, and input to the update of the zoning (and alternatively, subdivision) ordinance(s). The meetings will include:
 - Four, 50-minute video-conference meetings with groups of eight to 12 participants; and
 - Recorded notes of conversations and responses.
- The responsibilities of City staff are to:
 - Identify the topical groups and invitees, commonly including local business owners and tenants, developers and builders, brokers, financing institutions, design professionals (engineers, architects, etc.), development applicants, and interested others identified by the City's Project Director;
 - Mail invitations in advance of the meeting date, follow up for confirmation by email or telephone, and call two days before the video-conferences to remind and confirm attendance; and
 - Develop a list of all individuals confirmed for each session.
 - *Deliverable(s)*: Summary of stakeholder input.
 - *Video-Conference Meetings*: Stakeholder conversations.

1.3. Meetings with Staff and the Planning Commission.

- Attend a video-conference with applicable staff to clearly understand current processes, procedures, and practices, as well as to gain a firsthand understanding of the limitations or problems with the administration and enforcement of the ordinance(s);

- Present an introduction to the project via video-conference before the Planning Commission, which may be held jointly with the City Council, Board of Adjustment, and Urban Renewal Agency, including the project scope and timeline, summarize the findings of the stakeholder meetings, and to initiate dialog as to the key planning and regulatory issues to be addressed in the ordinance rewrite.
 - *Deliverable(s)*: PowerPoint presentation.
 - *Video-Conference Meetings*:
 - Staff
 - Planning Commission

Phase 2, Iterative Drafting.

2.1. Online Interactive Ordinance.

- Design and build the site framework, including the homepage, page layout and stylesheet, and preliminary outline. Standard features include:
 - Adobe PDF Generator
 - Auto-Numbering / Tracking
 - Boolean Search
 - Categorization Tags
 - Codification Tool
 - Collaborative Drafting
 - Commenting
 - Content Management
 - CSS Stylesheet
 - Dynamic Tables
 - Email Notification
 - e-Reader
 - Google Analytics
 - In-Line Graphics and Tables
 - Internal Hyperlinking
 - External Hyperlinking
 - Microsoft Word Exporter
 - Mobile Device Access
 - My Favorites
 - Pop-Up Definitions
 - Social Media Links
 - Real-Time Web Publishing
 - Track Changes
 - User Guide and Tutorials
 - Version Management
 - Web Accessibility Compliance
- Train staff on the use of the password-protected Maintenance Module for providing comments on the draft ordinance(s). The City will have licensed access to the software as spelled out in the Agreement.
 - *Deliverable(s)*: Password-protected web-based project site
 - *Meeting(s)*: No meetings are required for this task.

Optional Deliverables (enCodePlus Features):

- Interactive online GIS Zoning Map
 - Standard = \$3,000 one-time; \$3,000 maintenance (interactive zoning map)
 - Advanced = \$4,500 one-time; \$3,500 maintenance (interactive zoning map with Brazoria County Appraisal District parcels and data, address search, zoning regulations by address, ordinance to text links, and parcel buffer tool)
 - Premium = \$6,500 one-time; \$4,500 maintenance (Advanced features plus land use lookup and Multiple Listing Service)
- Land use lookup (\$2,500 one-time)
- AppTrak+ online application tracking (\$5,500 one-time)

- Landscaping and screening calculator (\$2,500 one-time)
- Sign calculator (\$2,500 one-time)
- Parking calculator (\$2,500 one-time)
- Development Yield calculator (\$2,500 one-time)
- Fee calculator (\$2,500 one-time)

2.2. Ordinance Drafting.

- Draft the ordinance(s) to facilitate discussion with staff and Planning Commission.
- Develop regulatory language based on the input received at meetings, through coordination with staff, and through field study.
- Build the online, interactive functionality, including tags of all definitions and cross-references for the purpose of internal/external hyperlinking.
 - *Deliverables:*
 - Password access to enCodePlus.
 - Draft ordinance(s) published online and delivered in Adobe PDF for electronic distribution and posting by the City.
 - One round of revisions following the review and receipt of comments and suggested revisions from staff and the Planning Commission.
 - Revised draft ordinance(s) assembled into a Public Review Draft.
 - *Video-Conference(s):* A meeting will be held to review and discuss the ordinance(s) including:
 - A teleconference with the City's Project Director;
 - As necessary, a meeting with interested parties;
 - A work session with the Planning Commission to present and discuss the draft ordinance(s); and
 - One Council briefing.

2.3. Zoning Map Recommendations.

- Compare the zoning district boundaries with the Future Land Use Map included in the Strategic Community Plan.
- Recommend zoning boundary adjustments for review by the Planning Commission and City Council.
 - *Deliverable(s):*
 - Memorandum with a map denoted with recommended changes.
 - Optional – On-line GIS interactive zoning map added to the Online Interactive Ordinance(s) (see Optional Deliverables under Task 2.1)

Phase 3, Public Review and Comment.

3.1. Public Review Draft.

- Prepare a public review draft of the new ordinance(s) to facilitate final reviews of staff and the Planning Commission.
- Create a presentation that overviews the key features and changes of the new ordinance(s).

3.2. Planning Commission Public Hearing.

- Present the draft ordinance(s) to the Planning Commission.
- Receive and record public and Commission input.

- *Deliverable(s)*:
 - Public Review Draft of the ordinance(s)
 - PowerPoint presentation
 - Archive the redline version of the ordinance(s)
- *Meeting*:
 - Staff final review
 - Planning Commission public hearing

Phase 4, Adoption.

4.1. City Council Public Hearing.

- Create the Public Hearing Draft based on the input received and recommendations provided by the Planning Commission.
- Attend a City Council public hearing to present the final ordinance(s).
- Make necessary edits based on the input received and direction provided by the Council.

4.2. Final Published Ordinance.

- Publish the adopted ordinance(s) in the online interactive format for linking within the Code of Ordinances.
- Produce and provide electronic files.

- *Deliverable(s)*:
 - Electronic files in MS Word and Adobe PDF
 - Password access to enCodePlus
- *Meeting*:
 - City Council public hearing

Optional Phase 5, Recodification of Code of Ordinances

The scope of work for a two-phase project is outlined below.

5.1. Legal Review and Conference

enCodePlus, LLC hereby offers to perform legal review and implementation services for the City of Freeport, including:

- *Material Included.* Code of Ordinances (Titles I – XV).
- *Legal Review.* An attorney will conduct a title-by-title legal review, including recently enacted ordinances, if they have not been codified. The review will identify obsolete provisions, conflicts and inconsistencies with current state statutes, as well as conflicts with other code sections. State law citations will be checked and necessary changes and additions will be noted. If the City's concerns are more narrowly defined, the scope of review may be limited to selected chapters or just state law references.

The legal review will result in a legal memorandum that includes recommendations for curing conflicts, deleting obsolete provisions, and other "housecleaning" measures. The legal memorandum will show the attorney's recommendations as footnotes, with comments, strikethroughs and underlines within the code text, which will allow you to see the context of the issues and recommendations. Comments on ordinances not-yet-codified will appear as endnotes to the legal memorandum. It will be delivered in electronic form. All recommendations are intended

- for the use of an attorney and are not to be considered legal advice to a layperson.
- *Conflicts.* Most conflicts arise over time, and are caused by changes in other bodies of law, such as the state statutes. The state continually revises its statutes and ordinances based upon previous authority, which may cause conflicts with the state law despite no change to the local law. In order to ensure that a code is adequately maintained, we recommend a complete legal review every five to 15 years, depending upon the number of ordinances passed and the extent to which the state statutes have changed since the last review.
 - *Staff of Attorneys.* A staff of full-time attorneys will be used to provide legal services. The attorneys are well-versed in local government law and in areas of concern with regard to codification. They also have the benefit of knowledge gained from experience working with many local governments.
 - *Conference.* Within 30 days of the City’s receipt of the Legal Memorandum, an attorney will schedule a conference (via teleconference or video-conference), to discuss the findings of the Legal Memorandum. The discussion should include all interested officials, as their participation will help expedite implementation of the approved recommendations.
 - *City Responsibility.* The client agrees to:
 - *Review Legal Memorandum.* The City shall review the legal memorandum and modify and/or approve the proposed changes, including notations to review during the conference.
 - *Participation of Attorney.* The City will ensure the City Attorney and other interested personnel will attend and participate in the project, including teleconference meetings, and will review the recommended changes. The City Attorney shall provide approval of items to be implemented in the Code.

5.2. Implementation

- *Editorial Work in the enCodePlus Database.* The editorial work on the Code will include the following:
 - *Prepare Legal Review Findings.* All approved recommendations will be implemented into the Code database as outlined in the legal memorandum.
 - *Incorporate Ordinances.* The ordinances enacted subsequent to the latest ordinance included in the existing code, may be incorporated into the recodification as appropriate. The amended or repealed provisions will be removed and the new provisions inserted.
 - *History Notes.* History notes from the existing Code will be maintained in the new Code. New notes will be added for each section during the project. The note will indicate the source from which the section is derived. History notes are placed at the end of the section being amended.
 - *Adopting Ordinance.* An adopting ordinance will be provided upon completion of the project.
- *Online Proofs.* After the editorial work is complete, the database proof will be submitted to the City for review. Once the changes have been approved and officially adopted, they will be published live via the enCodePlus™ platform.

4.3. Proposed Cost. Provided upon request.

Optional Phase 6, Supplemental Services

KKC will provide a budget for these services upon request.

- *Adoption Follow Up.* Upon adoption and first year administration of the new Development Ordinance, KKC may provide consultant assistance, as follows:

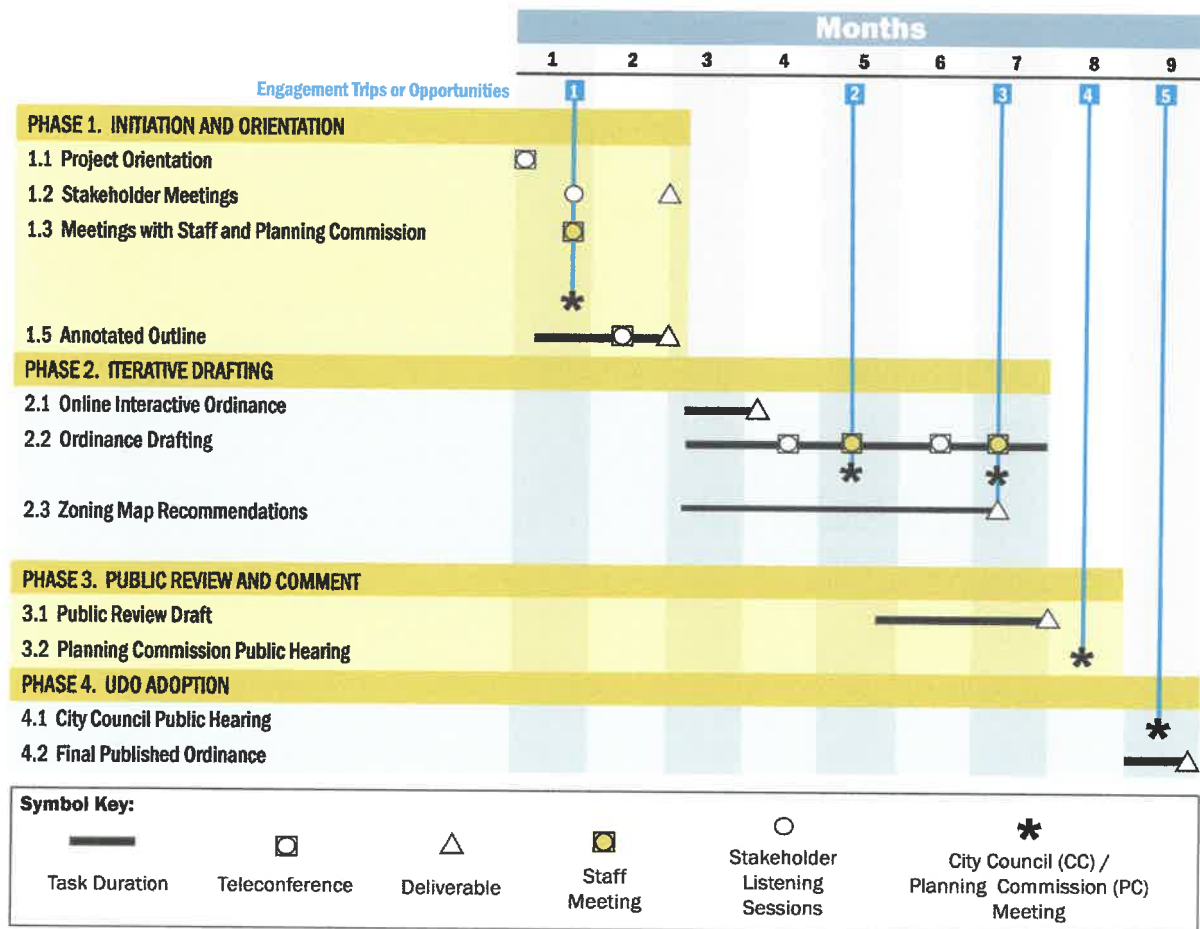
- *Assemble Staff Notes.* During the initial term of administration, staff of different Town departments will likely make note of wording or dimensional changes or other provisional adjustments as record for consideration of amendments. KKC would assemble these notes, developed by Town staff in a written and consistent form, evaluate them as to warranted amendments, and then draft a recommended amendments memorandum.
- *Performance Audit.* An audit will be conducted to validate the success of the ordinances in achieving certain performance measures, including the gain in efficiency in processing applications toward approval and the quality of development procedures and outcomes. The results of the audit will be included in the Recommended Amendments Memorandum.
- *Recommended Amendments Memorandum.* After pulling the staff notes together and analyzing them for any conflicts or inconsistencies, KKC will draft a memorandum outlining the recommended amendments, together with required changes elsewhere in the ordinances or Town Code to ensure their integrity. This memorandum may be presented to the Planning Commission and Council to provide technical guidance.
- *Draft Amendments.* Based on the above memorandum, KKC will draft the warranted amendments in legislative format for staff review. Upon confirmation of the amendments, Town staff will present them to the Planning Commission and Council for recommendation and adoption. KKC will be available to present the amendments on an Add-Alternate basis. Once adopted, the amendments will be approved and published in enCodePlus, with an archive created of the former ordinance.
- *Codification Health Check.* To ensure that the ordinances have been amended and codified properly, a health check will be conducted by enCodePlus staff. The check will review the format and language of amendments, their consistency with state and federal law, correct numbering, history notes, the effective date, and whether the ordinances are footnoted and hyperlinked within the document.
- *enCodePlus Enhancements.* The Town may opt to request custom enhancements to the software to meet certain demands of Town users, such as use and history reporting or additional features. These will be on a case-by-case basis.
- *Two and Five-Year Updates.* To maintain the integrity of the ordinances and to keep them current with legal and regulatory changes and the latest trends, and to amend them as necessary, KKC will perform a comprehensive assessment and conduct warranted updates.

Project Budget

FREEPORT, TEXAS ZONING (AND SUBDIVISION) ORDINANCE(S)					
Key Personnel	Principal	Project Manager	Associate	Zoning	Subdivision
Title					
Scope Tasks	Budget				
Phase 1. Project Initiation and Orientation					
1.1 Project Orientation				\$1,275	\$425
1.2 Stakeholder Meetings				\$2,775	\$925
1.3 Meetings with Staff and Planning Commission				\$3,915	\$1,305
Subtotal				\$7,965	\$2,655
<i>Direct Expenses</i>				\$447	\$149
TOTAL FOR TASK 1	\$3,600	\$5,220	\$1,800	\$8,412	\$2,804
Phase 2. Interactive Drafting					
2.1 Online Interactive Ordinance	Waived			\$0	\$0
2.2 Ordinance Drafting				\$39,675	\$13,225
2.3 Zoning Map Recommendations				\$1,845	\$615
Subtotal				\$41,520	\$13,840
<i>Direct Expenses</i>				\$624	\$208
TOTAL FOR TASK 2	\$16,800	\$26,680	\$11,880	\$42,144	\$14,048
Phase 3. Public Review and Comment					
3.1 Public Review Draft				\$15,435	\$5,145
3.2 Planning Commission Public Hearing				\$4,080	\$1,360
Subtotal				\$19,515	\$6,505
<i>Direct Expenses</i>				\$770	\$257
TOTAL FOR TASK 3	\$7,200	\$14,500	\$4,320	\$20,285	\$6,762
Phase 4. Ordinance Adoption					
4.1 City Council Public Hearing				\$2,775	\$925
4.2 Final Published Ordinance				\$2,550	\$850
Subtotal				\$5,325	\$1,775
<i>Direct Expenses</i>				\$624	\$208
TOTAL FOR PHASE 4	\$2,400	\$2,900	\$1,800	\$5,949	\$1,983
TOTAL For All Phases (without Options)				\$76,790	\$25,660
					\$102,450

City of Freeport, TX: Project Schedule

Zoning and Subdivision Ordinances





City Council Agenda Item # 6

Title: Consideration of appointing a representative of the City Council to serve on the HGAC 2021 General Assembly.

Date: October 19, 2020

From: Tim Kelty, City Manager

Staff Recommendation:

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

Item Summary:

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

The HGAC General Assembly meets twice per year. Once for an organizational meeting, at which representatives are elected to serve on the HGAC Board of Directors (including 2 members from Small Home Rule cities like Freeport - under 25,000), and one Annual Meeting held in the first quarter of each year.

Background Information:

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

Special Considerations:

Previously Councilman Ken Green was appointed as the City's representative and Council Woman Sandra Loeza was appointed as the Alternate. Both have expressed willingness to continue to serve in these roles.

Financial Impact:

N/A

Board or 3rd Party recommendation:

Na


Supporting Documentation:

Letter from HGAC requesting appointment and appointment form.



HOUSTON-GALVESTON AREA COUNCIL

Office of The Executive Director

To: Mayors – Home Rule Cities
Subject: 2021 General Assembly Designations
From: Chuck Wemple
Date: October 1, 2020 

It's hard to believe 2021 is right around the corner. The Houston-Galveston Area Council will be entering our 55th year of public service and we continue to explore opportunities to better serve our members. The General Assembly and Board of Directors are more active than ever and play an important and revitalized role in setting the course for our agency. You have an opportunity to play a unique role in our future by designating the City Councilmembers that will represent your city at the annual gathering of our General Assembly.

I've attached a form for your city's use in officially designating a representative and an alternate. The two designees must be elected official members of your city's governing body. Please return the completed form by email to cynthia.jones@h-gac.com.

A virtual meeting of Home Rule city representatives will be called on November 12, 2020 via Zoom. At that meeting, your 2020 Home Rule Cities' H-GAC Board of Directors representatives will report on this year's activities and look ahead to issues and progress in 2021.

We are sending a copy of these designation materials to your city secretary as well. We would appreciate receiving your city's designation form **no later than October 30**.

If more information concerning General Assembly membership would be useful, please contact me at 713-993-4514 or Rick Guerrero at 713-993-4598. Thank you again for your city's continuing participation and support for the Houston-Galveston Area Council

Sincerely,

Chuck Wemple

CW/cj

Attachment
cc: City Secretary

Mailing Address
PO Box 22777
Houston, Texas 77227-2777
Phone 713-627-3200

Physical Address
3555 Timmons Lane, Suite 120
Houston, Texas 77027
Phone 713-627-3200

**DESIGNATION OF REPRESENTATIVE AND ALTERNATE
HOUSTON-GALVESTON AREA COUNCIL
2021 GENERAL ASSEMBLY**

BE IT RESOLVED, by the Mayor and City Council of _____, Texas,
that _____ be, and is hereby designated as its Representative
to the **GENERAL ASSEMBLY** of the Houston-Galveston Area Council for the year 2021.

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

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

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

APPROVED:

Mayor

ATTEST:

By: _____



City Council Agenda Items # 7

Title: Discussion and possible action regarding the appointment of a board member to fill out the remaining term on the EDC following the resignation of a board member from that board.

Date: October 19, 2020

From: Tim Kelty, City Manager

Staff Recommendation:

Staff recommends approval of a resolution appointing a replacement to the newly vacant Economic Development Corporation board to fill out the remainder of that position's term.

Item Summary:

A vacancy has occurred on the EDC Board, as a result of the resignation of Kenny Hayes from that board. Mr. Hayes was filling a 2-year appointment that was due to expire in June 2021. The City Council is responsible for appointing his replacement. The City has previously received applications of interest in serving on the EDC from the following individuals:

- Melanie Oldham
- Ken Green
- Keith Stumbaugh
- Nicole Mireles
- James McDonald
- Joshua Mitchel
- David McGinty

This appointment would be up for consideration of reappointment to a full two-year term next June

Background Information: None

Special Consideration: None

Financial Impact:

None

Supporting Documentation:

Resolution, applications from candidates

RESOLUTION NO. 2020-2663

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

WHEREAS, the terms of office of the Board of Directors of the Economic Development Corporation of the City of Freeport, Texas ("the City") has become vacant; and,

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

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

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints the following named qualified person to the Board of Directors of the Economic Development Corporation of the City for the remaining term ending May 31, 2021, and until a successor for such person shall have been appointed and qualified: _____

SECTION TWO (2): DUTIES

The above named appointee shall perform all of the duties imposed on members of the Board of Directors of the Economic Development Corporation of the City by law and the ordinances and resolutions of the City and by the Articles of Incorporation and By-Laws of said corporation.

SECTION THREE (3): OATH OF OFFICE

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

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

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Betty Wells, City Secretary
City of Freeport, Texas



City Council Agenda Item # 8

Title: Consider authorizing the City Manager to negotiate and execute Professional Services Agreements with Freese and Nichols, Inc. for CDBG-MIT projects.

Date: October 19, 2020

From: Stephanie Russell, Assistant City Manager/Finance Director

Staff Recommendation:

Staff recommends authorizing the City Manager to negotiate and execute contracts with Freese & Nichols, Inc. for Engineering/Architectural/Surveyor Services for Harvey HUD MID and 2016 HUD MID projects using U.S. Department of Housing and Urban Development Community Development Block Grant – Mitigation (“CDBG-MIT”) funds not to exceed an engineering fee of 15 percent of the construction costs.

Item Summary:

The General Land Office has requested copies of executed contracts and procurement process details to be submitted with each Community Development Block Grant – Mitigation Program (CDBG-MIT) applications. The engineering contract must meet current GLO standards and any programmatic changes may require an amendment at a later date. Staff is currently working with Freese and Nichols’s to finalize the contract specifications, however; due to the approaching deadline, staff is requesting authorization to proceed with the 15% cap as a limitation.

To comply with federal procurement regulations at 2 CFR 200.323, the city must negotiate profit as a separate element of the price for each contract in which there is no price competition and in cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Once the State Contract is issued, the contract will need to be amended to include the State Contract Performance Statement, Budget, and Benchmarks and Special Conditions and the Engineering Contract Attachments A-E which include GLO provisions referenced in sample engineering contract.

Background Information:

Council awarded Statement of Qualifications 2007 to Freese and Nichols, Inc. on August 31, 2020 to prepare all preliminary and final design plans and specifications, and to conduct all necessary interim and final inspections for the prospective Community Development Block Grant – Mitigation (CDBG-MIT) projects.

Special Considerations: N/A

Financial Impact:

Per the Texas General Land Office CDBG-MIT Competition Application Guide, Engineering costs are capped at 15 percent of the construction costs and are included in the overall reimbursable project costs. Thus, these fees will be included in the City's committed match of up to \$60,520.00 for the Harvey HUD MID and \$60,000.00 for the 2016 HUD MID.

Although engineering-related costs can be incurred prior to grant award and contract execution, the GLO will not reimburse for any project-related invoices until the community executes the State Contract and all engineering milestones are met. CDBG-MIT funds cannot be utilized for costs associated with application services. The costs for the application services will be \$13,000 which is available in the Water Utility Fund.

Board or 3rd Party recommendation: N/A

Supporting Documentation:

CDBG-MIT Budget - Sanitary Sewer Collection System Rehab

CDBG-MIT Budget - WWTP 1.6 MGD Package Plant Replacement

CDBG-MIT Budget

Client:

Project:

FREEPORT
Sanitary Sewer Collection System Rehab

	Total (always 15%)	Engineering	Acquisition	Admin (usually 8%)	Project Costs	TOTAL	GrantWorks *Admin %
Construction	\$ 4,900,560	\$ 735,084	\$ -	\$ 355,898	\$ 5,991,542	6.00%	6.45% if \$3m - \$4.99m project 6% if \$5m - \$10m project

1%	Construction	Engineering	Acquisition	Admin	Total	
Match	less match	4,840,645	735,084	-	355,898	\$ 5,931,626

CDBG-MIT Budget

Client: _____

Project: _____

FREEPORT
WWTP 1.6 MGD Package Plant Replacement

	Total	(always 15%)	Engineering	Acquisition	Admin	(usually 8%)	TOTAL	Project Costs	GrantWorks	* Admin %
Construction	\$ 4,950,000	\$ 742,500			\$ 359,488	\$ 6,051,988		6.00%	6.45% if \$3m - \$4.99m project	6% if \$5m - \$10m project

1%	Construction	less match	Engineering	Acquisition	Admin	Total	Grant
Match	\$ 60,520	\$ 4,889,480	\$ 742,500	\$ -	\$ 359,488	\$ 5,991,468	



City Council Agenda Item # 9

Title: Consider a Resolution Amending the Investment Policy to add U.S. Bank as an Approved Financial Institution.

Date: October 19, 2020

From: Stephanie Russell, Assistant City Manager/Finance Director

Staff Recommendation:

Staff recommends approval of the Resolution.

Item Summary:

Staff proposes amending Exhibit "C" of the City's Investment Policy to add U.S. Bank, N.A. as a Financial Institution under the list of Approved Broker/Dealers, Financial Institutions and Investment Pools. Adding U.S. Bank, N.A. will enable the City to consider enrolling in a Federally Insured Cash Account program as recommended by the City's Financial Advisors.

Background Information:

The purpose of City's Investment Policy is to provide direction for investing the funds of the City of Freeport and to comply with Chapter 2256 of the Texas Government Code ("Public Funds Investment Act"), which requires each entity to adopt a written investment policy regarding the investment of its funds and any funds under its control. The investment policy addresses the methods, procedures and practices that must be exercised to ensure effective and judicious fiscal management of the City's funds.

Financial Impact: N/A

Supporting Documentation:

Resolution

EXHIBIT C

Approved Broker/Dealers, Financial Institutions and Investment Pools

Broker/Dealers

Financial Institutions

Texas Gulf Bank, N.A. (Primary Depository)

U.S. Bank, N.A.

Investment Pools

TexPool

RESOLUTION NUMBER 2020-2656

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, AMENDING THE INVESTMENT POLICY TO ADD U.S. BANK AS AN APPROVED FINANCIAL INSTITUTION; PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.

WHEREAS, Chapter 2256 of the Texas Government Code, commonly known as the "Public Funds Investment Act," requires the City to adopt an Investment Policy and Qualified Broker/Deal List by rule, order, ordinance or resolution; and

WHEREAS, the City Council must approve any amendments to such Investment Policy; and

WHEREAS, the proposed amendment to the Investment Policy, a copy of which is attached hereto as Exhibit "A," complies with the Public Funds Investment Act, as amended, and authorizes the investment of City funds in safe and prudent investments; and

WHEREAS, the City Council hereby finds that the proposed Amended Investment Policy should be approved.

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

Section 1. The facts and statements contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Exhibit C, Approved Broker/Dealers, Financial Institutions and Investment Pools, of the City of Freeport's Investment Policy is hereby amended as attached hereto as "Exhibit A".

Section 3. This Resolution shall become effective immediately upon its passage.

DULY PASSED, APPROVED AND ADOPTED on this the 21st day of September 2020.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Betty Wells, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM AND CONTENT:

Christopher Duncan, City Attorney
City of Freeport, Texas



City Council Agenda Item # 10

Title: Consideration of a Resolution Authorizing submission of FICA Application and Designating Signatories.

Date: October 19, 2020

From: Stephanie Russell, Assistant City Manager/Finance Director

Staff Recommendation:

Staff recommends approval of the resolution.

Item Summary:

The proposed resolution authorizes the submission of a FICA (“Federally Insured Cash Account”) Application and designates the City Manager and Assistant City Manager/Finance Director as signatories on the account. The designated signatories, acting singly, are authorized to give instructions to withdraw funds from the FICA Account on behalf of the City.

The FICA program is an efficient cash management solution that allows a client to deposit large sums of cash into a pool of federally insured certificates of deposits (“CD”). This program expedites an otherwise unmanageable process of allocating funds into several individual CDs.

Background Information:

The FICA is a treasury management program that extends the FDIC insurance coverage for CD’s and bank deposits. FDIC insurance is limited to \$250,000 per deposit; however, by spreading deposits across a network of more than 800 local banks, participants in the FICA program are able to qualify for FDIC insurance on deposits of up to \$100,000,000.

It meets all of the requirements of State statutes including the Texas Public Funds Investment Act (TX CODE 2256) and the “Collateral Act” (TX CODE 2257). The other benefits of this program are:

1. Safety – all funds are 100% FDIC insured 100% of the time.
2. Liquidity – “NEXT DAY”, redemptions are processed within 24 hours with no restrictions (no maturity or penalty for early withdrawal)
3. Yield – current yield on our FICA program is 0.40%
4. Access – all transaction and reporting functions can be managed by participants using the FICA online portal

Special Considerations:

N/A

Financial Impact:

The table below compares investment returns of a few commonly used municipal financial products including FICA:

Rates (as of)	Federally Insured Cash Account†† (FICA)	LGIP TexPool	T-Bills 12-Month	T-Bills 6-Month	T-Bills 3-Month
May-28	0.40%	0.23%	0.185%	0.183%	0.155%

Board or 3rd Party recommendation: This program has been recommended by the City's Financial Advisors, Masterson Advisors LLC.

Supporting Documentation:

Resolution

FICA Account Application

RESOLUTION NO. 2020-2657

A RESOLUTION OF THE CITY COUNCIL OF FREEPORT, TEXAS, AUTHORIZING THE SUBMISSION OF A FEDERALLY INSURED CASH ACCOUNT APPLICATION AND DESIGNATING SIGNATORIES.

WHEREAS, the City seeks to invest in a Federally Insured Cash Account ("FICA") program which allows the ability to protect the City's funds by placing them in deposit accounts at banks, savings institutions and credit unions in a manner that seeks to maintain full insurance of the funds by the Federal Deposit Insurance Corporation ("FDIC") or National Credit Union Administration ("NCUA"), whichever is applicable; and

WHEREAS, the application requires a designation of persons with legal capacity to sign on behalf of the City; and

NOW THEREFORE, IT IS HEREBY RESOLVED:

1. The City of Freeport approves the actions necessary to submit FICA Account Application on the City's behalf.
2. The following persons are hereby appointed to act as authorized individuals of the City, sign on behalf of the City, and give instructions to withdraw funds from the FICA Account on behalf of the City:

Timothy Kelty, City Manager
Stephanie Russell, Assistant City Manager/Finance Director

3. The City Secretary is authorized to certify such application and duly appointed individuals.

PASSED AND APPROVED this 21st day of September 2020.

ATTEST:

APPROVED:

Betty Wells, City Secretary

Brooks Bass, Mayor

APPROVED TO FORM AND CONTENT:

Christopher Duncan, City Attorney



MASTERSON
ADVISORS LLC

FICA® | For Advisors

**Application
Terms & Conditions**

FICA® Account Opening Instructions

Prospective account owners must complete all of the documents contained in this package to establish a Federally Insured Cash Account (FICA®) and return them to StoneCastle Cash Management, LLC (SCCM). The Account Owner is the person or entity in whose name the account will be held. The Account Owner must certify that they have the legal authority to execute the Account Opening Documents.

You must supply documentation to substantiate the existence of your organization (i.e. Articles of Incorporation/Formation /Organization, Trust Agreements, Partnership Agreement or other official documents). Please call the SCCM Client Services Team at (866) 343-5516 for information on what forms may be required.

Account Opening Documents include the following:

- 1) The completed FICA® Account Application**
- 2) FICA® Insured Depository Exclusion Disclosure Form (attached)**
- 3) FICA® Terms & Conditions**

To have documents reviewed before the account is established, you may scan and e-mail the documents as a PDF file to clientservices@stonecastle.com. SCCM reserves the right not to open the account for any prospective client. For additional information call the StoneCastle Client Services Team at (866) 343-5516.



CLIENT PRIVACY NOTICE

Your privacy is of critical importance to us. This Privacy Notice sets forth our policies with respect to nonpublic personal information of account owners, prospective account owners and former account owners. These policies may be changed at any time, provided a notice of such change is given to you. You provide us with personal information such as your address, social security number, assets and/or income information, (i) in these account opening documents and related documents, (ii) in correspondence and conversations with StoneCastle's and its service provider's representatives and (iii) through transactions in the FICA Program. We also may collect personal information about you from third party sources for regulatory or compliance purposes. We do not disclose any of this personal information about our account owners, prospective account owners or former account owners to anyone other than to our affiliates. Notwithstanding the foregoing, we may disclose such personal information to our attorneys, auditors, brokers, regulators and certain service providers to the extent permitted by law and, in such case, only as necessary to facilitate the acceptance and management of your FICA Account. Thus, it may be necessary, under anti-money laundering and similar laws, to disclose information about account owners in order to open an account for them. We will also release information about you if you direct us to do so, if compelled to do so by law, or in connection with any government or self-regulatory organization request or investigation. We seek to carefully safeguard your private information and, to that end, restrict access to nonpublic personal information about you to those employees and other persons who need to know the information to enable StoneCastle to provide services to you. We maintain physical, electronic and procedural safeguards to protect your nonpublic personal information.

PATRIOT ACT

In compliance with the USA PATRIOT Act, all Financial Institutions are required to obtain the following information for all registered owners and all authorized individuals: **Corporate Name, Phone Number, Tax ID Number and Permanent Street Address. Corporate, Trust and Other Entity accounts require additional documentation.**

This information will be used to verify your true identity. We will return your application if any of this information is missing and we may request additional information from you for verification purposes.

FICA® Account Application

Account Owner Information			
Name of Entity:			Tax ID:
Account Name (if different):			
Permanent Address (no P.O. boxes):			
Mailing Address (if different):			
City:		State:	Zip Code:
Phone:		E-Mail:	
S- Corporation: <input type="checkbox"/>	C-Corporation: <input type="checkbox"/>	Partnership: <input type="checkbox"/>	Foundation/Endowment: <input type="checkbox"/>
Public Funds: <input type="checkbox"/>	Trust: <input type="checkbox"/>	LLC: <input type="checkbox"/>	
Check here if you are a government entity or affiliated with a government entity: <input type="checkbox"/>			
Other:			

Your Bank Information For Wire Instructions (Where Withdrawals Will Be Sent)		
Bank Name:		Bank ABA:
Name of Account:		Account Number:
Name of Account (Use extra space if needed):		
Bank Address:		
City:	State:	Zip Code:
Name of Banking Office or Account Representative (When Applicable):		
Special Instructions (FBO/FFC):		

Online Access Authorization

I Authorize StoneCastle to provide the following individuals with in the organization access to the FICA Account. (Check Box If View Only)

Name:	Email:	View Only: <input type="checkbox"/>
Name:	Email:	View Only: <input type="checkbox"/>
Name:	Email:	View Only: <input type="checkbox"/>
Name:	Email:	View Only: <input type="checkbox"/>

Dealer/Registered Investment Advisor (If Applicable)

Firm Name:

Advisor Name:

Advisor Email:

Check to Authorize View-Only Access: **Account Owner Representation As Not A U.S. Employee Retirement Income Security Act Plan Asset**

The Account Owner and the person making the decision on behalf of such Account Owner to make a deposit in a FICA Account (if any) represents, warrants and certifies, by checking the box below, that on each date on which the Account Owner has a deposit in a FICA Account, the Account Owner is not subject to Title I of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), Section 4975(e)(1) of the Internal Revenue Code of 1986, as amended (the "Code"), or in the case of any governmental employee benefit plan, not subject to any law, statute, regulation, provision or other governing provision which is similar to Section 406 of ERISA or Section 4975 of the Code.

Check Here:

Account Owner Confirmation/Certification

By signing this form, the Account Owner certifies that:

- 1) Account Owner has the full authority and legal capacity to open and make deposits in a FICA Account and determined that FICA is an appropriate investment.
- 2) It has received a copy of the FICA Terms and Conditions and agrees to be bound by such terms and conditions as set forth on the date of this application or as amended thereafter. If introduced by a Third Party, the Account Owner further acknowledges that it has received a current copy of SCCM's Form ADV Part 2A of StoneCastle and has reviewed the Third Party Disclosure Statement.
- 3) It understands that StoneCastle, the StoneCastle Custodian and their service providers are not liable for any action resulting from instructions, which bear or appear to bear the signature of an authorized signor that reasonably appears to be genuine.
- 4) It agrees to be bound by the FICA website Conditions of Use and authorizes StoneCastle to provide online access in accordance with your instructions.
- 5) In the event of any conflict between the Resolutions referred to below under "Certification and Resolutions" and any other resolutions provided to StoneCastle, the Account Owner agrees that the Resolutions referred to below shall control.
- 6) Under penalty of perjury, all information provided in this Application is complete and accurate and will notify SCCM immediately of any material change occurring prior to the acceptance of its account.
- 7) I understand that my account assets may be transferred to my state of residence if no activity occurs within my account during the inactivity period specified in my state's abandoned property laws.
- 8) **Under penalty of perjury, I certify that (1) the Social Security or taxpayer identification number shown on this form is my correct taxpayer identification number, and (2) I am not subject to backup withholding as a result of either being exempt from backup withholding, not being notified by the IRS of a failure to report all interest or dividends, or the IRS has notified me that I am no longer subject to backup withholding, (3) I am a U.S. person (including a U.S. resident alien), and (4) I am exempt from FATCA reporting. The IRS does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.**

Account Owner(s) Signature (Persons With Legal Capacity To Sign On Behalf Of The Entity Named In The Account Owner Section)

Print Name:	Print Name:
Title:	Title:
Signature:	Signature:
Date:	Date:

Send Completed Application To:

Email: clientservices@stonecastle.com
 OR
 Fax: (866) 779-8125

Note: To have documents reviewed before the account is established, you may scan and e-mail the documents as a PDF file to clientservices@stonecastle.com. SCCM reserves the right not to open the account for any prospective client. For additional information call the StoneCastle Client Services Team at (866) 343-5516.

If Applicable, Attach A Corporate Resolution And Incumbency Certificate Or Complete The Certification And Resolutions On Page 6; Also Complete Page 7.

CERTIFICATION AND RESOLUTIONS (COMPLETE THIS SECTION IF APPLICABLE) SKIP ONLY if this Application is accompanied by a separate Corporate Resolution and Incumbency Certificate.

I, , Corporate Secretary (or other Corporate Officer) of the above named Account Owner, do hereby certify that:

- 1) That (a) the Account Owner is authorized to open a FICA Account; (b) the Persons set forth below in paragraph 2 are authorized, to execute this Application and all other documents necessary to open a FICA Account and to give all instructions and directions to StoneCastle Cash Management ("SCCM") in connection with the Account Owner's FICA Account, including instructions to withdraw funds, change the Account Owner's wire instructions and to otherwise transact on all FICA Accounts in any manner permitted by SCCM, and to designate persons to perform transactions with respect to each FICA Account; (c) Persons set forth below in paragraph 3 are authorized to give instructions to withdraw funds from the FICA Account; (d) SCCM may rely on this authorization until each of SCCM receives written notice revoking the authorization and until SCCM has reasonable time to act on such notice; and (e) in the event of any conflict between this certification and any other resolutions adopted by SCCM or provided to SCCM, the account holder agrees that these resolutions shall control.
- 2) The persons listed below have been duly appointed and qualified as, and currently are, authorized individuals of the Account Owner. I also certify that each person listed below holds the position listed opposite his or her name, and that the signatures below are the genuine original signatures of the persons indicated.

Name:	Title:	Signature:
Name:	Title:	Signature:
Name:	Title:	Signature:

- 3) The persons listed have authority, acting singly, to give instructions to withdraw funds from the FICA Account on behalf of the Account Owner and that the signatures below are the genuine original signatures of the persons indicated.

Name:	Signature:	
Name:	Signature:	
Name:	Signature:	
Signature of Secretary (Or Other Corporate Officer):		
(NOTE: This person cannot be one of the authorized signers)		
Name:	Title:	Date:

FICA® Impact (Optional)

Your deposits will be allocated only to banks that are community banks as defined by the Federal Reserve that have a most current Community Reinvestment Act examination rating of 1 or 2 (Outstanding or Satisfactory). The ratings demonstrate the bank's commitment to economic development initiatives such as job creation, expanding community programs, and improving financial access in local communities. These banks are a subset of the overall FICA® bank network.

By selecting this option you are opting out of all banks that do not meet the impact criteria noted above and the rate will be .10% lower than the FICA® rate. You may activate/deactivate this this feature at any time for any reason by contacting clientservices@stonecastle.com or calling 866-343-5516.

Check here to select this option and sign below.

FICA® Insured Depository Exclusion Disclosure

The undersigned requests that the Program Manager, StoneCastle Cash Management, LLC, exclude the following Insured Depositories from the Depositor's FICA Account. It is understood that if the depositor has any deposits at any of the Insured Depositories listed that they are not part of their FICA Account and are not covered under the FICA Terms and Conditions.

I do not wish to exclude any Insured Depositories at this time. Check here and sign below.

Instructions:

- 1) If you have any questions, please call the FICA Client Services Team at 1(866) 343-5516.
- 2) Complete all the information requested below, including the FDIC Certificate or NCUA Charter Number where appropriate.
- 3) You can obtain the FDIC Cert Number by visiting www2.fdic.gov/idasp/. You can obtain the NCUA Charter Number by visiting <http://mapping.ncua.gov/ResearchCreditUnion.aspx>.
- 4) If this list is longer, please include an Excel spreadsheet with the name of the financial institution, the FDIC Cert # / NCUA Charter #, City and State.
- 5) If you wish to exclude all credit unions from your FICA Account, please check the box below. By excluding all credit unions, the available capacity and rate on your FICA Account may be impacted
 I wish to exclude all credit unions from my FICA Account at this time.
- 6) Please sign and return.
- 7) If there is a change in this information, please complete a new form and e-mail a PDF file to clientservices@stonecastle.com.

Name of Insured Depository	FDIC Cert/NCUA Charter	City	State
1:			
2:			
3:			
4:			
5:			
6:			
7:			
8:			
FICA Account Owner:		Contact Name:	
Title:		Phone:	
Signature:		Date:	

Terms & Conditions

FEDERALLY INSURED CASH ACCOUNT (FICA®)

TERMS AND CONDITIONS

Client Name:	Date:

Introduction

The Federally Insured Cash Account program ("FICA® Program") offered by StoneCastle Cash Management, LLC ("StoneCastle") allows customers the ability to protect their money by placing it in deposit accounts at banks, savings institutions and credit unions (collectively, "Insured Depositories") in a manner that seeks to maintain full insurance of the funds by the Federal Deposit Insurance Corporation ("FDIC") or National Credit Union Administration ("NCUA"), whichever is applicable. Funds will be deposited within StoneCastle's network of Insured Depositories ("Deposit Network").

StoneCastle will direct the StoneCastle Custodian (as defined in Section 2 below) to deposit the funds that you deposit into your FICA Account with StoneCastle ("Deposits"), along with funds from other participants in the FICA Program (each, a "FICA Depositor") into one or more federally insured accounts (each, a "Depository Account") at multiple Insured Depositories. The Depository Account(s) at each Insured Depository will be in the name of one or more sub-custodians (each, a "Sub-Custodian") acting as custodian for the persons or entities listed on its records.

The money from your FICA Account is deposited at Insured Depositories in a manner currently designed to maximize FDIC and/or NCUA insurance coverage, which is fully guaranteed by the full faith and credit of the U.S. government. Both the FDIC Standard Maximum Deposit Insurance Amount and the NCUA Share Insurance Fund's maximum insurance amount ("SMDIA/SIFMIA") are currently \$250,000 per depositor, per insured depository.

The FICA Program deposit insurance limit can be obtained by calling (866) 343-5516.

These Terms and Conditions for the FICA Program are supplemental to those contained in your existing account agreements you were furnished in connection with opening your account with your investment advisor ("Advisor"), if applicable.

YOU UNDERSTAND THAT BY ENROLLING IN THE FICA PROGRAM, YOU ARE INSTRUCTING STONECASTLE TO PLACE FUNDS RECEIVED FROM YOU INTO THE FICA PROGRAM. YOU ACKNOWLEDGE THAT YOU HAVE

RECEIVED AND CAREFULLY READ THESE TERMS AND CONDITIONS BEFORE ENROLLING IN THE FICA PROGRAM.

By opening a FICA Account, you agree to the Terms and Conditions set forth herein.

1) Deposit and Account Eligibility

The FICA Program does not require a minimum initial deposit to open a FICA Account, and there is no minimum amount required for subsequent deposits. In order to obtain FDIC and/or NCUA insurance in the FICA Program, you must provide proper and correct tax identification information to StoneCastle.

The FICA Program is open to Benefit Plans (as defined below) with the prior approval of StoneCastle and the StoneCastle Custodian, each at its discretion.

The term "Benefit Plans" is defined as (a) any "employee benefit plan" (as defined in Section 3(3) of Title I of ERISA) that is subject to the fiduciary responsibilities provisions of ERISA, (b) a plan described in Section 4975(e)(1) of the Internal Revenue Code of 1986 (the "Code") that is subject to Section 4975 of the Code, (c) any entity whose underlying assets include "plan assets" (within the meaning of the Plan Asset Regulations as in effect immediately after the effective date of Section 3(42) of ERISA as added by the Pension Protection Act of 2006) by reason of any such plan's investment in the entity (or as such term is otherwise defined in the regulations promulgated by the U.S. Department of Labor under Section 3(42) of ERISA) or (d) any governmental plan which is subject to any statute, regulation, rule, policy or procedure similar to Section 406 of ERISA or Section 4975 of the Code.

2) Information about StoneCastle, the StoneCastle Custodian and the Insured Depositories

StoneCastle is registered as an investment adviser with the Securities and Exchange Commission. StoneCastle is not, itself, a bank or broker-dealer.

U.S. Bank is a national banking association. U.S. Bank is not affiliated with StoneCastle. U.S. Bank will be acting as the account bank for StoneCastle for funds to be deposited within the Deposit Network. In this capacity, U.S. Bank is referred to herein

as the "StoneCastle Custodian." In such capacity, the StoneCastle Custodian does not act as your custodian. StoneCastle has the right, in its sole discretion, to appoint a different StoneCastle Custodian at any time with prior notice.

You agree that StoneCastle may direct funds in your FICA Account into Insured Depositories, including any Insured Depositories affiliated with StoneCastle, the StoneCastle Custodian or any Sub-Custodian, subject to all applicable laws.

Each Insured Depository is a separate FDIC- or NCUA-insured depository institution. You can obtain publicly available financial information concerning any of the FDIC insured banks at www.fdic.gov or by contacting the FDIC Division of Depositor and Consumer Protection by letter at 550 17th Street, N.W., Washington, D.C. 20429 or by phone at 877-275-3342. You can obtain publicly available financial information concerning any of the NCUA insured credit unions at www.ncua.gov, or by contacting the National Credit Union Administration by mail at 1775 Duke Street, Alexandria, VA 22314 or by phone at (703) 518-6300. Neither StoneCastle nor the StoneCastle Custodian guarantees the financial condition of any Insured Depository, or the accuracy of any publicly available information concerning an Insured Depository.

The Depository Account(s) at each Insured Depository will be in the name of one or more Sub-Custodians. Each Sub-Custodian will be either a "Bank" as defined in Section 2(a)(5) of the Investment Company Act of 1940 or a wholly-owned subsidiary of a Bank. U.S. Bank and its affiliates may serve as a Sub-Custodian.

3) Appointment of StoneCastle as your Agent

By opening a FICA Account, you are appointing StoneCastle as your Manager and authorized agent to direct the StoneCastle Custodian pursuant to these Terms and Conditions, which StoneCastle may modify by notice to you in accordance with Section 21 "Changes to Terms and Conditions."

In its capacity as your Manager and authorized agent, StoneCastle will be authorized to: (i) establish an omnibus StoneCastle account at the StoneCastle Custodian for the purpose of receiving all incoming funds of FICA Depositors, and from which all customer withdrawals are sent ("StoneCastle Custody Account"); (ii) keep records as to the amount of your money on deposit in each Insured Depository; (iii) take such action and sign all documentation which may be required for collection of any portion of the principal or interest on your FICA Account including any instrument required to affect any disposition of deposits; (iv) provide periodic electronic statements of account activity, account balances, tax reporting information, if applicable, and any other legally required information to receive payments for deposits and dispose of such payments as instructed; and (v) provide the foregoing services to you without charging any additional fees to you apart from a management fee ("FICA Fee") that will be deducted from your FICA Account.

The StoneCastle Custodian has no responsibility or liability with respect to the actions or omissions of StoneCastle; it has no duty to oversee, monitor or supervise StoneCastle, and has no duty to investigate, confirm, verify or otherwise inquire into any instruction it receives from StoneCastle (or concerning the authority or accuracy thereof) with respect to your funds or your FICA Account. The StoneCastle Custodian will not be privy to instructions you may send to StoneCastle from time to time.

4) Transfers and Interest

Interest rates paid on deposits in Depository Accounts are determined by the Insured Depositories in their discretion based on prevailing economic and business conditions and such rates may change at any time without notice. The interest rate paid by any Insured Depository may fluctuate daily based on market conditions. The net interest earned on your deposits will be set forth in your account statement.

If your funds are received and deposited in the StoneCastle Custody Account by 3:00 p.m. (Eastern Time), your FICA Account will receive same day credit. In your monthly account statements, StoneCastle may estimate the aggregate amount of accrued but unpaid interest less any FICA Fee with respect to such interest, which amount cannot be withdrawn from your FICA Account until it is credited to the StoneCastle Custody Account. Any estimate of net accrued interest on your monthly account statement is for informational purposes only.

Each Insured Depository may profit from the difference between the interest it pays on the StoneCastle Custody Accounts and the income it earns on loans, investments, and other business operations.

Each Insured Depository may pay the StoneCastle Custodian and/or StoneCastle fees for its services related to your Deposits equal to a percentage of the average daily deposit balance in the Deposit Accounts at the Insured Depository. StoneCastle may share such fees with StoneCastle Custodian. The amount of any fees an Insured Depository pays could directly affect the interest rate paid by the Insured Depository on your Deposit. The fees paid to StoneCastle Custodian and/or StoneCastle by each Insured Depository may vary. The FICA Fee will be deducted from your FICA Account on the day interest from a Depository Account is credited to your FICA Account. See Section 8 "Account Fees and Charges."

The rate you earn on your deposits at any Insured Depository through the FICA Program may be higher or lower than the rates available to depositors making non-FICA Program deposits with an Insured Depository, rates available through other types of accounts at U.S. Bank, or rates offered by other depository institutions in comparable accounts. Any fees imposed under the FICA Program could reduce earnings on your Deposits. You should compare the terms, interest rates, charges and other features of the FICA Program with other accounts and investment

alternatives. There is no minimum period that your money must remain in the FICA Program.

Interest will be accrued daily and posted monthly to the Depository Account. Interest will accrue on deposits from the Business Day (as defined below) your funds are received in investible form by the StoneCastle Custodian through the date you request those funds to be withdrawn. The “daily balance method” is used to calculate interest. This method applies a daily periodic interest rate to the principal in the account for the period. The daily rate is 1/365 of the applicable annual rate. Your withdrawal request should generally be fulfilled, with the withdrawal proceeds wired to an account that you designate, on the Business Day following the day your withdrawal request is processed. See Section 7 “Withdrawals.”

Funds must be posted to the StoneCastle Custody Account by 3:00 p.m. (Eastern Time) on any Business Day in order for the StoneCastle Custodian to initiate a transfer of your funds to the Insured Depositories on the same day. If funds are received at the StoneCastle Custody Account after 3:00 p.m. (Eastern Time) on any Business Day or funds are received on a non-Business Day, then the StoneCastle Custodian will generally initiate a transfer of your funds on the next Business Day, pursuant to instructions received from StoneCastle.

The transfers may not occur within the timeframes described above, and neither StoneCastle, the StoneCastle Custodian nor any Sub-Custodian will be responsible for delays in the processing of funds transfers to or from the StoneCastle Custody Account or to or from Depository Accounts, or between Insured Depositories.

There is no minimum initial deposit required to open a FICA Account (as provided in Section 5 below), and there is no minimum balance required to maintain your participation in the FICA Program. There also is no minimum period that your money must remain on deposit in the FICA Program. You may withdraw deposits from your FICA Account on any Business Day, and there is no limitation on the dollar amount of your withdrawals from, or deposits to, your FICA Account. There is no penalty or fees for withdrawal of your entire balance, or any part thereof, at any time.

5) Deposits

There is no minimum initial deposit required to open a FICA Account, and there is no minimum amount required for subsequent deposits. Funds must be posted to the StoneCastle Custody Account by 3:00 p.m. (Eastern Time) on a Business Day for transfers of such amounts to be initiated to the Insured Depositories on such date. See Section 4 “Transfers and Interest” above. You should call StoneCastle at (866) 343-5516, consult our website at www.FICAaccount.com or consult your Advisor

for wiring instructions for your FICA Account. All deposits must be in U.S. dollars.

6) Insured Depositories

Your monthly account statement will indicate the Insured Depositories in which your FICA Account funds have been deposited. Each Insured Depository is a separate federally insured depository institution. If you do not wish to have your FICA Account funds deposited into any specific Insured Depository, you must identify those institutions to StoneCastle using the Insured Depository Exclusion Form provided to you with the FICA Account opening documents. StoneCastle in turn will be responsible for giving instruction to the StoneCastle Custodian. StoneCastle will not direct any of your FICA Account funds into any such Insured Depository that you have elected to exclude unless you notify StoneCastle in writing that such exclusion request is no longer in effect. The StoneCastle Custodian will have no responsibility or liability with respect to the selection, investigation or evaluation of any Insured Depository, and shall have no liability for the actions or omissions of StoneCastle or any Insured Depository. The StoneCastle Custodian shall not be under any duty to investigate or reconcile (whether against your instruction to StoneCastle or otherwise) any instruction it receives from StoneCastle.

Amounts in your FICA Account along with funds from other FICA Depositors will be deposited at the direction of StoneCastle into one or more Depository Accounts at multiple Insured Depositories. The Depository Account(s) at each Insured Depository will be named as follows (or in a substantially similar manner): “U.S. Bank National Association [or name of Sub-Custodian] as custodian for persons or entities who are listed on its records, each acting for itself and on behalf of others.” Each Sub-Custodian will act as sub-custodian for the benefit of StoneCastle with respect to such funds held within the Deposit Network. In the event of the failure of an Insured Depository, where the deposits are not assumed by another Insured Depository, StoneCastle will promptly submit an insurance claim to the FDIC or NCUA on behalf of the FICA Depositors who have amounts on deposit through one or more Depository Accounts at the Insured Depository. During the time your insurance claim is being processed by the FDIC or NCUA, you will not have access to the funds that you had on deposit with such Insured Depository.

StoneCastle selects the Insured Depositories for the FICA Program. StoneCastle may, in its discretion, include additional Insured Depositories in the FICA Program, remove Insured Depositories from the FICA Program, allocate balances between Insured Depositories and determine the amounts and order of deposits into Insured Depositories, in each case in its sole discretion. Deposits placed for your FICA Account with a federally insured credit union will not result in your becoming a member of the credit union.

A Depository Account under the FICA Program is not covered by SIPC. SIPC is a non-profit member corporation funded primarily by member securities brokerage firms registered with the SEC. SIPC provides protection against risks to clients of member brokerage firms in the event of the failure of that member firm, but SIPC does not guarantee bank deposits. For more information about SIPC, see www.sipc.org.

In the event that an Insured Depository rejects additional deposits, or decides to return funds to the applicable Sub-Custodian or the StoneCastle Custodian (or closes the Depository Accounts at the Insured Depository entirely), or StoneCastle decides to withdraw funds in whole or in part from an Insured Depository, StoneCastle will direct the transfer such funds to one or more other Insured Depositories. See Section 4 "Transfers and Interest" above.

IN THE EVENT OF A FINANCIAL FAILURE OF ANY INSURED DEPOSITORY, NEITHER STONECASTLE NOR THE STONECASTLE CUSTODIAN SHALL HAVE ANY LIABILITY FOR ANY LOSSES THAT MAY RESULT. THE STONECASTLE CUSTODIAN IS NOT UNDER ANY DUTY OR OBLIGATION TO SUBMIT OR PURSUE CLAIMS ON YOUR BEHALF AGAINST, OR TO UNDERTAKE LEGAL ACTION AGAINST, ANY INSURED DEPOSITORY (WHETHER IN THE EVENT OF ITS FINANCIAL FAILURE, INSOLVENCY, RECEIVERSHIP, CONSERVATORSHIP, OR OTHERWISE).

7) Withdrawals

Withdrawals from your FICA Account may be made on any Business Day, in any amount, not to exceed your total account balance in your FICA Account. Pursuant to federal regulations, Insured Depositories may exercise the right to require seven (7) days' notice before permitting a transfer of funds out of a Depository Account. You may request a withdrawal from your FICA Account by accessing our website at www.FICAaccount.com by following the directions under the section entitled "Account Withdrawals," or, where appropriate, by contacting your Advisor. Withdrawals from the FICA Program cannot be made directly by you from any of the Insured Depositories. If you satisfactorily complete your withdrawal request by 3:00 p.m. (Eastern Time) on any Business Day, the withdrawal request should, under normal conditions, be initiated and processed via transfer at the Insured Depositories on such day. Your withdrawal request will usually be fulfilled, with the withdrawal proceeds returned to the account designated by you, by the next Business Day. Please reference Section 11 for additional detail on the FICA Program's Days of Operation.

If your withdrawal request is completed after 3:00 p.m. (Eastern Time) on any Business Day, then it will be initiated and processed by 3:00 p.m. (Eastern Time) on the following Business Day and then your withdrawal request will be fulfilled on the day subsequent to the following Business Day.

If you decide to close your FICA Account or request a complete withdrawal, you may have to wait a period of time for all of the interest to be posted to your FICA Account since interest can only be credited to your FICA Account once interest is credited by the Insured Depositories to the Depository Accounts. Because the Insured Depositories do not generally post interest to a Depository Account on a same day basis, there may be a delay between the date of your withdrawal request and the date on which you receive all of the interest that accrued in the Depository Accounts to the effective date of your withdrawal.

StoneCastle reserves the right to take reasonable measures to verify a withdrawal request, and StoneCastle will not be held liable for any delays caused by such verification measures. In the case of partial withdrawals from your FICA Account, StoneCastle will determine from which Insured Depositories your withdrawal request will be processed.

StoneCastle and the StoneCastle Custodian will not be held liable for any delay, failure or error by any Insured Depository in making payment on any Depository Account.

8) Account Fees and Charges

The FICA Fee will be determined by StoneCastle and will be deducted from your FICA Account on the date on which interest from an Insured Depository is credited to your FICA Account. The FICA Fee charged may vary between Insured Depositories but will never exceed the gross interest earned by your FICA Account from the Insured Depositories at which the interest is earned. Neither the StoneCastle Custodian nor any Sub-Custodian will charge you a separate fee for their services provided within the FICA Program, and any such fee will be paid separately by StoneCastle.

In addition, with prior notice, StoneCastle may charge you for specific costs incurred in processing certain administrative fees and expenses for unusual transactions including, but not limited to, wire requests, copies of statements and special research services (including, without limitation, to the extent any such fees or expenses may be charged to StoneCastle by the StoneCastle Custodian or any applicable Sub-Custodian).

Such amounts may be deducted by from your FICA Account. StoneCastle reserves the right to charge additional fees with prior notice.

9) For Certain Clients Introduced by Third Parties / Disclosure Statement

Under an agreement with the entity that introduced you to the FICA Program (the "Introducing Agreement") as set forth in your FICA Account application (the "Third Party"), StoneCastle has agreed that the Third Party may introduce prospective clients to participate in the FICA Program. The Third Party is not employed by or affiliated in any way with StoneCastle. If you deposit money in the FICA Program as a result of a Third Party's introduction, StoneCastle may pay the Third Party a fee in an amount

determined by the Third Party and communicated to StoneCastle on a monthly basis (the "Referral Fee"). In such instances, StoneCastle may add the Third Party Fee to the amount that StoneCastle would otherwise charge you for participating in the FICA Program. Each prospective client introduced by the Third Party to StoneCastle and who deposits money in a FICA Account may receive the same or different monthly account yield; however, other persons who deposit money in the FICA Program, whether introduced to StoneCastle by another party or by depositing money directly with StoneCastle, may receive greater or lesser account yields. If applicable, the Third Party will disclose to you the Referral Fee with respect to each month upon request. The foregoing disclosure relates to certain conflicts of interest related to a Third Party's introduction of you to StoneCastle, and are provided to you in accordance with the provisions of Rule 206(4)-3 of the Investment Advisers Act of 1940, as amended. In addition, upon commencing any referral activity, you hereby acknowledge that you have received a current copy of the Form ADV Part 2A of StoneCastle, and reviewed this disclosure statement.

For as long as you have a FICA Account relationship with StoneCastle, StoneCastle may pay the Third Party a Referral Fee. This fee covers any expenses for introduction efforts, as well as, including but not limited to, the expenses of any ongoing, client consultations. In no event will the services include providing cash management services on behalf of StoneCastle in any manner.

10) Account Statements

You will receive a monthly account statement from StoneCastle via our website at www.FICAaccount.com. StoneCastle will send you and/or your Advisor an e-mail when your account statement is available for viewing. You will be required to use your online access ID and password in order for you to view, print or save e-statement account information.

By opening a FICA Account, you consent to electronic delivery of your periodic account statements and any other disclosures relating to your account(s), either by forwarding such statements and disclosures or by providing a notification of availability and links to such statements or disclosures, to the e-mail address provided to StoneCastle. You are responsible for notifying StoneCastle of changes in the e-mail address to be used for such purposes.

All activity with respect to your FICA Account, including your account balance through StoneCastle in one or more Depository Accounts at each Insured Depository, the net interest earned in your FICA Account and transaction history will appear on your account statement. The account statement will also include the aggregate of your opening and closing balances in your FICA Account. You will not receive a separate statement from the Insured Depositories.

You should download and retain all account statements. You must notify StoneCastle immediately of any discrepancies noted on your account statement. You agree that the absence of any

notice to us from you to the contrary within ninety (90) days of the statement date is the same as a written confirmation that you accept the statement, and all positions and transactions shown on it, as is.

11) Days of Operation

The FICA Program is open Monday through Friday, 8:30 a.m. until 5:30 p.m. (Eastern Time) except for New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day (each day the FICA Program is open is referred to herein as a "Business Day"). Deposits to, and transfers or withdrawals from your FICA Account may only be made on days that the StoneCastle Custodian and any related Sub-Custodian and Insured Depository are open for business.

12) FDIC and NCUA Deposit Insurance

The funds in your FICA Account will be deposited into Depository Accounts at the Insured Depositories through StoneCastle along with funds from other FICA Depositors.

StoneCastle as your agent keeps records of how much each FICA Depositor has on deposit in each Insured Depository. Your Deposits, plus interest earned thereon, are held in those Depository Accounts in a manner designed to currently provide you with FDIC and/or NCUA insurance at each Insured Depository. StoneCastle, as your agent, allocates your Deposits among the Depository Accounts to seek to maximize deposit insurance coverage available under the FICA Program. FDIC and NCUA deposit insurance coverage is normally available for your Deposits up to the SMDIA/SIFMIA, which is currently \$250,000 per legal category of account ownership at each participating Insured Depository when aggregated with all other deposits held by you in the same Insured Depository and in the same legal category of account ownership. Thus, the maximum amount of Deposits eligible for deposit insurance coverage would not exceed the SMDIA/SIFMIA per legal category of account ownership multiplied by the number of participating Insured Depositories that you have not excluded from receiving your Deposits under the FICA Program, less any funds that you may hold in an Insured Depository outside of the FICA Program in the same legal category of account ownership. **If you have funds at an Insured Depository outside the FICA Program, your deposit insurance coverage for all of your funds at the Insured Depository may be adversely affected.**

The Insured Depositories holding your money will be listed on your account statement along with the amount of funds that you have on deposit in such Insured Depositories through the FICA Program. Any amount by which the sum of your direct deposits at an Insured Depository outside the FICA Program plus the amounts that you have on deposit in such Insured Depository through the FICA Program exceeds the applicable insurance limits of the FDIC or NCUA, will not have deposit insurance. Therefore, if you do

not wish to have your FICA funds deposited into any Insured Depository, you must identify those institutions to StoneCastle using the Insured Depository Exclusion Form provided to you with the FICA Account opening documents. StoneCastle will not direct any of your FICA Account funds into any such Insured Depository that you have elected to exclude unless you notify StoneCastle in writing that such exclusion request is no longer in effect. There will be a delay between the time you make your exclusion request and the time that such Insured Depository is excluded. If you exclude any Insured Depository, the maximum level of deposit insurance available under the FICA Program may decrease.

Neither StoneCastle, the StoneCastle Custodian nor any Sub-Custodian monitors or takes any responsibility for money you may have at an Insured Depository outside the FICA Program. You are solely responsible for monitoring your deposit insurance coverage at any Insured Depository to ensure that your funds at any Insured Depository do not exceed applicable deposit insurance limits. Therefore, you should review the Insured Depositories holding your money as listed on your account statement. It is your responsibility to check such list of Insured Depositories on a regular basis and notify StoneCastle whenever you have an existing or new deposit relationship with an Insured Depository. While the FICA Program was designed to limit the amounts that are on deposit from a single FICA Depositor in an Insured Depository in the FICA Program, please be aware that it is your responsibility to monitor the total amount of all deposits you have with any one Insured Depository.

In general, the FDIC- and NCUA-recognized categories of account ownership include single ownership accounts; accounts held by an agent, escrow agent, nominee, guardian, custodian, or conservator; annuity contract accounts; certain joint ownership accounts; certain revocable trust accounts; accounts of a corporation, partnership, or unincorporated association; accounts held by a depository institution as the trustee of an irrevocable trust; certain irrevocable trust accounts; certain retirement and other employee benefit plan accounts; and certain accounts held by government depositors.

The FDIC and NCUA impose special requirements for obtaining pass-through deposit insurance coverage for multiple levels of fiduciary relationships. In these situations, in order for deposit insurance coverage to pass through to the true beneficial owners of the funds, it is necessary (i) to expressly indicate, on the records of the insured depository institution that there are multiple levels of fiduciary relationships; (ii) to disclose the existence of additional levels of fiduciary relationships in records, maintained in good faith and in the regular course of business, by parties at subsequent levels; and (iii) to disclose, at each of the level(s), the name(s) and the interest(s) of the person(s) on whose behalf the party at the level is acting. No person or entity in the chain of parties will be permitted to claim that they are acting in a fiduciary capacity for others unless the possible existence of such a relationship is revealed at some previous level in the chain. If your

Deposits are beneficially owned through multiple levels of fiduciary relationship, you must take steps to comply with these special requirements.

Until your funds are actually received in investible form and processed by the Insured Depository, your funds may be insured at StoneCastle Custodian up to \$250,000 in total and not at the Insured Depository.

If, for any reason, the amount deposited in any Insured Depository exceeds the applicable SMDIA/SIFMIA, the excess funds would not be insured by the FDIC and/or NCUA. Neither StoneCastle nor StoneCastle Custodian, shall have any liability for any insured or uninsured portion of your Deposits in any of the Insured Depositories.

In the event that deposit insurance payments become necessary, payments of principal plus unpaid and accrued interest up to the SMDIA/SIFMIA per legal category of account ownership multiplied by the number of Insured Depositories shall be made to you. However, there is no specific time period during which the FDIC and/or NCUA must make insurance payments available. Furthermore, you may be required to provide certain documentation to the FDIC and/or NCUA before insurance payments are made.

13) Tax Withholding and Reporting

StoneCastle may be required to withhold U.S. federal income tax at the prevailing rate on all interest payable to certain FICA Depositors who fail to provide their correct taxpayer identification number or to make required certifications or who have been notified by the Internal Revenue Service that they are subject to backup withholding. Interest earned on accounts held by entities (individuals or corporations) that are neither citizens nor residents of the United States, except for Canadian residents, generally are not subject to withholding tax. Where required by applicable law, each FICA Depositor will be issued a Form 1099-INT which will set forth the gross interest earned (i.e., interest before fees) by a FICA Depositor from the Insured Depositories. Consult your tax advisor.

14) Transferability; Assignment

The ownership of a FICA Account may not be transferred by you except with the express written consent of StoneCastle or otherwise by operation of law. Any purported transfer shall not be binding on StoneCastle, the StoneCastle Custodian, or the Insured Depositories unless and until sufficient, acceptable documentation has been received by such entities. StoneCastle may assign and transfer its rights and obligations under the FICA Program, including, without limitation, pursuant to these Terms and Conditions, to one or more of its affiliates or subsidiaries or to any person that acquires all or substantially all of the assets of StoneCastle, without prior notice to you and without obtaining your consent.

15) Termination; Closing of Account

StoneCastle may, at its sole discretion, and without any prior notice, terminate your participation in the FICA Program and cause the StoneCastle Custodian to return funds in your FICA Account to your bank/Advisor account of record.

16) Ordinary Care

The duties, responsibilities and standards of care of the StoneCastle Custodian and any Sub-Custodian with respect to the matters described in these Terms and Conditions are governed and determined exclusively by the separate written agreements between StoneCastle and each such party, respectively. The StoneCastle Custodian and each Sub-Custodian have no duties or responsibilities except as expressly set forth in such agreement to which they are a party, and they are each protected by the rights, protections and other terms and conditions contained therein. Any such duties or responsibilities that the StoneCastle Custodian or any Sub-Custodian may have under those agreements are owed only to StoneCastle. Without limiting the foregoing, any liability for any act or omission by StoneCastle, the StoneCastle Custodian, a Sub-Custodian or any Insured Depository or any delay by such party beyond time limits prescribed by law or permitted by these Terms and Conditions is excused if caused by your negligence, interruption of communication facilities, suspension of payments by another financial institution, war, emergency conditions or other circumstances beyond the control of such party, provided such party exercised such diligence as such circumstances would normally require. You agree that any act or omission by StoneCastle, the StoneCastle Custodian, a Sub-Custodian or any Insured Depository in reliance upon or in accordance with the rules and regulations of the Uniform Commercial Code, and NACHA or other clearinghouse rules, or any rule or regulation of any state or federal agency having jurisdiction over such party shall constitute ordinary care

17) Personal Information

You agree that StoneCastle, the StoneCastle Custodian, Insured Depositories, and their respective service providers will share information concerning you and your accounts in connection with providing the services contemplated by these Terms and Conditions, and may disclose information about your FICA Account to any affiliate in accordance with StoneCastle's Privacy Policy and otherwise as permitted by law. You agree that StoneCastle and its service providers may obtain such information as may be necessary for legitimate business needs in connection with the operation of the FICA Program. For information regarding the collection, processing and use of your personal information and your rights to limit the use and disclosure of such information, you should refer to the Privacy Policy included with your FICA Account opening documents and annually thereafter.

18) Legal Process

You agree that StoneCastle, the StoneCastle Custodian, any Sub-Custodian and the Insured Depositories may comply with any writ of attachment, execution, garnishment, tax levy, restraining order, subpoena, warrant or other legal process, which such party in good faith believes to be valid. StoneCastle may notify you of such process by telephone, electronically or in writing. If StoneCastle or the

StoneCastle Custodian or a Sub-Custodian is not fully reimbursed for its records research, photocopying and handling costs (including its internal counsel costs) by the party that served the process, StoneCastle may charge such costs to your FICA Account. You agree to indemnify, defend and hold StoneCastle, the StoneCastle Custodian, any Sub-Custodian and the Insured Depositories harmless from all actions, claims, liabilities, losses, costs, attorneys' fees, and damages associated with their respective compliance with any process that such party believes in good faith to be valid. You further agree that StoneCastle, the StoneCastle Custodian, any Sub-Custodian and the Insured Depositories may honor legal process that is served personally, by mail, or by facsimile transmission at any of their respective offices (including locations other than where the funds, records or property sought is held), even if the law requires personal delivery at the office where your FICA Account records are maintained.

19) Confidentiality and Ownership of the FICA Program

You agree (a) not to disclose the identity of any of the Insured Depositories in the FICA Program to any person or entity other than to your affiliates, officers, directors, employees and professional advisors who need access to such information, and (b) that you will not contact any of the Insured Depositories about StoneCastle, the StoneCastle Custodian, any Sub-Custodian or the FICA Program without StoneCastle's prior written consent. You also agree that StoneCastle does and will at all times own all intellectual property rights in and to any works of authorship, moral rights, copyrights, trademarks, service marks, patents, designs, trade secrets, computer programs and algorithms relating to the FICA Program, including without limitation, the FICA Program documents and the FICA website, and that you will not use any such information, documents or property rights for any purpose other than as a participant in the FICA Program.

20) Governing Law

These Terms and Conditions shall be governed by and subject to applicable federal laws and, to the extent not preempted by federal law, the laws of the State of New York without regard to its conflict of law provisions.

Unless otherwise provided herein, StoneCastle, the StoneCastle Custodian, any Sub-Custodian and the Insured Depositories may comply with applicable clearinghouse, federal and correspondent bank rules in processing transactions for your FICA Account or the StoneCastle Custody Account. You agree that neither

StoneCastle nor the StoneCastle Custodian or Sub-Custodian is required to notify you of a change in those rules, except to the extent required by law.

21) Changes to Terms and Conditions

StoneCastle may make a material change to these Terms and Conditions at any time upon 15 days prior notice to you or on such shorter notice as may be set forth herein or required by applicable law, at which time you will have the option of terminating your participation in the FICA Program. All questions concerning your FICA Account should be directed to StoneCastle or to your Advisor.

22) Limits on Certain Deposit Accounts:

Federal banking regulations impose certain limitations on transfers from money market deposit accounts. The FICA Program seeks to rely on certain exemptions and interpretive relief granted by the Federal Reserve Board in connection with these limitations. However, the transactional capabilities of the Depository Accounts are limited; StoneCastle may impose limitations on transfers without prior notice. Limitations on transfers will not limit the interest rate you earn or the amount of FDIC insurance coverage for which you are eligible.

23) Alternatives to the Program:

By your enrollment in the FICA Program, you agree to the terms provided herein. You understand that, at any time, you may withdraw your enrollment in the Program.

24) Limitation of Liability:

TO THE MAXIMUM EXTENT PERMITTED BY LAW, IN NO EVENT SHALL STONECASTLE, THE STONECASTLE CUSTODIAN, A SUB-CUSTODIAN, ANY INSURED DEPOSITORY OR THEIR AFFILIATES BE LIABLE FOR ANY INDIRECT, CONSEQUENTIAL, EXEMPLARY, SPECIAL, INCIDENTAL OR PUNITIVE DAMAGES OF ANY NATURE, WHETHER SUCH LIABILITY IS ASSERTED ON THE BASIS OF CONTRACT, TORT (INCLUDING NEGLIGENCE OR STRICT LIABILITY) OR OTHERWISE, INCLUDING WITHOUT LIMITATION, LOSS OF PROFITS, GOODWILL OR BUSINESS INTERRUPTION, EVEN IF SUCH ENTITY WAS AWARE OF THE POTENTIAL FOR SUCH DAMAGES.

25) Tax Identification Information:

You acknowledge that the FICA Program uses your tax identification information in order to allocate your Deposits across Insured Depositories. If you do not provide, or if you do not have, a tax identification number, your funds may not be allocated across Insured Depositories to provide you with expanded FDIC insurance under the provisions of these Terms and Conditions.

26) Aggregation of Funds in Multiple Accounts:

If you have more than one account in the FICA Program with the same tax identification information, the funds in all such accounts are aggregated for the purpose of calculating the FDIC and/or NCUA insurance available under the FICA Program. Depending on the individual facts and the ownership rights and capacities in which funds are held, additional FDIC and/or NCUA insurance may not be available. Refer to Section 12 above for further information about deposit insurance.

27) Complaints:

Any complaints regarding the FICA Program should be addressed in writing to StoneCastle.

28) Power & Authority:

You represent and warrant that you have full power and authority to participate in the FICA Program and to agree to and perform these Terms and Conditions. In addition, if you are not an individual, you represent and warrant that (1) you are duly organized, validly existing and in good standing under the laws of your state or jurisdiction of organization; (2) you possess all requisite authority, power, licenses, permits, registrations and franchises and have made all governmental filings to conduct business wherever you conduct business and to execute, deliver and comply with your obligations hereunder; and (3) your agreement to these Terms and Conditions and performance hereunder shall not conflict with or violate your governing documents or any law, regulation, decree, demand, order or any other contract or agreement by which you are bound.

29) Waiver:


Any provision of these Terms and Conditions may be waived if, but only if, such waiver is in writing and is signed by the party against whom the waiver is to be effective. No failure or delay by any party in exercising any right, power or privilege hereunder shall operate as a waiver thereof nor shall any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or privilege.

30) Severability:

If any term, provision, covenant or restriction of these Terms and Conditions is held by a court of competent jurisdiction or other authority to be invalid, void or unenforceable, the remainder of the terms, provisions, covenants and restrictions of these Terms and Conditions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

31) Entire Agreement:

These Terms and Conditions and any other documents provided to you by StoneCastle in connection with the FICA Program constitute the entire agreement with you regarding the FICA Program, and supersede all prior and contemporaneous



agreements and understandings, both oral and written, with respect to the subject matter hereof. EXCEPT AS EXPRESSLY SET FORTH IN THESE TERMS AND CONDITIONS, NO REPRESENTATIONS OR WARRANTIES (ORAL OR WRITTEN, STATUTORY, EXPRESS, IMPLIED OR OTHERWISE) ARE MADE TO YOU REGARDING THE PROGRAM, INCLUDING, WITHOUT LIMITATION, AS TO MERCHANTABILITY, FITNESS FOR PURPOSE, CONFORMITY TO ANY DESCRIPTION OR REPRESENTATION, NON-INTERFERENCE OR NON-INFRINGEMENT. In the event of any inconsistency between a provision of these Terms and Conditions and a provision of any such other document provided to you in connection with the Program, the provision of these Terms and Conditions shall prevail.

32) Binding Effect:

These Terms and Conditions shall inure to the benefit of and be binding upon the parties hereto, and the StoneCastle Custodian and each Sub-Custodian, and their respective permitted heirs, successors, legal representatives and assigns. Nothing in these Terms and Conditions, expressed or implied, is intended to confer on any person other than the parties hereto, StoneCastle, the StoneCastle Custodian and the Sub-Custodians, and their respective permitted heirs, successors, legal representatives and assigns, any rights, remedies, obligations or liabilities under or by reason of these Terms and Conditions.

33) Disputes:

Except to the extent otherwise provided by applicable law, any action at law or in equity arising out of or relating to these Terms and Conditions shall be filed only in the courts of the State of New York, or in the United States District Court for the Southern District of New York, and all parties hereto hereby consent and submit to the personal jurisdiction of such courts for the purposes of litigating any such action. EACH OF THE PARTIES HERETO HEREBY IRREVOCABLY WAIVES ANY AND ALL RIGHT TO TRIAL BY JURY IN ANY LEGAL PROCEEDING ARISING OUT OF OR RELATED TO THESE TERMS AND CONDITIONS.

STONECASTLE IS SOLELY RESPONSIBLE FOR THESE TERMS AND CONDITIONS.



TREASURY MANAGEMENT

Federally Insured Cash Account ("FICA")

Masterson Advisors, LLC

Dave Brayshaw, Managing Director
2626 Cole Avenue, Suite 300
214.953.9353
Dave.Brayshaw@MastersonAdvisors.com

Drew Masterson, Managing Director
3 Greenway Plaza, Suite 1100
713.814.0555
Drew.Masterson@MastersonAdvisors.com

Kristin Blomquist, Vice President
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713.814.0556
Kristin.Blomquist@MastersonAdvisors.com

Prudent Investment Approach

Most investment policies require adherence to certain prudent, standardized investment objectives that address safety, liquidity, and yield.

As an example, the Government Finance Officers Association (“GFOA”), in its best practices for establishing an investment policy, suggest the following primary objectives:

SAFETY

- ✓ *“Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio”*
- ✓ *“The objective is to mitigate credit and interest rate risk”*

LIQUIDITY

- ✓ *“Investment portfolio shall remain liquid to meet all operating requirements that may be reasonably anticipated”*

YIELD

- ✓ *“Investment portfolio shall be designed with the objective of attaining a market rate of return, taking into account the investment risk constraints and liquidity needs”*

These three objectives can serve as the framework for deciding what cash management tool(s) is most suitable.

**The Texas Public Funds Investment Act Section 2256.009 authorizes interest-bearing banking deposits as eligible investments for bond proceeds funds*

**The Texas Public Funds Investment Act Section 2256.010 authorizes certificates of deposit and share certificates as eligible investments for bond proceeds funds*

FICA Overview

The FICA program is an efficient cash management solution that allows a client to deposit large sums of cash into a pool of federally insured certificates of deposits ("CD"). This program expedites an otherwise unmanageable process of allocating funds into several individual CDs.

✓ Safety

Backed by the full faith and credit of the U.S. government up to \$100 million

✓ Liquidity

- Daily liquidity
- No liquidity fees
- No liquidity gates

✓ Yield

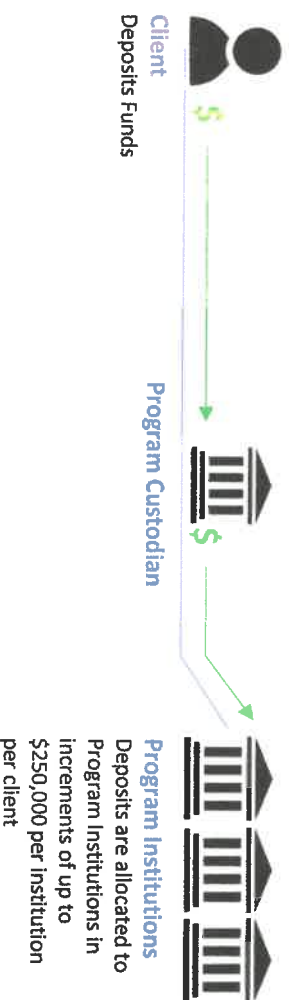
Competitive returns compared to:

- Bank deposits;
- U.S. government money funds;
- Treasuries and other short-term cash/liquidity vehicles

✓ Other Considerations

- Highest AAAA+ rating
- No counterparty or credit risk
- Stable principal (no NAV)
- Purchased at par and redeemed at par
- All overnight deposits held at domestic insured institutions
- Depository network includes over 800+ pre-screened depository institutions

HOW IT WORKS:



	AAA Credit Quality	Daily Liquidity	NAV Risk	Liquidity Fees	Liquidity Gates
FICA	✓	✓	None	None	None
Money Market	✓	✓	✓	✓	✓

Full Faith and Credit | Next-Day Liquidity | Competitive Yield



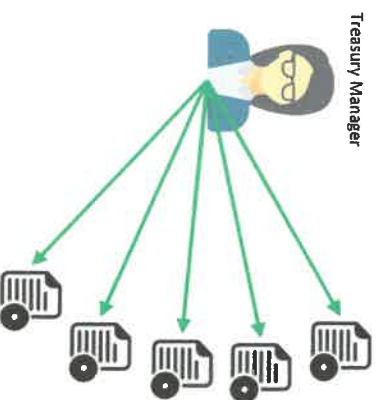
Convenience

Treasury managers can use the FICA program as a convenient solution to manage a large portfolio of CDs.

The FICA program is a safe and convenient way for treasury managers to manage a portfolio of CDs for the following reasons:

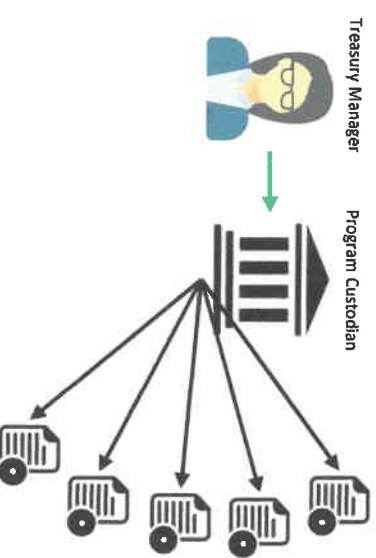
- ✓ *The treasury manager does not have to track maturity dates of CDs*
- ✓ *There is an online portal for electronic deposit or withdrawal of funds*
- ✓ *FDIC coverage on a traditional CD is only \$250k, while the FICA program offers up to \$100 million in FDIC insurance*

Traditional CD Portfolio



- A traditional portfolio of CDs would require a treasury manager to do the following:
- Laddering CD maturity dates to meet liquidity needs
 - Monitoring interest earnings and total balances
 - Communicating with financial institutions offering CDs

FICA Program



- The FICA program removes the challenging task of monitoring a portfolio of individual CDs by providing:
- Simple account opening process (like any other depository account)
 - User-friendly online portal for deposits and withdrawals
 - Next-day liquidity instead of waiting for CDs to mature to get money

Diversify, Diversify, Diversify

In times of economic distress, the best way to protect an investment portfolio is to diversify. Proper diversification into eligible investments offers the opportunity to limit downside risk and increase safety, liquidity, and yield.

Treasurers and cash managers can add a layer of protection to their cash management programs by diversifying their investments to maximize safety, liquidity and yield.

The FICA program is an effective treasury management tool that may be an appropriate addition to any cash management program:

- ✓ Full faith and credit of the U.S. Government through FDIC insurance up to \$100 million
- ✓ Next-Day Liquidity
- ✓ Competitive Yield
- ✓ Purchased at par and redeemed at par (no mark-to-market accounting)



Liquidity Crunch

A “run on the bank” scenario occurs when a large number of investors liquidate their assets simultaneously in any type of depository account, including money market funds, and local government investment pools.

In the most recent financial crisis of 2007-2008, issuers across the country found themselves in a liquidity crunch when **local government investment pools and prime money market funds were forced to suspend withdrawals as a result of a “run on the bank” scenario.**

In some cases, issuers that were invested in local government investment pools incurred a loss of principal due to bad investments made by the pool managers.

According to a special report from iMoneyNet in February 2009, many of the states that experienced the liquidity issues included:

- Florida
- Washington
- Connecticut
- Maine
- California
- Montana



Disclaimer: if a financial institution within the network of the FICA program defaults, there will be a 4-day delivery delay for an investors cash.

DISCLOSURE

Pursuant to Municipal Securities Rulemaking Board ("MSRB") Rule G-42, on Duties of Non-Solicitor Municipal Advisors, Municipal Advisors are required to make certain written disclosures to clients which include, amongst other things, Conflicts of Interest and any Legal or Disciplinary events of Masterson Advisors LLC and its associated persons.

Conflicts of Interest

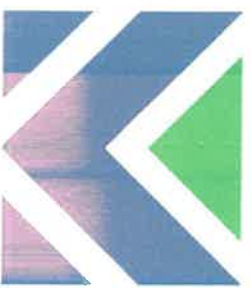
Masterson Advisors LLC represents that in connection with the issuance of municipal securities, Masterson Advisors LLC may receive compensation from an Issuer or Obligated Person for services rendered, which compensation is contingent upon the successful closing of a transaction and/or is based on the size of a transaction. Consistent with the requirements of MSRB Rule G-42, Masterson Advisors LLC hereby discloses that such contingent and/or transactional compensation may present a potential conflict of interest regarding Masterson Advisors LLC's ability to provide unbiased advice to enter into such transaction. This conflict of interest will not impair Masterson Advisors LLC's ability to render unbiased and competent advice or to fulfill its fiduciary duty to the Issuer.

If Masterson Advisors LLC becomes aware of any additional potential or actual conflict of interest after this disclosure, Masterson Advisors LLC will disclose the detailed information in writing to the Issuer in a timely manner.

Legal or Disciplinary Events

Masterson Advisors LLC does not have any legal events or disciplinary history on Masterson Advisors LLC's Form MA and Form MA-I, which includes information about any criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation. The Issuer may electronically access Masterson Advisors LLC's most recent Form MA and each most recent Form MA-I filed with the Commission at the following website: www.sec.gov/edgar/searchedgar/companysearch.html.

There have been no material changes to a legal or disciplinary event disclosure on any Form MA or Form MA-I filed with the SEC. If any material legal or regulatory action is brought against Masterson Advisors LLC, Masterson Advisors LLC will provide complete disclosure to the Issuer in detail allowing the Issuer to evaluate Masterson Advisors LLC, its management and personnel.



MASTERSON
ADVISORS LLC

Monthly Golf Course Report September 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	\$14,000	\$12,857	\$-1,143
Cart Rental	\$8,000	\$ 9,684	\$+1,684
Merchandise	\$12,000	\$11,852	\$-148
Prep Food	\$ 900	\$544	\$-356
Beer Sales	\$ 4,300	\$6,537	\$+2,237
Drinks/Chips	\$ 3,700	\$2,945	\$-755
Memberships	\$ 7,000	\$13,366	\$+6,366
Total	\$49,900	\$57,785	\$+7,885

For the month of September, although under still under certain restrictions with Covid saw our highest revenue in the last 20 years and second highest for a September since the opening of the course. We are definitely seeing more families enjoying the sport and overall more people taking advantage of our good course conditions.

We did receive 7.5 inches of rain this month and were closed for three days due to a tropical storm which kept us from surpassing all of our monthly goals, but we did make up for that with some of our highest membership revenue for the fiscal year.

As we go into October we do have a few fundraising tournaments on the books and getting more calls for the spring as this pandemic slowly winds down.

Thank you as always

Brian

#1 Golf Course in Brazoria County

Brian



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 September, my officers responded to 2061 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, 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 a call of someone discharging a firearm in the 1500 block of N Ave G, with two homes being hit by bullets but no one injured. The incident took place during the nighttime and there were no witnesses or suspects reported at the time of the call was made. This case is being investigated by our CID investigators.

The department also prepared to take on Hurricane Beta as she came into to the Gulf. Extra staff was added as a safety measure in case our city and citizens were affected. We were blessed and fortunate that Beta went around us and our city experienced no issues or damage as a result. It was a great team effort by all department's city wide.



To Protect, Serve, Model Integrity and Demonstrate Professionalism

Community Events:

During the Month of September, due to many celebrations being cancelled because of the Corona Virus, the police department began doing "birthday drive byes" for kids in our community. This consisted of officers driving by the birthday persons house with lights and sirens on, and even a birthday song over the PA system.

We also participated in Freeport Elementary's Childhood Cancer Awareness Month breakfast event. Officers went and visited with students during their breakfast hour and handed out police stickers and took time to take photos with students and staff.

The Texas Brotherhood Bike Ride came into Freeport. Officers and firefighters rode bicycles from downtown Houston to Freeport in honor of fallen police officers and firefighters. This year they also honored our honorary police officer Abigail Arias. They ended their bike ride at the Freeport Police Department and presented Abigail's father with an award honoring his daughter Abigail.

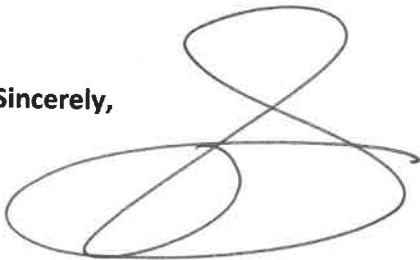
Employee of the Month:

Employee of the Month for the Month of September is Sergeant John Perez. Sgt. John Perez came in contact with a subject who was having a difficult time financially. Sgt. Perez learned that this subject had infant child named Michael through his conversation with the subject. Sgt. Perez seeing that this family was going through difficult times, did a very kind thing and took it upon himself to go purchase Michael some toys. The family later came by the police station to pick up the toys and take a photo with the staff on duty, which did not include Sgt. Perez who was off duty at the time because he is assigned to the night shift. We are so proud of Sgt. Perez for policing from the heart and wanting to do something kind for total strangers.

Open Positions:

We filled our Dispatcher position with a young lady by the name of Demi Felger. She is from the New Braunfels area but has been living in Freeport for about a year now. Very bright young lady and we believe she will be a terrific addition to our Freeport PD Family and serve the citizens of Freeport with pride and integrity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Raymond Garivey', written in a cursive style.

Chief Raymond Garivey

Freeport Police Department

(979) 415-4187



PUBLIC WORKS MONTHLY REPORT

Date: October 13, 2020

From: Lance Petty, Director of Public Works

Street / Drainage Division

- Stockpile asphalt millings from county
- Pour concrete curb/gutter on W. Broad
- Install expansion joints on broad
- Install culvert pipe Ave Q
- Pour driveway approach on Ave Q
- Clean debris from storm
- Install culvert on Varner
- Clean ditch on Ave N
- Change out 8 school zone signs
- Change out 12 stop signs
- Set up pumps for storm
- Cut and clear ROW between Ave N and M
- Assist county with road construction
- Mow all quadrants
- Cleaned inlets city wide
- Rebuild trash cans lost from storm
- Install trash cans at Bryan Beach
- Rake Bryan Beach x 4
- City wide street sweeping all quadrants
- Mow city owned lots
- Grade entrance at Bryan beach
- Patch pot holes city wide
- County began interlocal street repairs scheduled for 2019-2020



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
- 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
- Clean inlets
- Trim hedges on 288
- Install bull rock at recreation center flower bed
- Work on SFA baseball fields
- Began installing citywide Christmas lights
- Mow Levee at Schuster House
- Flower beds – Yellowstone/Baywood/FMP/FCHP/ RIVER PLACE/ PD

Building Division

- Drain boiler at city hall
- Repair elevator at city hall
- Repair stairs on building at SFA
- Repair dugouts at SFA
- Repair door handle at FCH
- Repair leak at FCH
- Drain A/C unit at Police Dept
- Patch hole in wall at Lucy Goose
- Inspect flag pole for repairs in memorial park
- Repair fence at wetlands
- Replace filters at river place
- Install new electrical outlet in memorial park
- Install electrical post along 288



- Repair door at service center
- Repair motion sensor at FCH
- Install new solar batteries at wetlands

Beach / Facilities Division

- Litter control Bryan Beach daily
- Litter control Surfside beach daily
- Litter control flood gate
- Litter control 2nd 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

Projects

- Ball Field lights – in planning
- Soccer Goals, Dirt, Sod – planning
- Ball Field infield conditioner – in progress
- Police department chiller – complete
- County asphaltting interlocal roads – in progress
- Fishing pier repair - planning

**Property/Information Technology/Geographic Information Systems
Monthly Report
September 2020**

Property:

- 911 Addressing Range Verification
- Lien Calculations
- Lien Payoffs

Information Technology:

- Public Surplus Auction
- Update website
- Update social media
- Employee email, GovQA and network setups/deactivations
- Attended 7 Boards/Commissions meetings for setup and broadcast

GIS:

- Water/Sewer Mapping
- Address Points
- Data mapping for Gulf coast 911
- Update Data
- Property ownership/zoning maps
- Update Pictometry



Demographics: Overview

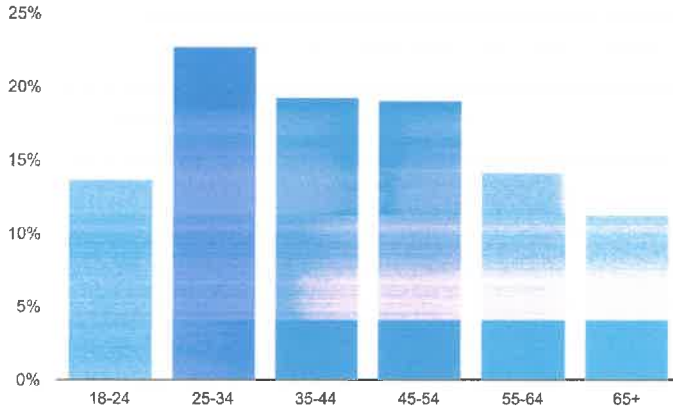
Sep 1, 2020 - Sep 30, 2020

All Users
100.00% Users

Key Metric:

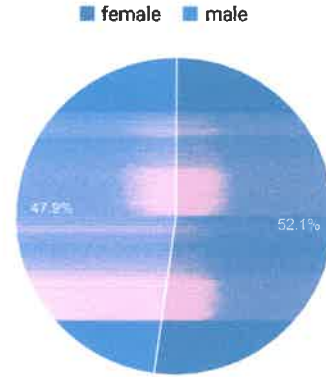
Age

34.28% of total users



Gender

35.62% of total users





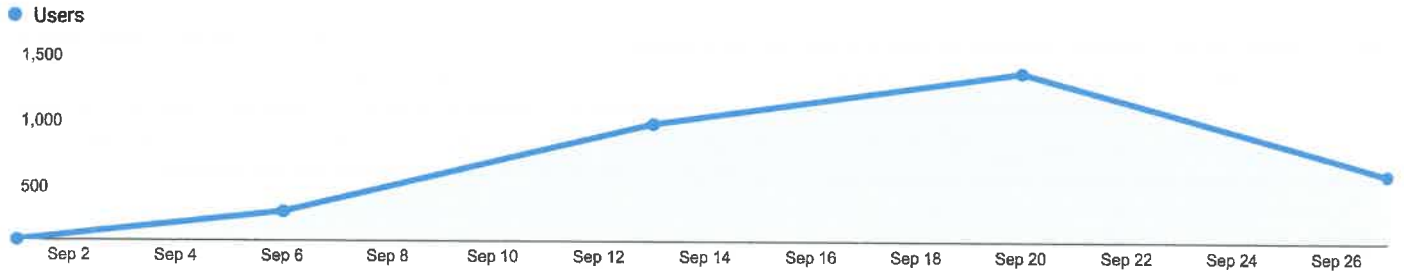
Overview

All Users
 100.00% Users

Sep 1, 2020 - Sep 30, 2020

Explorer

Site Usage



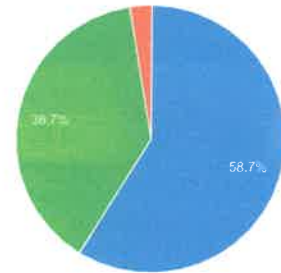
Device Category

Users

Users

Contribution to total:

	Users	Users
	2,687	2,687
	% of Total: 100.00% (2,687)	% of Total: 100.00% (2,687)
1. ■ mobile	1,578	58.71%
2. ■ desktop	1,039	38.65%
3. ■ tablet	71	2.64%



Rows 1 - 3 of 3



Browser & OS



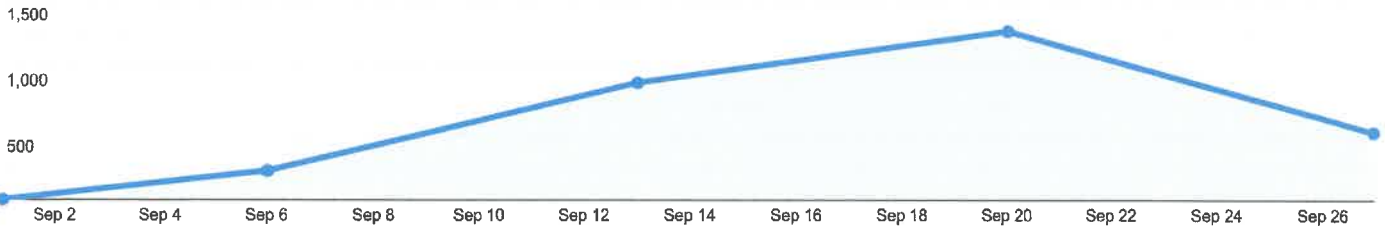
All Users
100.00% Users

Sep 1, 2020 - Sep 30, 2020

Explorer

Summary

Users



Browser

Users

Users

Rank	Browser	Users	% of Total
1.	Chrome	1,226	45.61%
2.	Safari	995	37.02%
3.	Edge	129	4.80%
4.	Safari (in-app)	77	2.86%
5.	Samsung Internet	74	2.75%
6.	Android Webview	62	2.31%
7.	Firefox	57	2.12%
8.	Internet Explorer	49	1.82%
9.	Amazon Silk	8	0.30%
10.	Android Browser	8	0.30%

Rows 1 - 10 of 11



New vs Returning

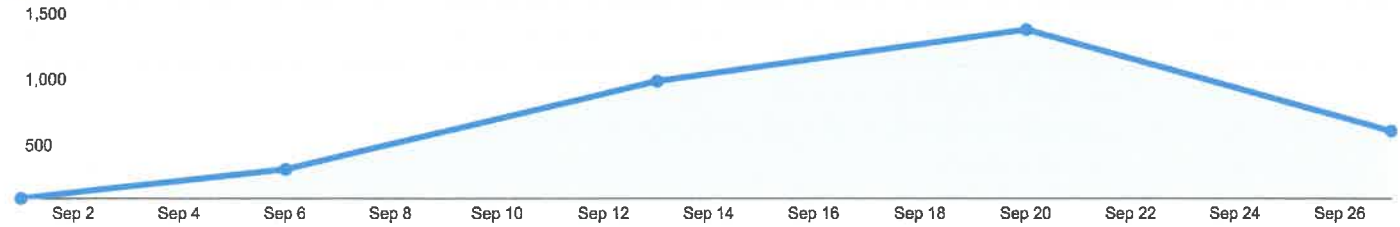
Sep 1, 2020 - Sep 30, 2020

All Users
100.00% Users

Explorer

Site Usage

Users



User Type	Users	Sessions	Pages / Session	Avg. Session Duration	Bounce Rate
	2,687 % of Total: 100.00% (2,687)	3,518 % of Total: 100.00% (3,518)	1.47 Avg for View: 1.47 (0.00%)	00:00:58 Avg for View: 00:00:58 (0.00%)	70.27% Avg for View: 70.27% (0.00%)
1. New Visitor	2,687 (87.38%)	2,689 (76.44%)	1.44	00:00:47	71.14%
2. Returning Visitor	388 (12.62%)	829 (23.56%)	1.55	00:01:35	67.43%

Rows 1 - 2 of 2



New Custom Report

Sep 1, 2020 - Sep 30, 2020

All Users
 100.00% Pages / Session

Report Tab



Country	Pages / Session	Users
	1.47 Avg for View: 1.47 (0.00%)	2,687 % of Total: 100.00% (2,687)
1. United States	1.47	2,574 (95.79%)
2. Netherlands	1.37	19 (0.71%)
3. China	1.00	12 (0.45%)
4. Germany	1.67	12 (0.45%)
5. Canada	1.18	11 (0.41%)
6. India	1.00	9 (0.33%)
7. Japan	2.00	6 (0.22%)
8. United Kingdom	1.00	5 (0.19%)
9. Mexico	1.20	5 (0.19%)
10. Philippines	1.50	4 (0.15%)

Rows 1 - 10 of 33

Frequency & Recency



All Users
100.00% Users (100.00% Sessions)

Sep 1, 2020 - Sep 30, 2020

Distribution

Count of Sessions

Sessions

3,518

% of Total: 100.00% (3,518)

Pageviews

5,163

% of Total: 100.00% (5,163)

Count of Sessions	Sessions	Pageviews
1	2,689	3,882
2	389	589
3	144	213
4	81	119
5	45	72
6	36	52
7	26	39
8	20	25
9-14	36	63
15-25	31	73
26-50	21	36



Finance, Court & Water Departments

Title: Monthly Report for September 2020

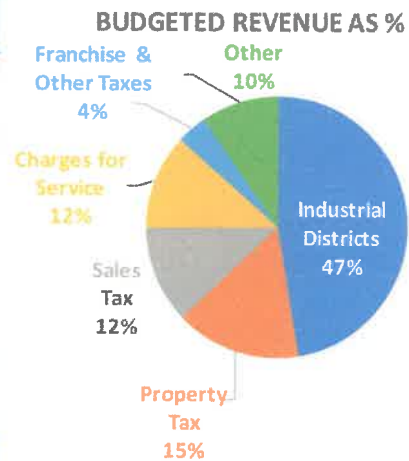
Date: October 19, 2020

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)	(7,491,692)	94%
Property Tax	(2,601,000)	(2,598,081)	100%
Sales Tax	(2,040,000)	(1,822,224)	89%
Charges for Service	(1,965,484)	(1,789,714)	91%
Franchise & Other Taxes	(638,278)	(606,928)	95%
Intergovernmental	(515,775)	(486,429)	94%
Fines & Forfeits	(287,800)	(204,077)	71%
Miscellaneous Income	(283,000)	(254,171)	90%
Lease Income	(282,574)	(256,466)	91%
Investment Earnings	(140,000)	(88,215)	63%
License and Permits	(104,591)	(109,620)	105%
Grand Total	(16,828,332)	(15,707,618)	93%



Industrial District Contracts

As of the end of the period, the City had received over \$7.4 million in Industrial District Payments.

Industrial District	Current Budget	YTD Received	Budget Balance
Brazosport IDA	4,354,938	4,354,938	0
Freeport IDA	1,839,892	1,361,754	478,138
Freeport LNG IDA	1,775,000	1,775,000	0
Grand Total	7,969,830	7,491,692	478,138

Property Tax

As of the end of September, the City had received 99% of its Property Tax Revenue.

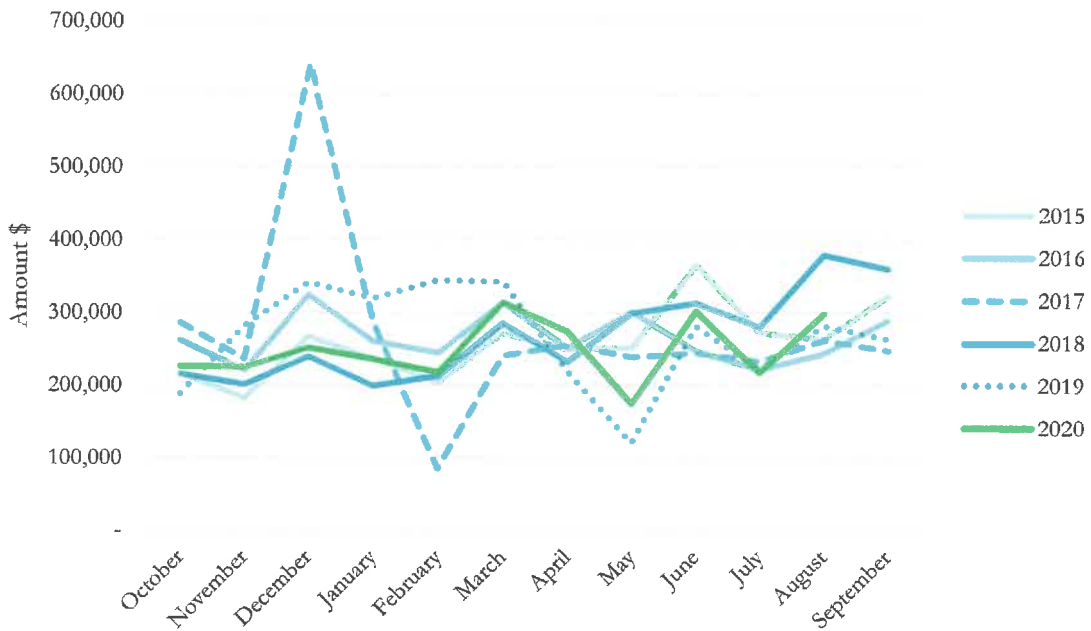
Fund	Budget	Actual FYTD	% Rcvd FYTD
General Fund	\$2,601,000	\$2,594,590	100%
Capital Purchase DS	\$564,832	\$53,042	98%
Total	\$3,165,832	\$3,147,632	99%

Sales Tax

Sales Tax Revenue through August (received in October) was over \$1,822,200, which is down from last year (-8%) and also under budget by 15%. Sales tax in August was up 5.9% this year compared to the same month in 2019. Thus, so far, the impact from the COVID-19 pandemic continue to be minimal. Please note, there is a two-month lag from when sales tax is collected and received by the City; thus, August's sales tax was received in October.

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	116,035	44%
June	187,205	201,043	7%
July	147,760	144,550	-2%
August	187,451	198,474	6%
September	175,616		
Grand Total	2,134,644	1,822,224	-15%
Total Budget	2,350,000	2,400,000	2%
% of Budget YTD	90.8%	75.9%	

Comparison of Sales Tax Revenue by Year



Budget vs. Actuals

Fund	Current Budget	Actuals FYTD	Budget-Actual
General Fund			
Revenue	-16,828,332	-15,707,618	-1,120,714
Administration	2,212,670	1,686,294	526,376
Beach Maintenance	9,200	40,658	-31,458
Building	341,400	302,409	38,991
Code Enforcement	431,950	305,806	126,144
EMS	884,290	756,319	127,971
Fire/Emergency Management	1,209,222	1,167,900	41,322
Garbage	992,453	898,103	94,350
Golf Course	968,300	936,734	31,566
Historical Museum	276,293	227,328	48,965
Library	28,300	36,802	-8,502
Municipal Court	180,508	163,339	17,169
Parks	1,448,659	1,198,307	250,352
Police/Animal Control	4,537,133	4,382,132	155,001
Recreation	584,200	313,666	270,534
Service Center	191,090	173,913	17,177
Sr. Citizen's Commission	10,100	7,195	2,905
Street	1,344,960	1,275,988	68,972
Emergency Management	10,000	46,495	-36,495
Transfer	5,144,348	2,160,605	2,983,743
General Fund Total	3,976,744	372,375	3,604,369
Water & Sewer			
Revenue	-5,276,100	-4,962,269	-313,831
Debt Service	0	0	0
Water/Sewer	6,196,112	5,264,373	931,739
Transfer	-1,000,000	0	-1,000,000
Water & Sewer Total	-79,988	302,104	-382,092
Capital Debt Service			
Revenue	-565,232	-555,129	-10,103
Debt Service	565,232	569,224	-3,992
Transfer	0	-42,756	42,756
Capital Debt Service Total	0	-28,661	28,661
COO 2008 Construction			
Revenue	0	0	0
Administration	54,000	0	54,000
COO 2008 Construction Total	54,000	0	54,000
2020 CO Bond			
Revenue	0	-8,000,000	8,000,000
Administration	0	0	0
Historical Museum	0	0	0
Street	0	0	0
2020 CO Bond Total	0	-8,000,000	8,000,000

Fund	Current Budget	Actuals FYTD	Budget-Actual
Special Revenue			
Revenue	-55,600	-52,298	-3,302
Beach Maintenance	0	0	0
Hotel/Motel	10,250	5,000	5,250
Municipal Court	24,800	12,333	12,467
Police/Animal Control	15,000	4,449	10,551
Transfer	-12,000	-11,518	-482
Special Revenue Total	-17,550	-42,034	24,484
Street & Drainage			
Revenue	0	0	0
Street	2,249,906	810,888	1,439,018
Transfer	-2,399,906	-757,834	-1,642,072
Street & Drainage Total	-150,000	53,054	-203,054
Facilities & Grounds CIP			
Administration	292,152	248,348	43,804
Fire/Emergency Management	0	0	0
Golf Course	20,000	0	20,000
Historical Museum	0	0	0
Library	15,000	5,650	9,350
Parks	462,902	336,897	126,005
Police/Animal Control	0	7,266	-7,266
Recreation	139,000	138,351	649
Service Center	25,000	17,597	7,403
Transfer	-954,054	-699,562	-254,492
Facilities & Grounds CIP Total	0	54,547	-54,547
Vehicle & Equipment			
Revenue	0	0	0
Administration	0	39,644	-39,644
Fire/Emergency Management	79,415	80,879	-1,464
Golf Course	0	0	0
Parks	140,206	149,982	-9,776
Police/Animal Control	181,257	149,157	32,100
Street	46,910	45,235	1,675
Transfer	-447,788	-441,691	-6,097
Vehicle & Equipment Total	0	23,206	-23,206

Utilities

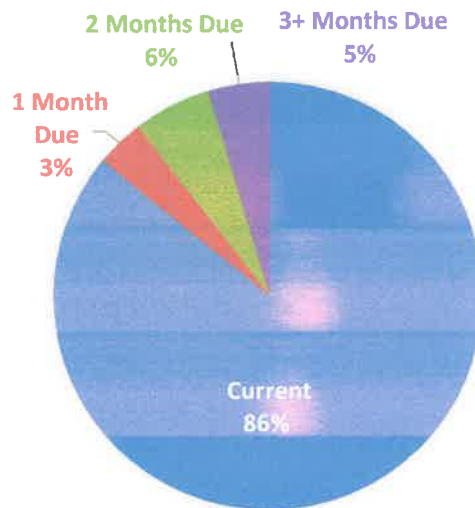
As of the end of September, 86% of water accounts were current and 14% had outstanding balances. Additionally, 134 residents had signed up for the Senior Discount.

Sep-20

Billed	Water	Sewer	Total FYTD
Residential	\$852,017	\$728,936	\$1,580,953
Commercial	1,384,462	1,185,807	2,570,269
Outside CL	373,846	4,200	378,047
Irrigation	14,908	0	14,908
Water Only	199,194	0	199,194
Sr. Discount	(324)	(295)	(619)
Total Billed	\$2,824,103	\$1,918,648	\$4,742,751
Last FYTD	\$2,756,571	\$1,963,501	\$4,720,072
% Change	2.4%	-2.3%	0.5%

Consumption	Water	Sewer	Total FYD
Billed	354,072,000	270,832,120	624,904,120
Unbilled	3,814,000	0	3,814,000
Total Gallons	357,886,000	270,832,120	628,718,120
Last FYTD	392,123,000	303,499,565	695,622,565
% Change	-8.7%	-10.8%	-9.6%

AGING REPORT FOR WATER ACCOUNTS



Municipal Court

In September, Court held on five dockets.

Fiscal Year Total Through	Sep-18	Sep-19	Sep-20	% Change
Violations				
Filed	4,197	3,802	2,195	-42.3%
Completed	3,157	2,783	1,431	-48.6%
Net Difference Filed/Complete	1,040	1,019	764	-25.0%
Warrants				
Issued	1,185	638	202	-68.3%
Warrants Cleared	1,301	829	512	-38.2%
Change in Total Warrants	-116	-191	-310	62.3%
Total Fees/Fines Paid*	\$647,702	\$543,151	\$311,105	-42.7%

* Includes Regulatory, State & Other Agency Fees

Ongoing Initiatives

Audit

Staff initiated the close out for FY2019-2020 in September. The interim audit for FY2019-2020 was conducted in July and the final audit for will be conducted after the close of the fiscal year.

Budget, CIP and Long-Range Financial Plan

The Fiscal Year 2020-2021 Budget was adopted by Council on September 8th and is now posted on the City's website. The next budget related initiatives will be to develop a five-year Capital Improvement Plan and Long-Range Financial Plan.

2020 Bond Program

Council approved issuance of certificate of obligation bonds August 3, 2020. Since then, the City has received the \$8 million in bond proceeds and closed out the issuance in September. Below is the status if each project included in the bond program:

1. Street & Drainage projects: A workshop will be held to discuss the streets and drainage projects to be included in the bond program.
2. Velasco Pump Station Improvements: Engineering is almost complete and the project is anticipated to be bid mid-October.
3. Heritage House Renovation: This project is on hold until a workshop with Council is held to determine if and how the project will move forward.
4. City Hall Renovation: In September, staff met with the the Architect to review the first and second drafts if the Preliminary Program Statement. Staff will be working with the Architect to finalize the preliminary layouts in October.

Financial Software

Staff implemented the required sever requirements for the software upgrade in September. The Upgrade is currently on track to the begin the first quarter of 2021. Council approved the upgrade to Incode 10 with Tyler Technologies June 1st. Since, then staff has begun working with Tyler on implementation.

Grant Administration

- Texas Coronavirus Relief Fund (CRF): In September, staff submitted documentation for reimbursement through the end of August for actual expenses and COVID sick leave. Staff is currently working on a plan to use the rest of the funds and will present to Council before the November deadline.
- CDBG-MIT Applications: In September, Council approved the Citizen Participation Plan for the grant. Staff has been working with GrantWorks to ensure the applications for the Harvey and 2016 Floods are resubmitted by the end of October.
- JAG - Mobile Video Recorder Equipment Grant: Staff submitted the final request for reimbursement to close out this grant in September.
- GLO Beach Maintenance Program: Staff began compiling the quarterly report for the months June through August in September.

- **FEMA-Harvey Reimbursement:** Staff continued to work with TDEM and consultants to close out the FEMA projects. Reimbursement for Category B (Emergency Measure Expenses) is currently being audited. Additionally, staff has been working with Freese and Nichols to devise a plan to repair the bank at the Golf Course. An update on this project will be presented in October.

Online Services

There are no new updates for September. Residents may now pay their court and water bill over the phone or online. The City is currently not charging any fees for these services for water customers. Additionally, residents may now apply for new water and garbage services online.

Policies

Staff developed new procedures for post-issuance compliance, Internal Controls for Finance and Payroll, and a formal Fiscal Year-End Closing Process in September.

Purchasing

No new bids were advertised in September.

Records

There are not any new updates for September. 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

There are not any new updates for September. Staff continues to add information to the website to increase transparency. 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 continue working towards expanding its online presence in an attempt to increase transparency and possibly submit for recognition.

Utility Rate Study

Council approved water and sewer rate increased August 17, 2020. Notices of the new increase were included with the August water bill and will also be included with the September water bills. The increase will be effective in October and be reflected on the November water bills. Additionally, Council approved a Senior Discount on September 8, 2020. As of the end of September, 134 seniors have applied for the discount. Lastly, while working to implement the rate changes, staff identified some meter sizes that were not included in the rate schedule. Staff originally presented an ordinance to clarify the meter rates on September 8th and brought the item back for further discussion and approval September 21st.



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

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

Christopher Motley
Chief / EMC

Mike Praslicka
Deputy Chief
EMS Coordinator

To: Mr. Kelty, City Manager

From: Christopher D. Motley, Fire Chief

Date: October 19, 2020

Re: September 2020

Response alarms: September: Fire - 10
 EMS - 160
 Total - 170

Significant Events:

Air Ambulance transport: 1
Request mutual aid into the city to cover EMS response: 6 FIRE 0
Mutual aid given to other cities to cover EMS response: 1 FIRE 0
Two EMS units working calls at the same time: 27
Three working EMS alarms: 5
Four working EMS alarms: 1
Transport rate: 49%

Equipment/Infrastructure:

The air conditioner for the upstairs is scheduled to be replaced. It has failed several times this year. Money utilized to replace these two units was transferred from the salary of the Fire Marshal to cover the capital project expense. Purchase order has been issued and pending delivery and installation. Ambulance 906 electrical and air conditioner issues. Yaklin Ford dealership has checked this unit, but will not work on the rear portion of the vehicle. Scheduled work to be sent Performance Transmission in Angleton.

Hydrant Maintenance:

Operation assignment completed. The department does not perform maintenance work on fire hydrants. This work is performed by Viola Water. The department checks fire hydrants for operation/function.

Visit us online at www.freeport.tx.us
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fire@freeport.tx.us



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Emergency Management:

COVID-19 EM report provided at each city council meeting.
Weekly conference calls for COVID-19.
COVID-19 testing site held Saturday, September 19.
Hurricane Season very active. At one time, EM was tracking nine tropical waves.
In this month, there have been 10 storms named: Nana, Omar, Paulette, Rene, Sally, Teddy, Vicky, Wilfred, Alpha, and Beta.
EOC activation for storm duty has been utilized this year.

BWA issued a Water Advisory under TCEQ, water sample showed initial genetic material for naegleria fowleri, a rare brain-eating amoeba. This impacted all users of the Brazosport Water Authority.

City of Freeport EM response: Emergency message to residents after receiving notification by telephone, activated EOC. Requested State Resources for a POD for residents. Filed Disaster Declaration. EOC and Water POD was stood down and returned to normal operations at noon on Saturday. Freeport was prepared to supplement labor at the Lake Jackson Water POD if requested.

Personnel:

Fire Marshal vacancy: Filled on September 28, 2020. The Fire Marshal is Micheal Dumas. His previous employer is the City of Manvel and Denton County Fire Marshal Office. He started in the fire service as a firefighter/paramedic.

Fire Fighter Vacancy: None.

Resignations: Received two letters of resignation for Randall Thompson (October 2) and Travis David (October 11)

Employee Physical Agility: September 19, 2020. Two applicants tested.

The firefighter/EMT hiring process for the department has been tough this year. Application process has been open and testing since May 2020.

Application on file: 14

No show testing: 9

Cognitive testing 5

Physical agility: 5

Interview Applicant: 5

(One applicant accepted a position with Sheldon)

(Two applicants accepted a position with Houston FD)

(One applicant had advance EMT certification and a second applicant was in school for his advance EMT)

Current application pool is two. (One applicant pending EMS certification testing)

(Second applicant pending a background and salary as of 10/14/2020)

*****Applicant process since May to October 14, 2020. *****

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fire@freeport.tx.us



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(Continuation) Application process remains open regardless of department staffing level. Next physical agility testing is November 21, 2020. An applicant can schedule a cognitive test at any time.

Updated from City Administration on the salary survey in progress by SGR. Provided to each employee their evaluation and the merit-based salary increase that goes in effect October 2020.

Chapter Nine personnel policy adoption. Requested City Manager and FD Staff to meet together cover topics: Firefighter Payroll calculation, Education Pay, Certification Pay, Assignment Pay, Appendix A: Hour Fire/EMS Employees (vacation/holiday).

Training: FF Schneider attended a live fire training Texas A&M fire field.

Public Relations:

Limited on public relations due to COVID-19.
Preparation for National Night Out in October.

Finance:

2019-2020 budget review of overtime, training, annual contracts.
BASF fire protection contract had pending reimbursement for employee salaries for training. Amount \$7,252.00.
COVID-19 sick leave and overtime coverage to maintain minimum staffing was evaluated in detail from March to August. Overtime expenses for COVID-19 to the fire department budget is \$20,817.86.
COVID-19 expenses forwarded to Finance Department to submit for reimbursement under the CARES Act.
Overtime Budget review for Hurricane Laura \$8,670.28 for fire/EMS department.
Total overtime expenses overbudget \$36,740.74.



Human Resources Monthly Report

Date: October 14, 2020

HR TEAM: Brenda Miller-Ferguson and Donna Fisher

HR Services Team Priorities and Results for September 2020:

- **Employee of the Month:** Donna Fisher, our HR Specialist, was presented with the Employee of the Month award for going above and beyond normal processes to help employees understand insurance enrollment options, with very little help from our vendors due to travel/group meeting limitations related to the pandemic.
- **COVID Response:** This month the COVID absence trend in our employee population increased slightly, although we had no positive cases. COVID activity this month included:
 - **COVID-Related Absence Tracking:** In September absences related to quarantines ranged from a low of zero (0) to a high of two (2). That is down from a high of nine (9) at the in July and four (4) in August.
 - **COVID-Related Policy:** Vacation accrual roll-over limits remain suspended to prevent employees from automatically losing vacation time that is above defined thresholds during the declared emergency. The temporary policy approved in August will remain in place until the declared emergency has ended.
 - **COVID Screening:** Daily Temperature Screening of employees continues. Two employees were sent home for fever and/or symptoms in September.
- **Policy Update Progress This Month:**
 - **Chapter 5.25 Computer Passwords Policy Approved:** In response to evidence of employees sharing passwords, not maliciously, but with potential negative consequences, we wrote a new policy to provide employees with guidelines regarding use of computer passwords. We consulted with our System Administrators, Laura Tolar and David Fernandez to draft a policy effective for all City systems.
- **Training/Coaching/Performance Improvement This Month:**
 - **Won Our Second Unemployment Appeal in 2020:** We appealed and won an unemployment claim by an ex-employee who claimed to have been laid off but actual quit without notice. This is the second unemployment claim we have appealed and won in 2020.
 - **Performance Issues Addressed:** We had two (2) employee separations in Sept. A Recreation Ctr. employee was terminated for policy violations. We also addressed a drug testing issue in Parks; the employee resigned to avoid termination.
 - **Training:** We learned the website posting process and learned the Everbridge emergency alert system to facilitate serving as Public Information Officer during emergencies, like the Tropical Storm Laura.
 - **Training:** We researched Spanish Language Testing agencies for our new certification pay for designated language translators within departments. Training was completed in Sept. and the first employee is scheduled to test in October.
- **Performance Evaluations/Merit-based Pay Increases:** The evaluation process was completed and merit-based pay increases were calculated for every eligible employee. In order to weight both departmental rankings and City-wide rankings in the calculations, Stephanie Russell created a "Standard of Excellence" factor that was used in the final merit increase tabulations. Donna Fisher did an excellent job getting all of the pay related changes entered into our payroll system accurately in time for the first pay check in October.

- **Salary Survey:** Strategic Government Resources continues work on our City-wide salary and benefit survey. City Management was engaged with SGR leadership to ensure complete data is gathered and valid comparisons are made. Results are anticipated in October-November. Based on the results, staff will develop an action plan to present to Council.
- **Recruiting & Hiring Progress This Month:**
 - **Firefighter/EMS:** We completed recruiting to fill two firefighter vacancies, but received two more resignations in Sept. Exit interviews were conducted.
 - **Fire Marshal:** Our new Fire Marshal, Micheal Dumas, started in Sept.
 - **Police Officers:** All vacancies are filled.
 - **Police Dispatcher:** One vacancy created in August was filled in Sept.
 - **Police Dept. Crossing Guard: (2 vacancies)** With schools beginning to open recruiting continues for two Crossing Guards. We are hopeful that discussions will continue for this responsibility to transfer to the school district.
 - **PT Museum Attendant:** Recruiting continues; hiring was postponed while the Museum closed due to COVID restrictions.
 - **Public Works-Parks:** We addressed a performance issue, which resulted in a voluntary resignation. This position will not be filled in the reorganization plan for Public Works.
 - **Building/Code Dept.:** The voluntary internal transfer of a Code Enforcement Officer to Public Works in Sept. created an open position. Recruiting is in process and interviews have been scheduled in Oct.
- **Risk Management and Insurance Updates:**
 - **Workers Compensation Claims:** Two (2) active claims in September (both in the Public Works Dept.).
 - **Family & Medical Leave Cases (FMLA)-** Three (3) active cases in Sept. (Fire, Police, Bldg/Code).
 - **Property/Liability/Accident Claims-** One (1) new claim in Sept. for minor vehicle accident in Police Dept.
 - **Health Insurance Benefits Renewal –** Our annual benefits open enrollment process was completed in Sept. We conducted a passive enrollment process due to pandemic restrictions. Donna was instrumental in educating employees and helping them with online entry.
 - **Asset Management Updates:** Titles were assembled for surplus items sold at Auction in Sept.
- **Miscellaneous Updates:**
 - **Completed data gathering for GASB/OPED audit via GRS.**

Priorities for October:

- **Salary Survey Project –**Develop action plan based on salary survey results.
- **Personnel Policy Updates:**
 - **Chapter 5, Standards of Conduct-**Update Ethics Policy to include Code of Ethics Ordinance.
 - **Chapter 9, Certification/Education Policy-** Add grandfather clause to address issue with new \$5k maximum for existing employees already over the maximum.
- **Strategic Plan Progress–** Review progress and begin implementation of new Employee Orientation Program

Building and Codes Monthly Action Report

The Following case load was managed by the Building and Codes Staff during the Month of
September 2020

This is a new tracking spread sheet in the department some field have a margin of error due to new tracking matrix.

August 2020 Code Enforcement		
New Cases	16	
Site Re-inspections	124	
Cases Abated	0	
Illegal Signs Pulled	54	
Filed Court Actions	5	
Court Appearances	20	
Phone/email/in person communication with violator	148	
Vehicles Tagged	11	
Vehicles Towed	0	
Property Owner / Tenant abatement of grass/weeds/brush	0	New matrix
Contractor abatement of grass/weeds/brush	0	
Property Owner / Tenant abatement of nuisance (Demolition)		
Contractor abatement of nuisance (Demolition)	0	
Pool Inspections	1	
Door Hangers	66	
Tires Picked up	13	
Bulk Trash Piles Marked	0	
Health Inspections	3	
Hurricane Prep-Piles	0	

Building and Codes Monthly Action Report

August 2020 Code Enforcement		
Building Permits	27	
Mechanical Permits	3	
Electrical Permits	9	
Plumbing Permits	9	
Permits issued for garage Sales		Not Reported
Permits issued for fences		Not Reported

August 2020 TYPES OF VIOLATIONS	
General Nuisance	27
Grass/Weeds/Brush	11
Sign Code Violations	54
Fence Code Violations	0
Inoperable/Unlicensed Vehicles	11

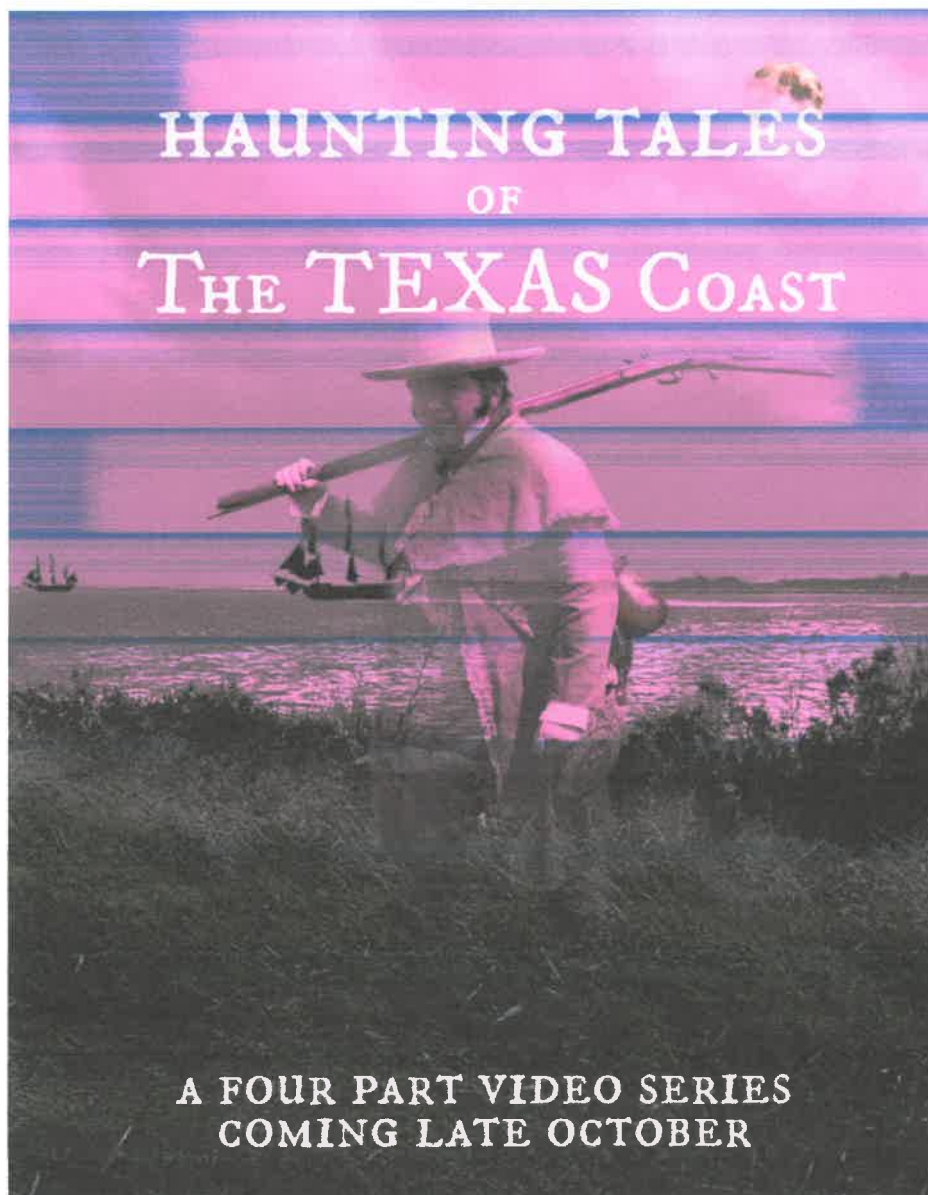
JULY 2020 CITY WIDE CLEAN UP	
Piles Deployed	72
Tires	202
Paint	95 Gallons
Oil	42 Gallons

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

FREEPORT HISTORICAL MUSEUM & VISITORS CENTER

Exhibits

In preparation for the month of October, Museum Coordinator Wade Dillon began to promote and develop *Haunting Tales of the Texas Coast*, a four-part video series to be released the week leading up to Halloween. This exhibit is being designed and hosted in-house by Wade and will showcase his abilities in graphics design and illustration.



Wade ordered a significant amount of archival materials to begin securing original documents, books, and photographs from the archives. He will be working to restructure the permanent exhibit areas into a timeline format and capitalize on the available space.

Rental Venues

Administrative Secretary Tammy Bell cancelled or rescheduled all rentals through the end of September. While she continues to accept payments for existing rentals, she is not taking any additional reservations until further notice. We are discussing options to continue rentals at 50% capacity.

In an effort to verify and secure venue rentals for the next 12 months, Tammy revisited each application to confirm that calendar notations are correct. Additionally, she scanned every document into the shared rental calendar so that Parks staff has access for set up and Police Department has necessary security documentation.

Staff Updates

Wade participated as a consultant in the regular monthly meeting held by the Old Fort Velasco Historical Association.

Tammy and Wade worked diligently on our social media sites, capturing local images in the community to promote our brand, updating banners and creating event flyers for upcoming exhibits and events.

Wade participated in a Texas Historical Commission workshop titled *Make Them Care: How to create memorable and compelling exhibits through interpretation*. As time allows, both Tammy and Wade will continue online training and seminars for continued education.

Maintenance

There were no building maintenance issues in the month of September.

Revenues		Admissions (Closed to the public)	
Card	-0-	Adult	0
Checks	\$1,250.00	Child	0
Cash	\$ 8.01	Senior	0
Total	\$1,258.01		0

Facebook Data

- New Likes to Page: 191 (no previous statistics)
- New Followers to Page: 440
- Page Engaged Users: 1,783
- Total Reached: 17,319

SPECIAL EVENTS

In September, Tammy and Wade worked to gather information for the contactless Historical Landmark Scavenger Hunt through the GooseChase app. They thoroughly tested the app and visited each of the ten historical locations to ensure they were accessible. The Historical Landmark Scavenger Hunt went live on September 25th and ended on September 28th with a total of 27 individuals and families participating from as far away as Sugar Land. The top three winners received treasure chests filled with Freeport memorabilia, t-shirts, goodies, and more.

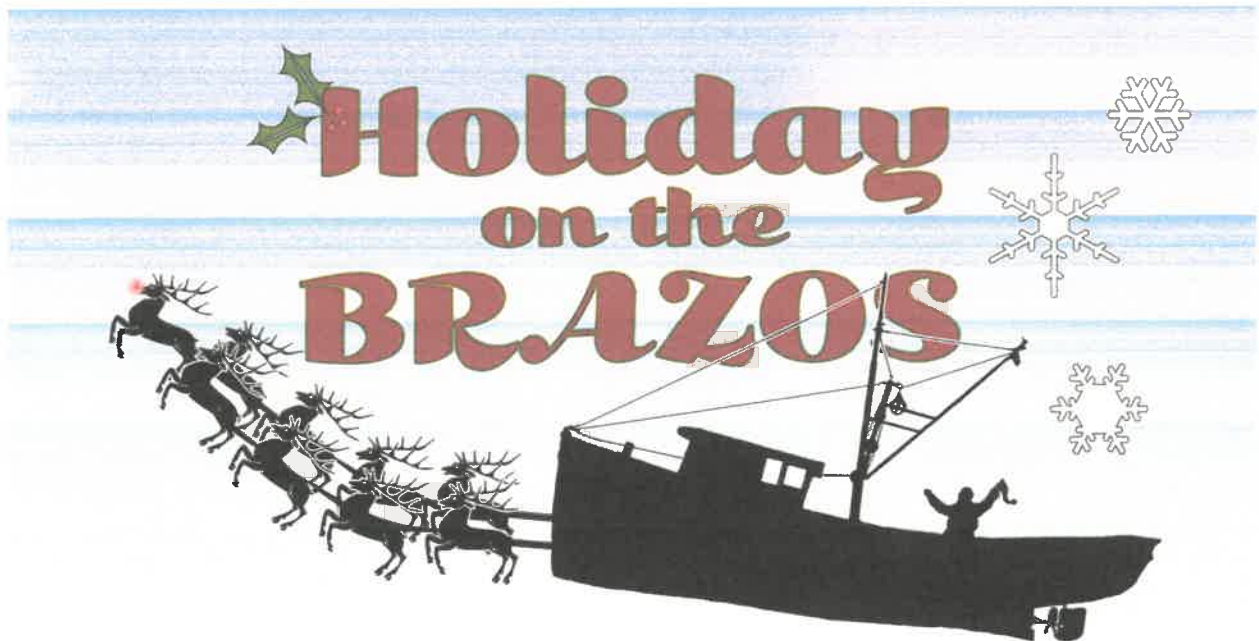


Wade developed the logo and graphics for October's FrightFest to be hosted at Freeport Municipal Park next month and staff collaborated on ordering and creating a series of decorations needed for the event. Fright Fest has already reached over 6,800 people with nearly 800 engagements on Facebook.

Rec Center staff will stuff 500 goody bags with candy and treats to give out during the drive-through haunted trail. We are all excited to host our first seasonal event, hoping for a great turnout and that this will provide a great guide of how future events will be conducted throughout COVID.



Additional events planned for this year include a Fall Family Movie Night and Holiday' on the Brazos which will include a market and a fireworks display.



MAIN STREET

Main Street re-certification applications will be considered by THC Commissioners at their quarterly meeting the last October and formally announced at the annual Texas Downtown Conference in November.

FREEPORT RECREATION CENTER

Programming

Zumba is currently being offered on Tuesdays and Thursdays at 7am – 8am. After making the move we are now experiencing anywhere from 5-9 participants which is an increase from last month of 4-6 participants.

Low Impact Aerobics is set to take place again starting 10/2. This class is generally for the elderly, but anyone is able to attend. We have coordinated with the instructor that she is ready to resume classes. They will be meeting Monday/Wednesday/Friday from 9:30am – 10:30am.

Recreation Supervisor Jonathan Phillips and Program Coordinator Bella Ramirez are in talks with a contractor on the possibility of bringing a yoga class to the FRC. This class will likely be in the evenings either Monday/Wednesday or Tuesday/Thursday.

While Jonathan admits it was definitely a weird summer, he and his staff are happy to have offered a service to the public for water Zumba and lap swimming. Though participation was much lower this summer due to COVID, he is excited and looking forward for next summer to show off the new pool that the City of Freeport has invested in!

Capital/ Maintenance Projects

Jonathan reported a one-time deep clean of our pool to end the season which was officially over on September 30th. Public Works cleaned out the landscaped back pool area in order to create more space for picnic tables and seating for next season.

Shortly after the new gym floor surface was utilized by the public, significant scuffing was noticed by the staff. Several methods of cleaning were attempted but nothing seemed to fully remove the marks. Jonathan contacted All Season Sports who plan to come fix the damage and recommended a protected coating to be applied at the same time.

Staff Updates

Jonathan and Bella both participate in weekly steering committee meetings along with Museum/VIC staff where we discuss upcoming events and activities and delegate responsibilities and tasks to be completed each week. Tasks include contacting vendors, coordinating volunteers, researching entertainment, ordering supplies and planning set up.

Statistical Data

Revenues

Individual Mem	\$450.00
Senior Mem	\$ 90.00
Act Military Mem	\$ 40.00
Adult Rec Pass	\$ 20.00
Student Rec Pass	\$ 42.00

Attendance

City Employee	3
Individual Mem	87
Senior Mem	49

TOTAL **\$642.00**

139

Facebook Data

- New Likes to Page: 30 ↓ from 47
- New Followers to Page: 32 ↓ from 48
- Page Engaged Users: 415 ↓ from 629
- Total Reached: 7865 ↓ from 15,372

FREEPORT BRANCH LIBRARY

The Freeport Branch Library is getting ready for early voting scheduled to begin on October 13th. There is much to be done to repair the library after the Harvey damages. City staff will meet to discuss their needs and a timeline for repairs to be completed.

SENIOR CITIZENS COMMISSION

Tammy has coordinated with the Senior Citizens to tentatively schedule their Harvest Festival for Monday, October 19th. With a group of 50-60 seniors, Velasco House is not large enough to accommodate this gathering while adhering to social distance guidelines. To provide adequate space we will host the Harvest festival at Riverplace where the seniors will have individually packed lunches and play bingo. While the Senior Citizen Commission has not resumed monthly meetings at this time, they are still planning their Christmas party. Tammy will help to organize the event ensuring proper protocols are in place.