



**AGENDA
REGULAR MEETING
FREEPORT CITY COUNCIL
MONDAY, MAY 18, 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 18TH DAY OF MAY 2020, AT 6:00 P.M., AT THE FREEPORT RIVERPLACE, 733 MYSTERY HARBOR LANE, 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 315225

OR

**AUDIO VISUAL CONFERENCE CALL USING:
PCs, Macs®, Chromebooks™, iOS and Android™ phones and tablets.**

International dial-in numbers: https://fccdl.in/i/city_council_051820

For users wanting to view and listen to the council meeting via a web browser go to

https://join.freeconferencecall.com/city_council_051820

enter access code 315225 and the online meeting code is: city council 051820.

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.

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

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

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

COUNCIL BUSINESS – REGULAR SESSION:

2. Consideration and possible action on the approval of City Council meeting minutes from May 4, 2020. **(Wells)**
3. Consideration of approving Ordinance No.2020-2600 for proposed 2019-2020 budget amendment # 3. **(Russell)**
4. Consideration and possible action of approving Resolution No. 2020-2629 for a proposed amendment to the Freeport Personnel Policy Handbook, regarding Weapons in the Workplace and Workplace Violence. **(Ferguson)**
5. Consideration and possible action of Freese and Nichols task authorization # 12 for the engineering design for work to be done on the stormwater pump station on Velasco Blvd. **(Kelty)**
6. Discussion and direction regarding to initiate Certificate of Obligation Bonds. **(Russell)**
7. Consideration and possible action of approving the EDC Housing Development. **(Holman)**
8. Consideration and possible action adopting By-Laws of Tax Increment Revitalization Zone (TIRZ) Board. **(Holman)**
9. Discussion for Boards and Commissions appointments and re-appointments. **(Kelty)**
10. Consideration and possible action authorizing the application process for recertification as a Texas Main Street City. **(Strahan)**

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.) Attorney Consultation: Consider potential litigation regarding real property and, b). Deliberation about Real Property in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.071, 551.072.

COUNCIL BUSINESS – REGULAR SESSION:

ADJOURNMENT:

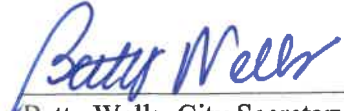
13. Adjourn.

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, May 4, 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 via teleconference
- LeAnn Strahan, Freeport Destination Director via teleconference
- Chris Motley, Freeport Fire Chief
- Ray Garivey, Freeport Police Department Chief
- Billy Shoemaker, Director for Building and Code

Visitors: Via Teleconference

- Manning Rollerson
- Vander Williams
- Donna Jones
- David Towers

- Vanessa Villar
- Nick Irene (Facts Newspaper)
- Melanie Oldham
- Melinda Washington, (Outreach Coordinator from the GLO)

Call to order.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was a moment of silence for the first responders. The Pledge of Allegiance was conducted by Mayor Bass.

The meeting was paused at 6:03pm, there were technical difficulties with the sound from the audio-visual conference call system. This issue was fixed, and the meeting resumed at 6:04pm by Mayor Bass.

Citizen's Comments

Manning Rollerson spoke of his concern on the COVID-19. He said that he heard there was a positive case at American Rice, and he wants to know where we stand on the positive and negative tests in the City of Freeport. Mayor Bass said that we will discuss this, in item number one.

Melanie Oldham said that she was curious why there were no supporting documents from the agenda online, she said that she liked being about to see the documentation that is being discussed in the council meetings.

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

Emergency management briefing COVID-19.

Freeport Fire Chief, Chris Motley said that there are two active cases in the City of Freeport, and there are six recovered. Chief Motley said that the operations is back to one station. He said that they are running calls, and the moral has changed with the department because they are no longer feeling isolated. He said that call volume has been normal. Chief Motley said supplies are good, they are still waiting on gowns to come in. Mayor Bass “asked if when they are sent out for a call, do you have to suit up in complete PPE gear”? Chief Motley said, “that the dispatchers screen the calls with questions, this is to make sure EMS is aware of how they need to prepare for the call.” Mayor Bass asked about the sanitizing of the EMS vehicles, Chief Motley said that the Department just purchased two decontamination machines that releases a very fine mist that will decontaminate all the vehicles. He said that the machines should be delivered in about six weeks. Chief Motley reminded everyone to keep practicing social distancing, and to keep doing personal hygiene, with washing hands with soap and water. Councilman Roy Yates asked if there were any testing locations in the City of Freeport. Chief Motley said yes at, 905 North Gulf Boulevard. He said that there are locations listed on the Brazoria County Health Departments website. Councilwoman Loeza asked if there is a place that can test and see if you have had the virus. Chief Motley said to speak with your family physician to get a referral from them.

Freeport Police Chief, Ray Garivey said that the entire Police Department is safe and healthy. He said that he wants to thank the residents, businesses, and City Manager Tim Kelty for providing the department with food. He said that it was a great weekend, there were very little calls. He thanked the citizens for this. Chief Garivey said that he wants to thank the Houston Food Supply that came out for the last two weekends and provided food for several in our area. He said that the supplies at the Police Department are good.

City Manager, Tim Kelty said that based on phase one of the Governors order, the city has re-opened the beach, we also brought back city staff to regular work hours daily. There is still temperature testing of the staff. Mr. Kelty said that several facilities are still closed. City Hall, parks equipment, and the Freeport Recreation Center. The Freeport Golf Course is open to members only. Tim Kelty said that the drive-thru at City Hall is open for Court and Water payments.

Mayor Bass said regarding the drive-thru, be careful with a large vehicle because the lanes are very narrow. Mayor Bass also spoke of the emergency response meetings that are held every day at 1:30pm with the County Judge, as well as the head of the Brazoria County Health department. Mayor Bass stresses social distancing, hand washing and hand sanitizer. He told Manning Rollerson there is testing sites set up. The closest is in Freeport, at 905 N. Gulf Blvd., and a free clinic is at the Brazoria County Fair Grounds in Angleton. He said in order to be tested, you must call and be screened to see if you have the symptoms to be tested. Mayor Bass said with everything that is opening, to still stay safe. He asked Manning Rollerson if he was satisfied with the response? Manning Rollerson said his concern is the free testing is in Angleton, how will people get to that location? Mayor Bass said that he thinks that the testing should be free and available to everyone.

Donna Jones asked that the speakers to please announce who they are, and what department they work for.

Presentation of the Investment Report for the quarter ending March 31, 2020.

Assistant City Manager Stephanie Russell presented to council the Investment Report for the quarter ending March 31, 2020.

Mayor Bass asked the City Secretary, Betty Wells to check, and make sure the agenda items are posted on the website for the public to view.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from April 20, 2020, and Special Meeting on April 30, 2020.

Consideration of request for road closure on May 22, 2020, of portions of following streets. East Park and Fourth Street, down 2nd Street to Brazosport Blvd. to Freeport Municipal Park, for the Brazosport High School Graduation Parade.

Mayor Bass addressed item # 4, he said that special recognition for the graduating seniors is having to be set aside due to the COVID-19 pandemic. Mayor Bass said there will be a parade and special t-shirt made for the class, he is encouraging everyone to come out, social distance down the street for this very special day for the graduating seniors.

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye," 5-0 Council unanimously approved the Consent Agenda.

REGULAR SESSION

Public Hearing: Public Hearing and possible action of a proposed replat Muhm and Halbin Subdivision a two-lot subdivision of the Lolita Ruth McNeill Muhm called 2.437 acre tract. Recorded in volume 1237, page, 113 of the Brazoria County deed records and the Mary Ann Halbin called 0.706 acre tract and called 0.161 acre tract recorded in volume 1682, page 72 of the Brazoria County deed records situated in the T. B. Bell League abstract 41. City of Freeport Brazoria County, Texas.

Mayor Bass opened the Public Hearing at 6:34pm.

Freeport Building and Code Department Director, Billy Shoemaker presented to council the proposed replat Muhm and Halbin Subdivision a two-lot subdivision of the Lolita Ruth McNeill Muhm called 2.437 acre tract. Recorded in volume 1237, page, 113 of the Brazoria County deed records and the Mary Ann Halbin called 0.706 acre tract and called 0.161 acre tract recorded in volume 1682, page 72 of the Brazoria County deed records situated in the T. B. Bell League abstract 41. City of Freeport Brazoria County, Texas. Mayor Bass asked if this has gone to Planning and Zoning, Mr. Shoemaker said that it has and that Planning, and Zoning approved the replat. No one from the public spoke or asked to speak in regard to this issue.

Mayor Bass closed the Public Hearing at 6:37pm.

On a motion by Councilman Cain, seconded by Councilman Green, with all present voting "Aye" 5-0 Council unanimously approved the Lolita Ruth McNeill Muhm called 2.437 acre tract. Recorded in volume 1237, page, 113 of the Brazoria County deed records and the Mary Ann Halbin called 0.706 acre tract and called 0.161 acre tract recorded in volume 1682, page 72 of the Brazoria County deed records situated in the T. B. Bell League abstract 41. City of Freeport Brazoria County, Texas.

Discussion and direction regarding Sales Tax Overpayment and Repayment Options.

Assistant City Manager Stephanie Russell presented to council the Sales Tax overpayment and repayment options. Per the request from council Ms. Russell contacted the State Comptroller to request an extension of longer-term payback. This request was accepted by the State Comptroller with the agreement from 29 months to 58 months. The payback is the same \$533,636.43, but the monthly reduction of our sales tax distribution will be 57 months in the amount of \$9,201.00 and the final month \$9,179.43. Mayor Bass asked if there is interest applied. Ms. Russell said there is no interest, she said that this is not actually a payment, but a reduction of the amount of sales tax that the city will get. Mayor Bass asked how the city became aware of this? Ms. Russell said that back in February the city was notified that a business had done an audit, and it was discovered that they had over paid. She said that this overpayment is from the years of September 2015-2018. The overpayment was paid back to the taxpayer in 2019, and it appears that the taxpayer is no longer operating in the city. Mayor Bass asked if this was from the large construction period for our area? Ms. Russell said that it does look like this is when this happened. City Manager Tim Kelty said that this does happen, but usually not in this large of an amount. Melanie Oldham asked how this EDC will pay their portion? Assistant City Manager Stephanie Russell said that there is no actual payment being made by the city. The city's allocation will be reduced by this amount so the calculation will not change for the EDC, they will be impacted by this but there will be no actual payment from the EDC to the city, to pay this. Mayor Bass asked Ms. Russell if the State Comptroller will deduct the amount each month from our sales tax, and we will deduct the percentage that would normally go to the EDC? Ms. Russell said that this is correct.

On a motion by Councilman Cain, seconded by Councilwoman Green, with all present voting "Aye" 5-0 Council unanimously approved the discussion and direction regarding Sales Tax Overpayment and Repayment Options.

Consideration and possible action awarding Request for Qualifications (RFQ) #2003, Engineering Services, to Freese and Nichols, Inc.

Assistant City Manager Stephanie Russell presented to council the Request for Qualifications #2003 for Engineering Services, for Harvey related projects. Some of these are roads, the golf course, & the beach entrance road. The projects that are included under this contract are eligible for reimbursement funding of 90% from FEMA. These projects require engineering, and in order to do that, the city had to go out for Request for Qualifications (RFQ). This was advertised in the Facts newspaper on March 23, 2020 and on March 30, 2020. The city received two responses; these were opened on April 20, 2020. Freese and Nichols, Inc. and Baker & Lawson, Inc. are the two companies that responded. Staff recommends that we award the request to Freese and Nichols, Inc. Based on the evaluation criteria they are the most qualified. Mayor Bass asked if there was a cost amount for this? Ms. Russell said with this, Council is just awarding the RFQ, she said that staff will have to go and negotiate a contract with the engineer, and they will have to follow the federal regulations.

Resident Melanie Oldham said that over a year ago it was announced that there had been some severe erosion at the Freeport Golf Course, she asked if anything has been done for this problem? Ms. Russell said that since the embankment is part of a bigger water system, the city cannot just go out and make improvements. Ms. Russell said that they have been in touch with the Army Corps of Engineers, with how we should proceed. Ms. Oldham also said that the golf course has been designated as being contaminated by TCEQ she said that DOW paid five million, for the city to not dig deeper than ten feet, will this be a factor in how to fix the erosion? Mayor Bass said that everything has been turned over to Freese and Nichols to look at this too.

Manning Rollerson asked if the Army of Engineers is giving the city a grant for the work? Ms. Russell said no, the damage here at the golf course has been identified as damage from Hurricane Harvey. And with the city already receiving federal funds from the federal government the city is not eligible for grant money from the Army Corps of Engineers.

Councilman Green asked, "once we award this request, we will then find out how much this will cost"? Stephanie Russell said "yes, this is the first stage, the city figures out who is most qualified for the award and once this is awarded then you begin the negotiation process."

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye" 5-0 Council unanimously approved awarding Request for Qualifications (RFQ) #2003, Engineering Services, to Freese and Nichols, Inc.

WORK SESSION:

Mayor Bass said that he cannot stress enough the date of May 22, he said for us to get out and help support our Seniors class of 2020, he said that we will announce the time. He also asked that we please keep following the rules. He said that the City has had low numbers of positive cases. But we must keep following the rules, and as the Governor and the County Judge has said "this is not over yet."

Councilman Green asked about a resident in his Ward who has some parrots and love birds, she was concerned because she was told that she would have to remove these birds from her property. Mr. Green asked if he could get some information on this, so that he can share with the resident. Mayor Bass said that we will get Freeport Code/Permit Director, Billy Shoemaker to get in touch with him on this matter.

Councilman Cain said that he was asked by a citizen why Pier 30 has not opened? Mayor Bass said that every business must follow as they view the executive order by Governor Abbott. As a city we are doing our best to interpret the orders and follow them accordingly. He said that we encourage the businesses to follow the orders. Councilman Cain said he is understanding that it is not the city that is keeping them from opening. Mayor Bass said no there is nothing the city is doing to stop Pier 30 from operating.

Councilwoman Loeza asked about some of the facilities being open, she said that she was asked today why the Golf Course is only opened to members only, and not to the public? City Manager Tim Kelty said the social distancing. He said that the golf course has one cart per player unless they are from the same household. He said that Freeport Golf Course Director, Brian Dybala said that we are limited by the number of carts that we have. During the weekends when the course is the busiest, we are using most of the golf carts with just members. Mr. Kelty said that members are able to go to the course, they do not have to interact with staff because they are members, they are not having to interact with payments and transactions. If we allow the public to come in, then staff will have to interact with payments and transactions. He said that we will open as soon as possible. Councilwoman Loeza said there cannot be two people in the same cart? Mr. Kelty said unless they are from the same household. Councilwoman Loeza asked, how will they know? Mayor Bass said a lot of it is just the honor system. It is following the guidelines from the Governor.

Councilman Yates said that he did not have anything, but he wanted to clear up one thing. He said he did go to high school.

City Manager Tim Kelty said that he wants to say that he appreciates the people that are participating online. He said that the agendas have been kept to a minimum, because we want to have participation from the public. He said coming up there will be larger agendas, because there are things that will have to start move forwarding. Mr. Kelty said that he appreciates council's patience as well.

Update on reports / concerns from Department heads

Freeport Fire Chief, Chris Motley said that he wanted to give an update on Manning Rollerson's question about the Port Freeport. He said that he has an official word from the Port Freeport they have no known active or positive cases, nor any signs of someone being sick at the Port Freeport. He said that there is temperature scanning of all entering the facility.

Mayor Bass said that the city is doing temperature scanning of city employees that come into city buildings, and there are certain guidelines that must be met to enter the building and to work that day.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 7:01 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas



City Council Agenda Item # 3

Title: FY2019-2020 Proposed Budget Adjustment #3

Date: May 18, 2020

From: Stephanie Russell, Assistant City Manager/Finance Director

Staff Recommendation: I recommend approval of the following budget amendment.

Item Summary: This proposed budget adjustment includes a reduction of revenue and expenditures to the General Fund. The net impact to the General Fund is a net revenue less expenditures and transfers of \$185,275.

Background Information: Below is a summary of each of the proposed changes.

1. **New Revenue Projections:** COVID-19 has had a negative impact on the City's market driven revenue: Ambulance, Permits, Rentals, Court, Interest, and Misc. Income. Additionally, Sales Tax has been trending at 2018 levels based on the decline in new construction in the area. Lastly, the actual Industrial District payments are higher than budgeted. Overall, there is a \$728,925 projected loss in revenue. To combat this shortage, staff has found the following savings and identified proposed cuts in expenditures: reduced salaries by \$181,000 based on vacancy savings; reduced training and travel by \$45,500; reduced the transfer to the Capital Projects Fund by \$150,000; and reduced the loan to the Water & Sewer fund by \$750,000.
2. **COVID-19 Expenses:** There are some expenses the City has incurred that are directly attributed to COVID-19 such as additional personal protective equipment for public safety employees. Staff is evaluating options for seeking reimbursement and proposes establishing a new Emergency Management Department to track the expenses. A placeholder of \$10,000 is initially proposed to be added to the General Fund budget.
3. **Clean Up Item:** Council approved a Budget Amendment to accommodate a grant the Police Department was awarded a \$106,611 for Mobile Video Recorder Equipment from the DJ-Edward Byrne Memorial Justice Assistance Grant Program. The exhibit included with the Ordinance was for \$106,111 – a difference of \$500. Thus, for the sake of transparency, staff recommends included the additional \$500 in this amendment.
4. **Reorganization:** The City Manager recently moved the Visitor Information Center (VIC) and its staff to the Historical Museum Downtown. Additionally, the VIC function has been organizationally moved under the new Culture, Tourism and Events Director. For simplicity, staff recommends moving the salaries budgeted under Parks to the Museum. The net impact of this change is \$0.

5. **Beach Maintenance:** The City receives partial reimbursement from the General Land Office for its beach expenses. This has historically been captured in a separate fund that has been running a negative balance. Therefore, the auditors have recommended bringing this fund into the General Fund. In order to clear the current fund, the General Fund must cover the negative balance of \$12,000. Additionally, staff has received notification of the latest revenue and has updated revenue and expenses in the General Fund accordingly.
6. **Marine Operations Fund:** The City has had a contract with Freeport LNG where Freeport LNG pays the City to maintain its marine boat. These contributions have accumulated overtime (the current balance is \$30,600) in anticipation of future expenses. Since the City cannot use these funds for any other purpose, staff purposes utilizing a different fund to track this funding.
7. **Capital Outlay Moved to Other Funds:** As staff continues to analyze the impact of COVID-19, it is recommended to move capital expenditures out from the General Fund. Separating these funds allows the City to better track and retain the savings future infrastructure projects. Additionally, these expenses tend to make the General Fund budget appear inflated. Thus, staff recommends utilizing the Streets & Drainage for current Street Projects and establishing a Facilities & Grounds CIP Fund and Vehicle and Equipment Replacement Fund. The establishment of these funds will help staff plan and track expenses overtime.

Special Considerations: N/A

Financial Impact: The net impact to the General Fund is positive \$185,275.

	Current Budget	Proposed Changes	Proposed New Budget
Revenue	17,557,257	(728,925)	16,828,332
Expenditures	19,369,276	(3,708,548)	15,660,728
Transfers	2,350,000	2,794,348	5,144,348
Revenue Less Expenses & Transfers	(4,162,019)	185,275	(3,976,744)
Beginning Fund Balance	9,013,073		9,013,073
Est. Ending Fund Balance	4,851,054		5,036,329
25% of Operating Expenses	3,940,354		3,888,529
Available Balance	910,700		1,147,800

Fund	Revenue Increase/ (Decrease)	Expenditure Increase/ (Decrease)	Transfers In/(Out)	Revenue Less Expenditures & Transfers
General Fund	(728,925)	(3,708,548)	(2,794,348)	185,275
Beach Maintenance	(8,500)	(6,500)	12,000	10,000
Water/Sewer	-	(750,000)	(750,000)	-
Facilities & Grounds CIP	-	954,054	954,054	-
Vehicle & Equipment Replacement	-	447,788	447,788	-
Streets & Drainage Fund	-	1,949,906	2,099,906	150,000
Marina Operations	7,420	25,000	30,600	13,020

Board or 3rd Party recommendation: N/A

Supporting Documentation: Account Breakdown, Ordinance

Account Breakdown for FY2019-2020 Proposed Budget Adjustment #3

Account #	ACCOUNT DESCRIPTION	Current Budget	Proposed Changes	New Budget
New Revenue Projections				
10-301-100	Ambulance Revenue	(420,000)	120,000	(300,000)
10-312-010	Brazosport Indust Dist	(4,486,977)	132,039	(4,354,938)
10-312-020	Freeport Indust Dist	(1,558,781)	(281,111)	(1,839,892)
10-318-300	Sales Tax	(2,400,000)	360,000	(2,040,000)
10-320-200	Permit - Health	(3,000)	(5,000)	(8,000)
10-320-801	Permit - Taxi Cabs	(1,215)	1,215	-
10-320-806	Permit - Trailer Parks	(300)	(6,275)	(6,575)
10-320-807	Permit - Misc.	(37,000)	36,000	(1,000)
10-321-100	Permit - Mechanical	(9,500)	8,500	(1,000)
10-321-110	Permit - Building	(109,000)	49,000	(60,000)
10-321-120	Permit - Electrical	(9,800)	3,800	(6,000)
10-347-501	Riverplace Rental Rev	-	(34,486)	(34,486)
10-347-502	Velasco Comm House	-	(5,928)	(5,928)
10-347-503	FMP Rental Revenue	-	(1,650)	(1,650)
10-347-504	FMPG Rental Revenue	-	(60)	(60)
10-347-505	FCHP Rental Revenue	-	(1,720)	(1,720)
10-347-509	Seniors Rental Revenue	-	(1,150)	(1,150)
10-347-550	Park Rental	(90,000)	90,000	-
10-350-100	Municipal Court Rev	(473,531)	187,531	(286,000)
10-360-100	Interest Income	(150,000)	10,000	(140,000)
10-360-101	Misc Income	(80,000)	56,000	(24,000)
10-360-110	Museum Rev-Building Rent	(15,000)	14,000	(1,000)
	Subtotal	(9,844,104)	730,705	(9,113,399)
Reduction of Salary Expenses Based on Vacancies and Group Insurance Savings				
10-410-100	Salaries/Wages	649,100	(20,000)	629,100
10-420-100	Salaries/Wages	88,700	(3,000)	85,700
10-525-100	Salaries/Wages	2,528,600	(15,000)	2,513,600
10-530-100	Salaries/Wages	610,300	(20,000)	590,300
10-535-100	Salaries/Wages	448,400	(20,000)	428,400
10-557-100	Salaries/Wages	170,500	(10,000)	160,500
10-575-100	Salaries/Wages	662,900	(50,000)	612,900
10-655-100	Salaries/Wages	680,500	(23,000)	657,500
10-656-100	Salaries/Wages	443,500	(10,000)	433,500
10-665-100	Salaries/Wages	281,900	(10,000)	271,900
		6,564,400	(181,000)	6,383,400
Reduction of Travel and Training				
10-410-602	Seminars/Dues/Travel	33,500	(10,000)	23,500
10-525-602	Seminars/Dues/Travel	26,700	(10,000)	16,700
10-535-602	Seminars/Dues/Travel	20,400	(10,000)	10,400
10-557-602	Seminars/Dues/Travel	10,000	(5,000)	5,000
10-558-602	Seminars/Dues/Travel	10,000	(5,000)	5,000

Account #	ACCOUNT DESCRIPTION	Current Budget	Proposed Changes	New Budget
10-575-602	Seminars/Dues/Travel	1,590	(500)	1,090
10-578-602	Seminars/Dues/Travel	4,150	(1,000)	3,150
10-655-602	Seminars/Dues/Travel	4,000	(2,000)	2,000
10-665-602	Seminars/Dues/Travel	4,650	(2,000)	2,650
	Subtotal	114,990	(45,500)	69,490
Reduction of Loan to W&S Fund				
10-710-056	Transfer To Water & Sewer	1,500,000	(750,000)	750,000
56-565-899	Capital Outlay	1,500,000	(750,000)	750,000
56-710-010	Transfer From General Fund	(1,750,000)	750,000	(1,000,000)
	Subtotal	1,250,000	(750,000)	500,000
COVID-19 Expenses				
10-536-625	Emergency Management	25,811	10,000	35,811
Clean Up Item				
10-525-898	Grant Expenditures	106,111	500	106,611
Reorganization				
10-578-100	Salaries/Wages	70,300	77,000	147,300
10-655-100	Salaries/Wages	680,500	(77,000)	
	Subtotal	750,800	-	147,300
Beach Maintenance				
10-360-460	Grant Revenue-Beach	-	(9,200)	(9,200)
10-576-591	Beach Operations	-	9,200	9,200
10-700-017	Transfer to Beach Maint	-	12,000	12,000
17-710-010	Transfer From General Fund	-	(12,000)	(12,000)
17-356-105	Beach Revenues	(8,500)	8,500	-
17-576-591	Beach Maintenance Expense	6,500	(6,500)	-
	Subtotal	(2,000)	2,000	-
Marine Operations Fund				
10-360-105	Marine Ops Rev-LNG	(7,420)	7,420	-
10-700-016	Transfer To Marina Ops	-	30,600	30,600
16-360-105	Marine Ops Rev-LNG	-	(7,420)	(7,420)
16-525-625	Marine Ops	-	25,000	25,000
16-710-010	Transfer From General Fund	-	(30,600)	(30,600)
	Subtotal	(7,420)	25,000	17,580
Capital Outlay Moved to Other Funds				
10-410-899	Capital Outlay	292,152	(292,152)	-
21-410-899	Capital Outlay	-	292,152	292,152
10-420-899	Capital Outlay	25,000	(25,000)	-
21-420-899	Capital Outlay	-	25,000	25,000
10-525-899	Capital Outlay	181,257	(181,257)	-
22-525-899	Capital Outlay	-	181,257	181,257
10-530-899	Capital Outlay	79,415	(79,415)	-
22-530-899	Capital Outlay	-	79,415	79,415

Account #	ACCOUNT DESCRIPTION	Current Budget	Proposed Changes	New Budget
10-575-899	Capital Outlay	2,146,816	(2,146,816)	-
22-575-899	Capital Outlay	-	46,910	46,910
10-700-014	Transfer To Street & Drg	300,000	2,099,906	2,399,906
10-578-899	Capital Outlay	30,000	(30,000)	-
10-655-899	Capital Outlay	573,108	(573,108)	-
21-655-899	Capital Outlay	-	462,902	462,902
22-655-899	Capital Outlay	-	140,206	140,206
10-656-899	Capital Outlay	20,000	(20,000)	-
21-656-899	Capital Outlay	-	20,000	20,000
10-665-899	Capital Outlay	154,000	(154,000)	-
21-665-899	Capital Outlay	-	139,000	139,000
21-650-899	Capital Outlay	-	15,000	15,000
10-700-022	Transfer To Equip. Repl.	-	447,788	447,788
10-700-023	Transfer To Bldg Maint	-	954,054	954,054
14-575-899	Capital Outlay	300,000	1,949,906	2,249,906
14-710-010	Transfer From General Fund	(300,000)	(2,099,906)	(2,399,906)
21-710-010	Transfer From General Fund	-	(954,054)	(954,054)
22-710-010	Transfer From General Fund	-	(447,788)	(447,788)
	Subtotal	3,801,748	(150,000)	3,651,748
		2,760,336	(358,295)	1,798,541

ORDINANCE NO. 2020-2600

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; MAKING CERTAIN FINDINGS AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, on August 5, 2019, the City Manager presented to the City Council a proposed budget of the expenditures of the City of Freeport for the fiscal year 2020 and the proposed budget was filed with the City Secretary and posted on the City website as required by Local Government Code Section 102.005; and

WHEREAS, pursuant to notice as required by Section 102.006 of the Local Government Code, on September 3, 2019, a public hearing on such budget was held in the Council Chambers, at which hearing all citizens and taxpayers of the City had the right to be present and to be heard, and those who requested to be heard were heard; and

WHEREAS, the budget for the 2019-2020 fiscal year of the City was approved by the City Council by Ordinance No. 2019-2581, read, passed and adopted on the 3rd day of September, 2019.

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

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. The existing Budget of the City of Freeport, Texas, for the fiscal year 2019-2020 as amended by Ordinance No. 2019-2589, read, passed and adopted on November 18, 2019 and Ordinance No. 2020-2595, read, passed and adopted on January 21, 2020; is hereby amended and revised as reflected in said Exhibit "A".

Section 3. All ordinances and resolutions, and parts of ordinances and resolutions in conflict herewith, are hereby repealed.

Section 4. It is hereby found and determined that the meeting at which this ordinance was passed was open to the public and that advance public notice of the time, place and purpose of said meeting was given as required by law.

This ordinance shall take effect and be in force from and after its passage and adoption.

PASSED AND ADOPTED this 18th day of May 2020.

ATTEST:

Brooks Bass, Mayor

Betty Wells, City Secretary

APPROVED AS TO FORM AND CONTENT:

Chris Duncan, City Attorney

Exhibit "A"
City of Freeport, FY2019-2020 Budget Amendment #3

Fund	FY2019-2020 Original Budget	FY2019-2020 Current Budget	FY2019-2020 3rd Budget Amendment	FY2019-2020 Amended Budget
General Fund				
Mayor & Council	-	-		-
Administration	1,972,901	2,534,822	(322,152)	2,212,670
Municipal Court	180,508	180,508		180,508
Police/Animal Control	4,636,779	4,742,890	(205,757)	4,537,133
Fire	1,271,222	1,308,637	(99,415)	1,209,222
EMS	899,584	914,290	(30,000)	884,290
Emergency Management	-	-	10,000	10,000
Streets/Drainage	2,678,070	3,542,276	(2,197,316)	1,344,960
Service Center	219,090	219,090	(28,000)	191,090
Garbage	992,453	992,453		992,453
Building	346,400	346,400	(5,000)	341,400
Code Enforcement	446,950	446,950	(15,000)	431,950
Library	28,300	28,300		28,300
Parks	1,646,659	2,123,767	(675,108)	1,448,659
Beach Maintenance	-	-	9,200	9,200
Recreation	750,200	750,200	(166,000)	584,200
Sr. Citizen's Commission	10,100	10,100		10,100
Golf Course	998,300	998,300	(30,000)	968,300
Historical Museum	230,293	230,293	46,000	276,293
General Fund Total	17,307,809	19,369,276	(3,708,548)	15,660,728
Utility Fund				
Water/Sewer	6,831,822	6,946,112	(750,000)	6,196,112
Other Funds				
Capital Debt Service	565,232	565,232		565,232
Streets/Drainage Fund	300,000	300,000	1,949,906	2,249,906
Capital Projects Fund	54,000	54,000		54,000
Facilities & Grounds CIP	-	-	954,054	954,054
Vehicle & Equip Replacement	-	-	447,788	447,788
Marina Operations	-	-	25,000	25,000
Debt Service Fund	-	-		-
Beach Maintenance	6,500	6,500	(6,500)	-
Court Security	13,400	13,400		13,400
Court Technology	11,400	11,400		11,400
Federal Narcotics	-	15,000		15,000
Hotel/Motel	10,250	10,250		10,250
Other Funds Total	960,782	975,782	3,370,248	4,346,030
Total Expenditures	25,100,413	27,291,170	(1,088,300)	26,202,870
Transfers	2,050,000	2,350,000	2,794,348	5,144,348
Grand Total Budget	27,150,413	29,641,170	1,706,048	31,347,218

NOTE: Expenses for the Employee Benefit Fund is not included in the Citywide Total above to avoid duplication of the amounts shown as part of the General and Utility Fund budgets that are transfers to this fund for services.



City Council Agenda Item # 4

Title: Consideration and possible action on Resolution No. 2020-2629, a resolution amending the Freeport Personnel Policy Handbook.

Date: 05/18/2020

From: Brenda Ferguson, Director of Human Resources

Staff Recommendation:

Staff recommends approving this Resolution.

Item Summary:

This Resolution adopts a revision to the Freeport Personnel Policy Handbook regarding Weapons in the Workplace and Workplace Violence.

Background Information:

The proposed changes are to Chapter 5 Section 5.17 in our Personnel Policy Handbook, "Workplace Violence/Weapons." The proposed changes are recommended for three primary purposes:

1. To address questions raised by the Fire Department staff regarding the existing policy which prohibited employees who are licensed to carry from maintaining guns in their vehicles for protection while conducting City business and/or traveling for job related events and training.
2. To update the weapons policy to reflect current gun legislation related to license to carry, concealed carry, and other guidelines and definitions in Government Code [Subchapter H, Chapter 411], and Texas Penal Code [Chapter 46].
3. To reflect in policy that weapons are not always linked to workplace violence, and there are workplace violence issues which do not involve weapons. Therefore, we think it is appropriate to separate the workplace violence and weapons policies. Both policies will remain in section 5.17, however they will be two separate policies: 5.17-A [Workplace Violence] and 5.17-B [Weapons in the Workplace].

Special Consideration:

These revisions were drafted with the assistance and approval of our Fire Chief, Chris Motley, and Chief of Police, Ray Garivey. Assistant City Manager, Stephanie Russell, has review these revisions as well.

Board or 3rd Party recommendation:

The content of these policies is based on policy recommendations from the Texas Municipal Human Resources Association (TMHRA), as reviewed by their attorneys, Lynn Law, PLLC. The policy has also been reviewed by our City Attorney, Mr. Chris Duncan.

Financial Impact:

No financial impact.

Supporting Documentation:

Resolution and Exhibits

RESOLUTION NO. 2020-2629

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, REVISING THE EXISTING WORKPLACE VIOLENCE/WEAPONS POLICY [SECTION 5.17] AND APPROVING ADDITIONS AS SECTION 5.17-A [WORKPLACE VIOLENCE] and SECTION 5.17-B [WEAPONS IN THE WORKPLACE] TO THE PERSONNEL POLICY HANDBOOK.

WHEREAS, the City of Freeport has a zero-tolerance policy for violence in the workplace; and

WHEREAS, it is the desire of the City of Freeport to ensure, to the extent practicable, that the day-to-day operations of the City are conducted in a safe and proper manner and that its employees are provided a safe environment in which to work; and

WHEREAS, the City of Freeport seeks to comply with Government Code and Texas Penal Code with regard to individual rights while also maintaining a safe workplace; and

WHEREAS, it is in the best interest of the city, as representative of the interests of all citizens and employees, to provide clear guidelines and expectations with regard to both violence in the workplace and weapons in the workplace.

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

SECTION 1. WORKPLACE VIOLENCE. That the City Council of the City hereby approves and adopts the addition of the Workplace Violence Policy attached hereto as Exhibit "A" and approves its addition to the Personnel Policy Handbook as section 5.17-A, a permanent personnel policy of the City, which shall take effect as of May 18, 2020.

SECTION 2. WEAPONS IN THE WORKPLACE. That the City Council of the City hereby approves and adopts the addition of the Weapons in the Workplace Policy attached hereto as Exhibit "B" and approves its addition to the Personnel Policy Handbook as section 5.17-B, a permanent personnel policy of the City, which shall take effect as of May 18, 2020.

SECTION 2. PROPER NOTICE AND MEETING. It is hereby found and determined that the meeting at which this resolution was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

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

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

APPROVED AS TO FORM ONLY:

Betty Wells, City Secretary
City of Freeport, Texas

Christopher Duncan, City Attorney
City of Freeport, Texas

5.17 Workplace Violence and Weapons in the Workplace Policies

5.17-A Workplace Violence Policy (updated 04/23/2020)

The City of Freeport has a zero-tolerance policy for violence in the workplace. “Workplace Violence” is defined to include, but not be limited by:

- Physically aggressive, violent or threatening behavior, such as attempts to instill fear in others or intimidation.
- Verbal or physical threats of any sort, including via social media (see Social Media Usage Policy 5.24)
- Any other conduct that suggests a tendency toward violent behavior. Such behavior includes, but is not limited to, excessive arguing, profanity, threats of sabotage of City property, belligerent speech or a demonstrated pattern of insubordination, and refusal to follow policies and procedures.
 - Causing physical damage to City facilities or defacing City property.

If any employee becomes aware of or observes any of the above referenced behavior or actions by a co-worker, contractor, customer, third party vendor, visitor, or any other party, he or she should notify his/her supervisor immediately. Supervisors are required to report this behavior to human resources immediately.

Employees should notify the human resource department if they are aware of any non-work-related situation with the potential to erupt into workplace violence.

All reports of violence in the City of Freeport workplace will be taken seriously and will be investigated thoroughly and promptly. The City of Freeport will not tolerate retaliation in any form against an employee who makes a report of workplace violence.

If, after a thorough investigation, the City determines that workplace violence has occurred, appropriate corrective action will be taken, and discipline will be imposed on the offending employee. If a non-employee is responsible for the violent activities, the City will take corrective action to ensure that such behavior is not repeated.

Violating this policy may lead to discipline up to and including termination.

5.17-B Weapons in the Workplace Policy (NEW 04/23/2020)

It is the desire of the City of Freeport to ensure, to the extent practicable, that the day-to-day operations of the City are conducted in a safe and proper manner and that its employees are provided a safe environment in which to work. This policy includes definitions, rules, and

exceptions related to Weapons in the Workplace. This policy adheres to current legal requirements and government code; changes in legal requirements and/or government code will supersede related sections in this policy if necessary until the policy is updated.

DEFINITIONS:

The following words and phrases, when used in this section, shall have the following meanings:

- *Airgun* means an airgun, air pistol, air rifle, or any other device using air pressure, compressed gas, springs or any other means to propel a projectile through a barrel.
- *Building* means a combination of any materials, whether portable or fixed, having a roof to form a structure affording shelter for persons, animals, or property.
- *City premises* shall mean a building or any portion thereof, as well as, all personal and real property or any portion thereof, owned, leased, occupied or in any manner controlled by the City including, but not limited to, offices, parks, and vehicles. A city-owned vehicle does not include a personal vehicle of an employee who receives a vehicle allowance from the City.
- *Concealed handgun* is a handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.
- *Firearm* means (i) any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance, or any device readily convertible to that use or (ii) an airgun.
- *Prohibited weapon* shall be defined by the Texas Penal Code Chapter 46. Weapons, including but not limited to a firearm, illegal knife, club, an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, armor-piercing ammunition, a chemical dispensing device, a zip gun.
- *Handgun* means any firearm that is designed, made, or adapted to be fired with one hand.
- *License holder* means a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.
- *Reasonable suspicion* as used in this rule is a belief based upon objective facts sufficient to lead a reasonably prudent person to suspect that an employee is carrying a prohibited weapon in violation of this administrative rule.

RULE:

City employees may not possess a "prohibited weapon" as that term is defined in the Penal Code at any time as that is a criminal offense under the Penal Code. Further, at all times when acting within the course and scope of employment for the City, City employees are prohibited from carrying or otherwise possessing any "legal" weapons on any City premises. Some exceptions apply, as noted below:

Consent Requirement for Concealed Carry on City Premises: A person violates this rule if he/she carries a concealed handgun under the authority of **Subchapter H, Chapter 411, Government Code**, on City Premises without written consent from the City Manager and /or his or her designee, which may include the Chief of Police, Fire Chief, or Department Director. Entry on City premises with a concealed handgun by a license holder is forbidden

without explicit consent.

Texas Penal Code Chapter 46.03 lists locations that weapons are not allowed. Therefore, consent will not be granted for entry on City premises with a weapon in the following locations:

- Section 46.03(1) Location of school activities;
- Section 46.03(2) Polling locations.
- Section 46.03(3) Courts and offices used by court personnel is prohibited to have firearms unless a Judge consents.

EXCEPTIONS:

Unless otherwise provided in a Police or Fire Departmental rule, regulation or order, this administrative rule shall **not** apply:

- (a) To a peace officer or a commissioned security officer hired by or under contract with the City and acting within the scope of that employment;
- (b) To an employee who holds a valid license to carry under Subchapter H, Chapter 411, Government Code (handgun licensing law) and either:
 1. carries a concealed handgun **with consent noted above** or
 2. with consent noted above possesses a handgun concealed in a locked and secured compartment or container in compliance with all applicable state and federal laws on City premises while rendering services or acting within the scope of the employee's duties;
- (c) To an employee, with a license to carry under Subchapter H, Chapter 411, Government Code, who keeps a firearm and ammunition in a locked, privately-owned motor vehicle in a parking lot, parking garage, or other parking area that the City provides for employees; or who keeps a firearm or ammunition in a locked, privately-owned motor vehicle while traveling to or participating in an event or training related to City employment.

INVESTIGATORY PROCEDURES:

Investigatory searches will be based upon reasonable suspicion that an employee is carrying a prohibited weapon in violation of this administrative rule. If reasonable suspicion as defined herein exists, as determined by the employee's supervisor, in conjunction with the Human Resources and/or City Management, a search of the person, property, or City premises, wherein the prohibited weapon is suspected to be located, shall be required. However, if a search of an employee's property is required but the affected employee cannot for any reason be present, another employee may be asked to witness the search unless the nature of the search requires such confidentiality to preclude such employee from being present. No notice to the affected employee prior to an investigatory search is necessary. If such search reveals that a prohibited weapon is present or being carried in violation of this administrative rule, such violation will result in disciplinary action, up to and including termination.

5.18 Searches (not changed)

The City of Freeport has adopted a search policy for the purpose of allowing the City to monitor compliance with reasonable work and safety rules and that all employees are subject to the policy. If a search is requested, it is not an accusation of theft or other wrongdoing; it is merely part of a city investigation. All searches must first be approved by the City Manager.

A search may include, but is not limited to, the employees, their work areas, lockers, vehicles if driven or parked on City premises or used on city business, and any other personal items brought onto City premises. All of the aforementioned areas are subject to search at any time. If the city allows employees to have lockers or other storage areas, the City will either furnish the lock and keep a copy of the key or combination, or allow the employee to furnish a personal lock; however, in that event, the employee must provide the City with a copy of the key or combination.

All searches will be conducted in a careful and considerate manner. If an employee refuses to submit to a search, it may lead to immediate termination.



City Council Agenda Item # 5

Title: Consideration and Possible action of Freese and Nichols Task Authorization #12, Engineering and Design for Bidding and limited Construction Management for rehabilitation and overhaul of Stormwater pump station on Velasco Blvd. North of the Old River

Date: May 18, 2020

From: Tim Kelty, City Manager

Staff Recommendation:

Staff recommends approval of Task Authorization #12 with Freese and Nichols in the amount of \$65,XXX.

Item Summary:

This authorization will allow Freese and Nichols to proceed with the development of engineering and specifications necessary to solicit bids for the recommended electrical work at the Stormwater pump station on Velasco Blvd north of the river.

Last month Freese and Nichols presented their findings after review and evaluation of this pump station. In that report they recommended the proposed electrical improvements at the site with a total estimated cost of \$187,000.

It is anticipated that the project would be ready to go out for bids by July and Council could consider a construction contract in August or September.

Background Information:

This pump station has been plagued with issues over the years from failing pumps and motors to failing back up power. In January, City Council authorized the City Engineer to complete a thorough evaluation of the stations design and effectiveness, troubleshoot the system, and make any recommendations for improvement. Their recommendations primarily focused on the electrical issues that had made the station less than dependable. And the scope of services proposed will address those issues.

The station currently includes two motors and pumps with a capacity 12,500 GPM each. Included are two 20 diameter pumps and two 75 hp motors. The motors are less than 3-years old. One pump was originally built in the 1980's and rebuilt in 2017. The other pump was brand new as of 2018. The back-up generator installed new in 2017, runs on natural gas.

Financial Impact:

It is proposed that the cost of constructing this project could be covered by the proposed CO Bond issue.

Supporting Documentation:

Task Authorization #12 from Freese and Nichols



PROFESSIONAL SERVICES AGREEMENT – ATTACHMENT A
TASK AUTHORIZATION #12

City of Freeport
City Hall
200 West 2nd Street
Freeport, TX 77541

FNI PROJECT PROJECT/PHASE/TASK
DATE: 5/15/2020

This authorization is in accordance with the terms and conditions outlined in the Master Agreement executed on June 17, 2019 and expires on June 17, 2020.

Project Name: Stormwater Pump Station Electrical Overhaul Final Design

Description of Services: Services are described in Attachment B.

Deliverables: Stormwater Pump Station Electrical Overhaul Final Design.

Schedule: Construction Plans and Specifications to be provided 60 days after Notice to Proceed.

Compensation shall be: A Not to Exceed amount of Sixty-Five Thousand Two Hundred Seventy-Seven Dollars (\$65,277).

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

FREESE AND NICHOLS, INC.

CITY OF FREEPORT, TEXAS

BY: 

BY: _____

Mehran (Ron) Bavarian
Print Name

Print Name

TITLE: Associate

TITLE: _____

DATE: 5-15-20

DATE: _____

ATTACHMENT B
City of Freeport
Stormwater Pump Station Electrical Overhaul Design
Task Order #12

SCOPE OF SERVICES

Project Understanding:

Freese and Nichols, Inc. (FNI) will perform Electrical Overhaul final design services on the stormwater pump station on N. Velasco Blvd. north of the river. FNI will provide design updates to electrical equipment to protect and increase electrical reliability of the pump station. FNI will prepare design drawings, project manual and opinion of probable construction costs.

Assumptions:

1. Basis for design are recommendations presented as part of condition assessment.
2. FNI will provide Limited Construction Management Services.

ARTICLE I

TASK A: PUMP STATION ELECTRICAL UPDATE

A1. Project Management

FNI will provide overall project management of team members, quality control/quality assurance, and monthly reporting. FNI will perform one (1) site visit to verify site conditions. FNI will review available as-built plans to incorporate into the design.

A2. Pump Station Electrical Overhaul

Based on the findings of the condition assessment technical memorandum, FNI will perform the following design for electrical components:

- Stand-alone electrical building
- Electrical grounding evaluation and update
- Upgrade the existing Automatic transfer switch (ATS) to 4-pole system
- Design replacement of the existing 150 A circuit breaker.
- Design surge protective device (SPD) for pump controller and generator.
- Provide a reroute for the overhead line conductors.
- Review Design on arc flash hazard assessment (Subconsultant).
- Review Design on Lightning protection system (Subconsultant)

FNI will provide as deliverable drawings and specifications for the proposed electrical components, and provide an opinion of probable construction cost for these.

TASK B: BID PHASE

B1. Advertising for Bids

City staff will handle.

B2. Provide Bid Documents

Provide Bid Documents in electronic format (pdf) for the City to utilize their electronic bid document distribution system. Post bid documents on CivCast for prospective bidders to download plans and submit questions.

B3. Respond to bidder questions

Assist City by responding to questions and interpreting bid documents. Prepare and issue addenda to the bid documents to plan holders if necessary.

B4. Pre-Bid Conference

Conduct a pre-bid conference for the construction projects and coordinate responses with City. Response to the pre-bid conference will be in the form of addenda issued after the conference.

B5. Review Bids and Recommend Award

Assist the City in the opening, tabulating, and analyzing the bids received. Review the qualification information provided by the apparent low bidder to determine if, based on the information available, they appear to be qualified to construct the project. Recommend award of contracts or other actions as appropriate to be taken by City. Pre-qualification of all prospective bidders and issuing a list of eligible bidders prior to the bid opening is an additional service.

B6. City Council Award of Contract

City staff will handle.

B7. Prepare Contract Documents

Assist City in the preparation of Construction Contract Documents for construction contracts. Provide five (5) sets of Construction Contract Documents which include information from the apparent low bidders bid documents, legal documents, and addenda bound in the documents for execution by the City and construction contractor. Distribute five (5) copies of these documents to the contractor with a notice of award that includes directions for the execution of these documents by the construction contractor. Additional sets of documents can be provided as an additional service.

TASK C: CONSTRUCTION PHASE LIMITED SERVICES

Upon completion of the bid phase services, FNI will proceed with the performance of construction phase services as described below. FNI will endeavor to protect CITY in providing these services however, it is understood that FNI does not guarantee the Contractor's performance, nor is FNI responsible for supervision of the Contractor's operation and employees. FNI shall not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor, or any safety precautions and programs relating in any way to the condition of the premises, the work of the Contractor or any Subcontractor. FNI shall not be responsible for the acts or omissions of any person (except its own employees or agents) at the Project site or otherwise performing any of the work of the Project.

C1. Pre-Construction Meeting

Attend pre-construction meeting to provide information and answer questions.

C2. Review Submittals and RFIs

Review and comment on Construction's submittals, RFIs, RCOs including coordination with City on Change Directives and Change Orders.

C3. Review Pay Applications

Review and approve monthly pay applications coordinating with City.

C4. Interpret Documents

Provide interpretive guidance for Contractor and City in resolution of problems.

C5. Site Visits

Perform up to six (6) site visits to verify the contractor is in compliance with the contract documents or to discuss issues during construction. It is assumed that the CITY will monitor the daily progress of the contractor.

C6. Substantial Completion

Coordinate with Project Manager to review progress of work for Substantial Completion; with production of punch list; substantiation that items are completed; and issue both Certificate of Substantial Completion and Final Acceptance.

C7. Final Payment

Issue letter to City recommending acceptance and release of final payment.

C8. Record Drawings

Provide Record Drawings from Contractor's As-Builts in electronic format (CD) and hard copy (2 copies of each).

Summary of Meetings & Presentations

1. 60% Drawings and specifications Submittal review at City of Freeport

Summary of Deliverables

1. 60% Drawings and specifications Submittal
2. 100% Drawings and specifications Submittal

Summary of Schedule

FNI is authorized to commence work on the Project upon execution of this Agreement and agrees to complete the services as follows:

1. Stormwater Pump Station Final Design Services – 60 days after NTP

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in City or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation.

Summary of Fee

FNI shall perform the proposed scope of services based on rates based on those set in the Master Agreement. FNI proposes to conduct the Stormwater Pump Station Assessment for a cost Not to Exceed \$65,277 without prior approval. This cost breakdown is a lump sum fee of \$34,477 for FNI's Basic Services. Budgets of \$19,250 and \$11,550, based on cost plus 10%, are proposed for Specialty Services of Arc-Flash assessment and Lightning Protection designs, respectively. A breakdown of the fee by task is presented below:

City of Freeport Stormwater Pump Station Electrical Overhaul Final Design Summary of Fee by Task	
TASK A: FINAL DESIGN	\$19,119
TASK B: BID SERVICES	\$3,558
TASK C: LIMITED CONSTRUCTION PHASE SERVICES	\$11,800
FNI Services Subtotal (LS) \$34,477	
ARC FLASH ASSESSMENT SUBCONSULTANT (BUDGET)	\$19,250
LIGHTNING PROTECTION SUBCONSULTANT (BUDGET)	\$11,550
Specialty Subconsultants Services Subtotal (NTE) \$30,800	
Total Project (NTE) \$65,277	



City Council Agenda Item # 6

Title: Discussion and Direction Regarding Proposed Bond Issuance

Date: May 18, 2020

From: Stephanie Russell, Assistant City Manager/Finance Director

Staff Recommendation:

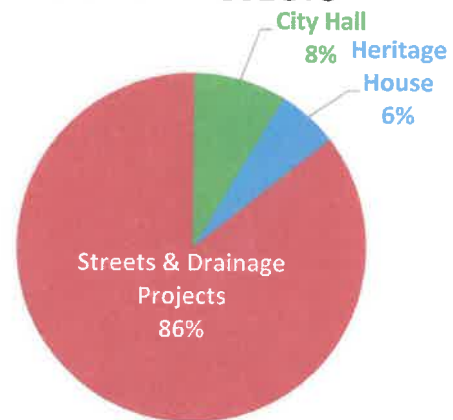
Staff seeks direction from Council regarding projects proposed for Certificate of Obligation bond issuance.

Item Summary:

The City paid off its 2003 Certificate of Obligation bonds series in FY2018-2019. In order to maintain a level debt rate, the City advanced some of its debt service payments for its 2008 Certificate of Obligation bonds series this fiscal year. To continue maintaining a level debt rate in FY2020-2021, staff proposes issuing new debt. Based on our existing debt service rate, the City has the capacity to issue certificate of obligation bonds to fund approximately \$7 million in capital projects. Staff proposes using the issuance primarily for Streets and Drainage Infrastructure projects with a small portion dedicated to the renovation of City Hall and Heritage House.

The list of specific Streets and Drainage Infrastructure projects will be developed through the budget process each year, however; the intent is that the projects will spread equitability amongst all Wards in the City.

BOND PROJECTS

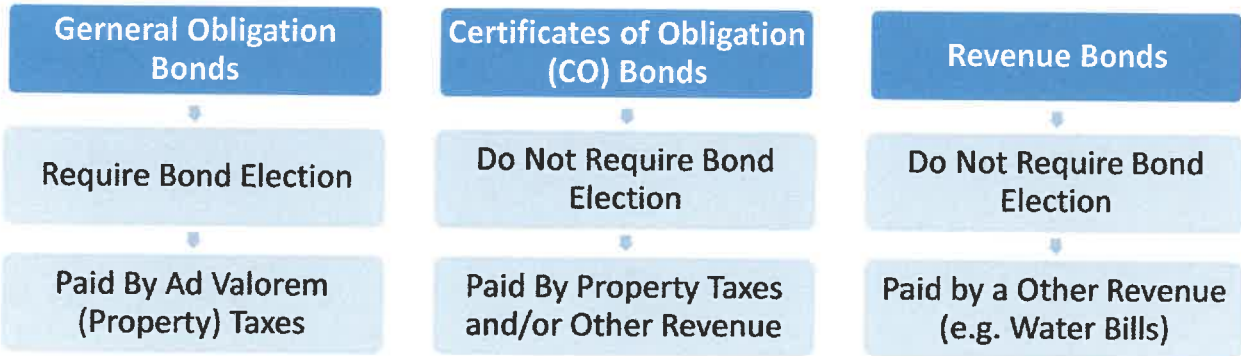


Background Information:

Local governments pay for public infrastructure projects by issuing long-term debt, either through Certificate of Obligation (CO) bonds, General Obligation (GO) bonds, or through revenue bonds that must be backed by a specific revenue stream, such as Water and Sewer revenue.

GO Bonds are paid by the City's ad valorem (property) taxes and are issued after voter approval at a bond election. COs may be paid from ad valorem (property) taxes, pledged revenue or a combination thereof. Unlike GO Bonds that always require an election, the COs do not require an

election unless at least 5% of the registered voters submit a valid petition protesting the issuance. COs can be used to fund public works as part of standard local government operations.



To initiate the CO bond process, City Council must publish a Notice of Intent including a description of the projects to be financed in local newspapers at least twice, first more than 30 days before voting on the CO issuance and again a week after the initial posting. These postings must describe the general purpose and amount of the debt to be issued, name the method of repayment and list the time and place of the governing body’s vote.



Special Considerations: The proposed CO issuance does not interfere with the plans for Water and Sewer Projects. Staff is still moving forward with the Texas Water Development Board Application for funding of Water and Sewer Projects.

Financial Impact: The City’s Financial Advisors, Masterson Advisors, conducted a preliminary capacity analysis based on the City’s existing debt rate (\$0.11 per 100 valuation). Based on this rate and conservative property value projections, the City has the capacity to issue approximately \$7.2 million in bonds. The cost of all services associated with the issuance (including Municipal Advisor and Bond Counsel) are included as part of the bond which leaves about \$7 million for projects.

Board or 3rd Party recommendation: N/A

Supporting Documentation: N/A



City Council Agenda Item # 7

Title: Waterstone Development Group Housing LLC proposed Development Agreement

Date: May 18, 2020

From: Courtland Holman, Executive Director Freeport Economic Development Corporation

Staff Recommendation:

The Freeport Economic Development Corporation (“FEDC”) recommend the Development Agreement be approved between Waterstone Development Group LLC (“Waterstone”), the City Council (“Council”) and FEDC. Staff also recommends that the City’s 19-acre property bounded by Avenue J, Skinner Street, Avenue M, and Varner Street be transferred to the FEDC for disposal.

Item Summary:

The FEDC board and FEDC Executive Director has been in negotiations with Waterstone and brought to Council a proposal that has been well vetted since their original presentation in August 2019 at the FEDC board meeting. The proposal was reviewed by Council on April 20, 2020 directing the City Attorney to draft a development agreement.

Background Information:

The FEDC board directed Executive Director Courtland Holman to find qualified housing developers to the City of Freeport. Mr. Holman attracted Waterstone Development in July 2019 and brought them to the FEDC board for a presentation on the 19 acre 90 +/- city owned lots in August 2019. The original proposal although good was not cost effective therefore negotiations continued.

In December as further board presentations and negotiations continued the board requested Mr. Holman to see if there were any other interested parties for the 19-acre city owned property. Mr. Holman contacted 152 of his economic development peers and were given three possible competitors. Mr. Holman met with all three giving them the parameters of the property for development. Of the three, one stopped all conversations, the second although they like the project decided they didn’t want to compete for the project, and the third did not follow directions providing substandard information.

At this point Waterstone Development has continued to negotiated and develop what the FEDC board considers a good development at little or no cost to the city or FEDC.

Based on the potential of new jobs being created in Freeport and the current demand for quality housing per the Brazoria County Housing Study the need for housing in all cost categories are needed. The average price of the Waterstone project on the 19-acre property plus other off-site properties is \$185,000.

Special Considerations:

Reduced purchase price of \$43,500 for property (\$500.00 per 50X125ft, "Full" lot). Additional individual City owned lots (25X125 ft, "Half" lot) may be acquired for \$250.00 per Half lot. In the event the City is able acquire additional Half lots within the development area, Waterstone will have the option to purchase these Half lots at the price paid by the City.

City will sell Freeport Block 52 lots 3,4,5,6,7, and "East 1/2" of lot 2 to Waterstone for \$1,000 per lot, for a total consideration of \$5,500. These lots are located on W. Seventh St between Oak and Cherry St.

The main Clawbacks placed in the proposal are substantial such that there is a minimum period of 30 months that the infrastructure must be installed. A bond for the infrastructure will be required in case the developer does not perform per the terms of the development agreement requiring the FEDC or City to re-acquire ownership and install the infrastructure by calling in the Bond as a clawback.

Once the infrastructure is installed the developer will not be able to recover any 380 Agreement until the homes are built and sold. This incentivizes the quick installation of the infrastructure, building of homes, and sale of homes.

Financial Impact:

This proposal will have no initial cost to the city.

City will retain 25% of the increased assessed Property taxes on each home for a period of 20 years and 100% thereafter, with the beginning date of the 20-year period to commence one year after the completion of the first home of the development, and cease at 20 years after this period. This 20-year property tax rebate will not be calculated as a separate 20-year period for each completed home.

Board or 3rd Party recommendation:

The FEDC board reviewed the Proposal for Housing Development in executive session. No action has been taken by the FEDC board until Council reviews and approves the proposal as presented and / or authorizes the development of a development agreement.

Supporting Documentation:

Exhibit A – Proposal for Housing Development
Exhibit B – Proposed Development Agreement

EXHIBIT A



Waterstone Development Group, LLC

Development Agreement Proposal

N Avenue J, K and L
City of Freeport, Texas

Synopsis: Waterstone Development Group proposes to develop the above area into approximately 87 single family building sites providing quality new homes of 1,400 to 2,200 sf for existing and future Freeport residents.

Tax Base: 87 homes averaging \$185,000 each, adding \$16,095,000 to Freeport's tax base. Assuming the 380-agreement found in this proposal is implemented allowing our firm to move forward, these new homes would generate over \$494,059 in income to the city over the next 20 years (assuming no increase in appraised value or tax rates) with zero city investment. Over the following 20 years, this development would generate an additional \$2 million (again assuming constant appraised values and tax rates) to the city, provide catalyst for growth in surrounding areas, lead to improved quality of the neighborhood and provide much needed quality new home inventory.

Costs: All costs of construction shall be the responsibility of Waterstone Development Group.

380 Aid: Reduced purchase price of \$43,500 for property (\$500.00 per 50X125ft, "Full" lot). Additional individual City owned lots (25X125 ft, "Half" lot) may be acquired for \$250.00 per Half lot. In the event the City is able acquire additional Half lots within the development area, Waterstone will have the option to purchase these Half lots at the price paid by the City.

City will aid in coordinating with other regulatory agencies and utility providers.

All development and home construction shall be based upon the ordinances, rules and codes effective 1 December 2019, regardless of date of construction, unless otherwise set forth in this proposal.

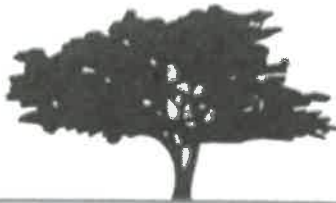
City Development/Impact Fees Waived.

City Home Permit Fees Waived.

City will retain 25% of the increased assessed Property taxes on each home for a period of 20 years and 100% thereafter, with the beginning date of the 20 year period to commence one year after the completion of the first home of the development, and cease at 20 years after this period. This 20 year property tax rebate will not be calculated as a separate 20 year period for each completed home.

185 Cedar Point Dr. Livingston, TX 77351
(936) 646-6767

Fax (936) 646-7970



Waterstone Development Group, LLC

- PID Aid:** Approval of 20-year PID (costs to establish paid by Developer) totaling \$10,000 per original 25X125ft lot. Developer reserves the right to pay down a portion of the PID assessment on all lots prior to actual sale of homes.
- Lot Sales:** City will sell Freeport Block 52 lots 3,4,5,6,7, and "East ½" of lot 2 to Waterstone for \$1,000 per lot, for a total consideration of \$5,500. These lots are located on W. Seventh St between Oak and Cherry St.
- Claw back:** Property shall automatically revert to the City if all infrastructure construction is not completed and accepted by the City within 30 months of property transfer to the developer (except for abnormal weather conditions, force majeure provisions or lack of full approvals occurring during actual infrastructure construction).
- Local Labor:** Developer and Builder shall make every effort to include local companies into the bid and construction process provided they are able to provide the quality of work required, with sufficient staff to complete tasks in a timely and safe manner, follow all rules and direction, offer a competitive rate with all required insurance when compared to Developer and Builder's other contractors.
- Improvements:** All streets shall be constructed of concrete to match the existing width of Avenue L and include curb and gutter with rollover curbs, sidewalks, fire hydrants, all underground utilities, and LED streetlights.
- Lots:** Each building site would combine 2 current lots to create 50 ft wide lots with depth as currently platted. Setbacks of 5 foot on each side, 25 feet front, and 10 feet rear. Driveways shall be the same width as the home's 2 car garage door and provide sufficient off street parking for 2 cars in the driveways. The HOA deeds and restrictions will prohibit any parking in the yards or commercial vehicles on the property. Deeds and restrictions will also limit short term and visitor/guest parking along the street. Deeds and restrictions will be written to provide the City with the right, but not the obligation to enforce them. Corner lots shall have a 25 foot setback on both street fronts and provide for an unobstructed view for oncoming traffic.
- Timeline:** Upon receiving ownership of the lots and having a 380 Development agreement in place, the proposed development will begin design within 30 days. The actual schedule is detailed at the end of this proposal.
- Code:** All homes will be built to the building codes as adopted by the City of Freeport during 2019 including but not limited to electrical code, plumbing code and windstorm code.
- Pricing:** Homes will average a minimum \$185,000 (based upon what the market will bear).



Waterstone Development Group, LLC

Style: Homes shall offer a variety of street elevations using either a cottage style with Hardi-plank or a variation utilizing Brick, Faux stone and Hardi in 1 and 2 story layouts each providing 2 car garages and sufficient off street parking for 2 cars in the driveways.

Landscaping: Each home shall be delivered with one 2-inch caliper tree and 4 shrubs in front of home. Front yard shall be fully sodded, and back yard shall be seeded or sodded.

Design: Each home shall have at least 3 bedrooms and will be fully engineered and inspected, offering Low E Glass, Granite Countertops, HVAC, new Stainless steel or comparable appliances. Deed restricted requiring a 6-foot privacy fence.

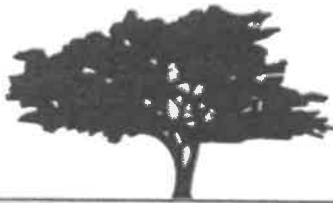
No Replat: In addition to noted lots, City will also convey title to all property within development area including Right of Ways, Easements and alleyways. The area referred to as alleyways will be split between the back to back lots and will be attached to each lot using metes and bounds. For clarity, the intent will be to eliminate all alleyways and create an additional 10 feet of depth on each lot without requiring a replat of the development. The conveyance of this alleyway area would also be offered to owners of "orphan" lots, with the costs of the metes and bounds to be borne by those property owners.

Plan Approval: Developer will submit the "Builders Plan Book" containing full construction plans for each home configuration to be built on site. City will review and if acceptable approve each individual plan in the "Builder Plan Book" as determined by the City Manager. Builder may submit additional plans to be added to the book provided it plans to build more than 5 homes using the plan.

Thereafter, City agrees to establish an expedited approval process provided builder is using a plan from the "Builder Plan Book" which has been previously approved or mirror thereof.

This is intended to reduce staff time and corresponding costs to City and Builder. If Builder uses any plan other than those in "Builder Plan Book" full approval and plan fees shall apply.

Abandonment: Waterstone requests the abandonment of the right of ways shown in Attachment A and replat of these as residential lots.



Waterstone Development Group, LLC

Thank you for your consideration of our proposal and our firm is excited about the possibilities for development of this site. We look forward to forming an alliance with the EDC and City of Freeport, rebuilding the city core housing and hope to be associated with additional projects working towards revitalizing the City.

We await the favor of your reply,

A handwritten signature in black ink, appearing to read "Ken Schott", written in a cursive style.

Ken Schott
Director
Waterstone Development Group

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(936) 646-6767

Fax (936) 646-7970

EXHIBIT B

**CHAPTER 380
ECONOMIC DEVELOPMENT AGREEMENT**

WATERSTONE DEVELOPMENT GROUP LLC

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

THIS AGREEMENT (the “Agreement”) by and between the City of Freeport (the “City”), Freeport Economic Development Corporation (the “EDC”) and Waterstone Development Group, LLC (the “Developer”), (collectively referred to as the “Parties”) is entered into on this ____ day of May, 2020 (the “Effective Date”).

WHEREAS the City of Freeport owns the following lots within the corporate limits of the City of Freeport:

1. 174 Lots contained in Blocks, 729, 730, 731, 742, 743, 744, 759, 760, 773, and 774, specifically described in Exhibit A-1 attached and incorporated herein. (referred to herein as the “87 Home Lots.”)

2. 12 Lots contained in Blocks 730, 731, 742, 743, 759, 760, 773, and 774, specifically described in Exhibit A-2 attached and incorporated herein. (referred to herein as the “Orphan Lots”).

3. 5 Lots and 1 half lot in Block 52, specifically described in Exhibit A-3 attached and incorporated herein. (referred to herein as the “Seventh Street Lots”.)

WHEREAS, the lots described in Exhibits A-1 and A-2 are contained in the “Development Area” which is identified in Exhibits A-4 and A-5 attached and incorporated herein. The “Development Area” is an area of land that is undeveloped and requires the installation and construction of infrastructure including streets, drainage, curbs, sidewalks, street lights, traffic control devices, and utilities, etc. and collectively referred to herein as “Public Improvements.” A platted diagram of the lots contained in the Development Area set forth in Exhibit A-5, attached hereto and incorporated herein for all purposes.

WHEREAS, In addition to noted lots, City will also convey title to all property within development area including Right of Ways, Easements and alleyways. The area referred to as alleyways will be split between the back to back lots and will be attached to each lot using metes and bounds. For clarity, the intent will be to eliminate all alleyways and create an additional 10 feet of depth on each lot without requiring a replat of the development. The conveyance of this alleyway area would also be offered to owners of “orphan” lots, with the costs of the metes and bounds to be borne by those property owners. Further the City will abandon the right of ways shown in Attachment A and replat these as residential lots.

WHEREAS, the EDC shall obtain the above described lots from the City of Freeport with the limitations that the lots be developed exclusively for a public purpose, specifically residential development with public improvements, that such development be completed within years, and that pursuant to reversion agreement, said property shall automatically revert back to the City of Freeport immediately upon failure to follow the above limitations; and

WHEREAS, the City of Freeport has considered this proposed project in compliance with the Texas Open Meetings requirements, made specific findings that the EDC project regarding said property fulfills a public purpose, passed a resolution, and entered into an agreement with the EDC regarding the project; and

WHEREAS, after review of the current economic conditions in the city of Freeport and review of studies and observations by expert consultants, the EDC recognizes the positive economic impact the project will bring to the city through timely development and diversification of the economy, elimination of unemployment and underemployment through the production of new jobs, the attraction of new businesses, increase of the local population to attract additional retail market, and the additional ad valorem taxes, sales and uses taxes, and utility revenues generated by the project for the city; and

WHEREAS, in accordance with Article III, Section 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code, the EDC may establish and provide for the administration of a program for making loans and grants of public money to promote state or local economic development and to stimulate business and commercial activity in the city; and

WHEREAS, pursuant to the Development Corporation Act, now codified as Chapters 501 and 505, Texas Local Government Code, the City has created the EDC in order to assist with the development of economic development projects; and

WHEREAS, in accordance with Chapter 380 of the Texas Local Government Code and pursuant to the establishment of the EDC, projects have been established by the City of Freeport and the EDC to provide incentives and financial assistance to Developers to encourage and promote the development of properties thereby enhancing and stimulating business and commercial activity, increasing the tax base and increasing employment within the City; and

WHEREAS, the Developer has agreed to construct certain public works and improvements (Infrastructure/Public Improvements herein) including Public Streets, Public Access Easements, Drainage Systems, Water, Wastewater, and Storm Drain Systems, Landscaping, and Other Public Facilities which must be developed to serve the Project (the "Public Improvements") described in Exhibits "B" and that such infrastructure must be completed prior to the construction of any single-family residential home by Developer; and

WHEREAS, the Developer agrees to develop the Public Improvements in accordance with the terms of this Agreement; and

WHEREAS, the Developer agrees to build single-family residential homes on the above-described lots, within the time frame set forth in Exhibit D, and in accordance with the construction guidelines attached as Exhibit C; and

WHEREAS, the EDC has agreed, to deed the above described lots to the Developer in exchange and as consideration for the execution of this agreement and compliance to its terms; and

WHEREAS, the parties acknowledge that upon default or violation of any term of this agreement by Developer, any portion of the property deeded to the Developer under this agreement, that has not been completed in its development under this agreement shall revert back to the EDC without refund of offset; and

NOW, THEREFORE, for and in consideration of the promises and the mutual agreements set forth herein, the Parties hereby agree as follows:

**ARTICLE I
RECITALS**

1.01 Recitals. The recitals set forth above are declared true and correct and are hereby incorporated as part of this Agreement.

**ARTICLE II
REPRESENTATIONS**

2.01 Representations of the EDC. The EDC represents to the Developer that as of the date hereof:

- A. The EDC is duly authorized, created and existing under the Constitution and laws of the State of Texas and is duly qualified and authorized to carry on the governmental functions and operations contemplated by this Agreement.
- B. The EDC has the power, authority and legal right to enter into and perform this Agreement and the execution, delivery and performance hereof (i) have been duly authorized, will not violate any applicable judgment, order, law or regulation, and (ii) do not constitute a default under, or result in the creation of, any lien, charge, encumbrance or security interest upon any assets of the EDC under any agreement or instrument to which the EDC is a party, or by which the EDC may be bound or affected, with the exception of the agreement and limitations regarding the approved use and time limitations with the City of Freeport.
- C. This Agreement has been duly authorized, executed and delivered by the EDC and constitutes a legal, valid and binding obligation of the EDC, enforceable according to its terms except to the extent that (i) the enforceability of such instruments may be limited by bankruptcy, reorganization, moratorium or other similar laws of general application in effect from time to time relating to or affecting the performance of creditors' rights and (ii) certain remedies including specific performance, may be unavailable.
- D. The execution, delivery and performance of this Agreement by the EDC does not require the consent or approval of any person which has not been obtained.

E. The EDC is only authorized to transfer the real property described in this agreement to the Developer under the terms and conditions of this agreement.

2.02 Representations of the Developer. The Developer hereby represents to the City that as of the date hereof:

A. The Developer is duly authorized, created, and existing in good standing under the laws of the State of Texas, and is qualified to do business in the State of Texas.

B. The Developer has the power, authority and legal right to enter into and perform his obligations under this Agreement and the execution, delivery and performance hereof (i) have been duly authorized, will not violate any judgment, order, law or regulation applicable to the Developer, and (ii) do not constitute a default under, or result in the creation of, any lien, charge, encumbrance or security interest upon any assets of the Developer under any agreement or instrument to which the Developer is a party, or by which the Developer may be bound or affected.

C. The Developer has sufficient capital to perform its obligations under this Agreement.

D. The party executing this agreement on behalf of Developer is a duly authorized officer of Developer, as titled in his signature, and has been specifically authorized to execute this agreement by the properly signed Corporate Resolution attached as Exhibit E.

E. This Agreement has been duly authorized, executed and delivered by the Developer and constitutes a legal, valid and binding obligation of the Developer, enforceable according to its terms except to the extent that (i) the enforceability of such instruments may be limited by bankruptcy, reorganization, insolvency moratorium or other similar laws of general application in effect from time to time relating to or affecting the performance of creditors' rights and (ii) certain equitable remedies including specific performance, may be unavailable.

ARTICLE III THE PROJECT

3.01 The Project. The Project shall generally consist of a planned residential subdivision within the Development Area, including, but not limited to, the design and construction of public streets, sidewalks, curbs, underground utilities, drainage, street lighting, traffic control devices, permanent public access easements, including water, wastewater, storm drainage systems, (public or private parks, design and installation of landscaping in accordance with the design standards of the City) and other public facilities that add value and sustainability to the neighborhood surrounding the Project. The Project shall include the development of home sites for the construction of new site built homes that meet all specifications set forth in Exhibit "C". The Project shall also include the construction of at least 87 Homes in the Development Area and at least 5 homes on Seventh Street.

3.02 Public Purpose. The EDC finds that the benefits provided by the project described in Section 3.01 and this section promotes economic development in the city and stimulates business and commercial activity in the municipality.

3.03 Agreed Layout/Design. The parties agree to the layout and design of the project attached to this Agreement as Exhibit A-4. Developer shall not vary from this layout and design without prior written approval through duly enacted resolution of the EDC board.

3.04 Project Costs. All Project costs shall be borne by the Developer, including but not limited to the payment of the costs of design, engineering, materials, labor, construction and inspection, including all payments arising under any contracts entered into pursuant to this Agreement, all costs incurred in connection with obtaining governmental approvals, certificates or permits required as part of any contracts entered into in accordance with this Agreement, all related legal fees and out-of-pocket expenses incurred therewith related to the Project.

3.05 Additional Projects. This Agreement does not apply to any projects not specifically defined herein unless this Agreement is amended to provide for the design and construction of such additional projects.

ARTICLE IV DEVELOPER DUTIES AND RESPONSIBILITIES

4.01 The Project. Develop, design, engineer, and construct the Project.

4.02 Purchase of Lots. Upon execution of this agreement, Developer shall pay the EDC the sum of Forty Three Thousand, Five Hundred and 00/100 Dollars (\$43,500.00) for the purchase of the lots in Exhibit A-1. Developer will purchase Freeport Block 52 lots 3,4,5,6,7, and "East ½" of lot 2 to Waterstone for \$1,000 per lot, for a total consideration of \$5,500. These lots are located on W. Seventh St between Oak and Cherry St. and identified in Exhibit A-2. Further, Developer shall purchase any orphan lots later acquired at the same price paid by the EDC to purchase such lots.

4.03 Proof of Funds. As a material condition of the offer and acceptance of this agreement, after execution of this agreement and before and a condition precedent for delivery of deeds to the above described property, Developer shall provide a pre-approval letter from a NMLS qualified lender, showing approval to lend sufficient funds to complete the Project. Said pre-approval letter shall contain the lender's NMLS number. Sufficiency of funds shall be determined in the sole discretion of the Freeport EDC. Failure to deliver this pre-approval letter within the 15 day time frame will constitute a default of this agreement with all remedies of default for the Freeport EDC contained herein. Further, Developer shall deed the property back to the Freeport EDC within 10 days of their failure to timely deliver the required pre-approval letter.

4.04 Construction of the Project. The Developer shall perform, or cause to be performed, the design, site work and related improvements necessary for the construction of the Project, including the Public Improvements. Public Improvements shall include property improvements

and infrastructure including but not limited to, roads, curbs, sidewalks, drainage, street lights, traffic control devices, utilities including but not limited to water, sewer/wastewater, electricity, public parks, governmental rights-of-way and all other improvements to the property that will be conveyed to the City of Freeport after completion. The site work and construction of the Project and Infrastructure/Public Improvements (1) shall be performed by the Developer as provided herein: (2) shall be performed by the Developer in a good and workmanlike manner in accordance with the provisions of this Agreement and all requirements of law, including all rules, regulations, ordinances, statutes and guidelines promulgated by any applicable governmental or quasi-governmental authorities, agencies or organizations;(3) shall be completed no later than 900 days after the date of the execution of this agreement, and (4) shall conform with the Construction Schedule set forth in Section 4.07 and Exhibit D. The Developer shall provide that all construction work will be performed by Contractors who have provided performance (including Maintenance bonding) and payment bonds for all work pursuant to Chapter 2253 and approved in writing by the EDC President.

The Developer shall acquire and pay for any necessary easements and rights-of-way over property not owned by the Developer. The Developer shall dedicate and convey to the City of Freeport on behalf of the EDC, in a form satisfactory to the EDC, all easements and rights-of-way over property owned or acquired by the Developer and required to construct, install, operate and maintain the public portions of the Project and Public Improvements. All personalty incorporated or to be incorporated into the Public Improvements and all consumables (other than machinery and equipment) purchased in connection with and to be used for the Public Improvements will become property of the City of Freeport upon the acceptance of all or any portion of the Project or Public Improvement by the EDC.

Prior to acceptance of any public portion of the Project, the Developer shall deliver to the EDC a final inspection certificate and one year maintenance bond, approved by the EDC, for the respective part of the Public Improvements being accepted by the EDC, at which time such portions of the Public Improvements shall become property of the City of Freeport free and clear of all liens. Upon the expiration of the maintenance bond, all warranties and other contract rights of the Developer to which such bond pertains concerning the design, acquisition, construction, installation and inspection of the Public Improvements shall transfer and be assigned to the City without further act on the part of the Developer

4.05 Design of the Project and Specifications. All improvements to be constructed as part of the Project shall be designed by a licensed professional engineer retained by the Developer. The Developer's Engineer plans are attached to this Agreement shall be submitted to the City of Freeport and the EDC prior to the **deadline set forth** in Exhibit D. Developer will provide professional engineers plans prior to the start of the public improvements and to be accepted by the EDC. The design of the Project and Public Improvements shall be in accordance with the requirements and direction of the City of Freeport and the EDC. All design and specification for the Project shall comply with the requirements of the City of Freeport and the EDC, including the City of Freeport standards for the construction of similar public facilities under the codes that exist as **of December 1, 2019**. The Developer agrees and warrants that all construction on property identified in Exhibit A1 through A4, will be constructed according to Exhibit "C" (Design Criteria for Homes Built in the Project).

4.06 Plan Approval

Developer will submit the "Builders Plan Book" containing full construction plans for each home configuration to be built on site. City will review and if acceptable approve each individual plan in the "Builder Plan Book" as determined by the City Manager. Builder may submit additional plans to be added to the book provided it plans to build more than 5 homes using the plan.

Thereafter, City agrees to establish an expedited approval process provided builder is using a plan from the "Builder Plan Book" which has been previously approved or mirror thereof. This is intended to reduce staff time and corresponding costs to City and Builder. If Builder uses any plan other than those in "Builder Plan Book" full approval and plan fees shall apply.

4.07 Governmental Regulations and Permits. The Developer will apply for and use its best efforts to obtain, at its own expense, any and all necessary subdivision plats, permits, licenses, variances and approvals that are necessary to construct the Project, including any environmental controls. The Developer will satisfy all permitting requirements, including, but not limited to detention and building permitting requirements.

4.08 Performance and Payment Bond: The Developer shall provide a performance and a payment bond for the completion of the Public Improvements, equal to or greater than the construction bid for the Public Improvements and in a sum of no less than Two Million, Five Hundred Thousand and 00/100 Dollars (\$2,500,000.00) and consistent with the purposes of Article 2253 of the Texas Government Code. The performance bond must be executed by a corporate surety in accordance with Article 2253 of the Texas Government Code and approved by the City Manager and the EDC. The Performance Bond must guarantee construction of the infrastructure should Developer fail to complete the construction milestones set forth in Exhibit D.

4.09 Maintenance Bond

The Developer shall provide a maintenance bond in the amount, equal to or greater than the construction bid for the Public Improvements, and in a sum of no less than Two Million, Five Hundred Thousand and 00/100 Dollars (\$2,500,000.00) and under terms required by the EDC for any public property that is to be conveyed to the City of Freeport.

4.10 Performance and Completion of Construction.

The EDC agrees that the Project may be constructed in phases as may be necessary to provide a marketable project (the "Phases") provided that the Project is constructed with the Construction Schedule. The Developer shall be responsible for the supervision of the Project, but shall advise and consult with the EDC as to all elements of the work and its progress with regard to the public improvements. The EDC shall be given notice of, and may attend any meeting with, the contractor and subcontractors and may visit the Project or Job site to inspect the progress and performance of the public improvements and the materials furnished to determine whether such work is being performed in accordance with the plans and specifications. The Developer shall provide the EDC President or his designee written monthly inspection reports during construction.

The public improvements, shall be deemed to be completed at such time as the Developer delivers to the City final test results and written certification by the Developer's engineers and contractor, that have been approved by the City, that the public improvements have been completed in accordance with the approved plans and specifications for the public improvements except for minor items of cosmetic nature or requiring adjustments commonly referred to as "punch list" items.

With respect to Public Improvements to be conveyed to the City, following the completion of a component of the Public Improvement, the City will undertake an inspection of such component of the Public Improvements, and approval thereof as being in compliance with the approved plans and specification and applicable City standards, the component will be dedicated and conveyed to the City in a form and manner acceptable to the City, together with any and all benefits and rights of the Developer with respect to such component of the Public Improvements. The Developer agrees to include in such conveyance any and all benefits and rights of the Developer with respect to the Project, the Public Improvements and the component, including all warranties, as well as all performance and payment bonds relating thereto and any and all rights of the Developer against all suppliers of materials or services in connection with or arising out of the design, construction, and installation of the Project, Public Improvements or component thereof.

Promptly upon the satisfactory completion of any component of the Public Improvement to be conveyed to the City, the City shall furnish a letter of acceptance certifying its acceptance. Each letter of acceptance shall be in recordable form and shall be a conclusive determination of satisfaction with respect to such portion of the Project, Public Improvement or component thereof. Upon the written request by the Developer for a written request for a letter of acceptance, the City shall have thirty (30) days after receipt thereof to provide a letter of acceptance to provide a letter of acceptance or a written statement indicating in detail why the certificate cannot be issued, and what measures or acts will be necessary, in the reasonable judgment of the City, citing applicable laws, ordinances or other requirements to take or perform to obtain the issuance of letter of acceptance. If the City has not provided the letter of acceptance or written statement within thirty (30) days after receipt of the request, the portion of the Project, Public Improvement or component will be deemed accepted. The Developer agrees to follow the City established procedures and requirements applicable to the acceptance and dedication of facilities by the City.

4.11 Construction Schedule.

Developer agrees to begin and complete the elements of this Project as set forth in Exhibit D – Construction Schedule.

4.11. Schedule of Home Sales

- (A) Developer shall have discretion to build no less than 87 homes on the lots the subject of this agreement. Developer shall not convey title to any lot unless sold together with a completely constructed home on that lot. Developer may combine up to two contiguous lots for construction of a single home.

- (B) Developer shall not convey title on any homes or real property in the Development Area unless and until all infrastructure has been completed and accepted by the EDC and City of Freeport.

4.12 Costs.

(A) The Developer shall pay all Project Costs. The Term "Project Costs" shall mean the sum of all of the costs and expenses paid, whether under or outside the awarded construction contracts, for the performance of the design and construction of the Project. Such costs shall include, but not be limited to (1) construction hard costs for the Project, (the "Construction Costs"), the actual land costs for any component of the Project to be conveyed to the City ("Land Costs"), (3) design, engineering and other professional fees associated with the Project, permitting costs, builder's risk insurance premiums, and any reasonable change orders thereunder ("Design Costs").

(B) The Developer agrees to keep full and detailed records for all materials and labor used in the performance of each Phase of the Public Improvements in accordance with the Developer's standard accounting practices ("Public Improvement Records") The EDC will be provided with access, at all reasonable times after ten (10) days prior written notice, to all of Developer's Public Improvement Records, including any related records, correspondence, drawings, receipts, vouchers, memoranda and other documents relating to the project, contracts and payments. The EDC may copy any and all Public Improvement Records at its sole cost and expense at the location at which the records are then stored. The Developer agrees to provide promptly upon completion of the component of the Public Improvements, a copy of the "as-built" plans and drawings for such component of the Public Improvement in any form the EDC may reasonably request, including an electronic or computer based format.

4.13. Indemnification and Insurance.

(A) Developer shall indemnify, defend and hold the EDC and the City (including the EDC's agents, servants, employees, officers and directors and the City of Freeport) harmless from any and all claims, causes of action, losses, damages, liabilities, fines, costs and expenses, including but not limited to actual and reasonable attorney's fees, reasonable investigative costs, court costs all other defense costs and interest, and all other sums which the EDC may pay and become obligated to pay on account of any claim or assertion of liability arising or alleged to have arisen out of any act or omission of the developer (including developer's agents, employees, officers, directors, contractors, and subcontractors) in connection with the performance of the project, unless such claim or liability arises out of any intentional or negligent act or omission of the EDC or its agents, servants, employees, invites, or contractors. Developer shall require all of its contractors and subcontractors, and their subcontractors, to release and indemnify the EDC and the City of Freeport to the same extent and in substantially the same form as its release and indemnity of the EDC and the City of Freeport as described above.

(B) PROCEDURES.

1. NOTICE OF CLAIM. If the EDC or developer receives notice of any claim or circumstances which could give rise to an indemnified loss, the receiving party shall give notice to the other party within ten (10) days of the receipt of such notice. The notice to be given must include: (1) A description of the indemnification event in reasonable detail; (2) the basis on which indemnification may be due; and (3) the anticipated amount of the indemnified loss. This notice does not prevent the EDC from later asserting a different basis for indemnification or a different amount of indemnified loss than that indicated in the initial notice. If the EDC does not provide this notice within the then (10) day, the EDC does not waive any right to indemnification except to the extent that Developer is prejudiced, suffers loss, or incurs expense because of the delay. If the Developer does not provide this notice within the ten (10) day period, the Developer shall have no liability for the delay except to the extent that the EDC suffers loss or incurs expense because of the delay.

2. DEFENSE OF CLAIM.

a. ASSUMPTION OF DEFENSE. The Developer may assume the defense of the claim at its own expense with counsel chosen by it, which are reasonably satisfactory to the EDC. If the Developer assumes the defense of the claim, the Developer then shall control the defense and any negotiations to settle the claim. The Developer shall notify the EDC of any and all offers to settle the claim. Within ten (10) days after receiving written notice of the indemnification request, the Developer must advise the EDC as to whether or not it will defend the claim. If the Developer does not assume the defense, the EDC shall assume and control the defense, and all defense expenses constitute an indemnification loss.

b. CONTINUED PARTICIPATION. If the Developer elects to defend the claim, the EDC may retain separate counsel to participate in, (but not control), the defense and participate in any (but not control) any settlement negotiations. The Developer may settle the claim without the consent or agreement of the EDC, but unless it (1) would result in injunctive relief or other equitable remedies or otherwise require the EDC to comply with restrictions or limitations that would adversely affect the EDC, (2) would require the EDC to pay amounts that the Developer does not fund in full, or (3) would not result in the full and final release of the EDC from all liability to the plaintiffs or claimants who are parties to or otherwise bound by the settlement.

(C) The Developer and each contractor and subcontractor which performs any portion of the Project to be conveyed to the City shall at its own expense, maintain or cause to be maintained a comprehensive public liability policy or policies or cause to be maintained in force a general comprehensive public liability policy or policies of insurance written or more responsible insurance carriers licensed to do business in the State of Texas. Such policy shall insure against liability for injury to and/or death of any person and/or damage to property of any person or entity in connection with the performance of the Project, with single limit liability coverage of not less than one million dollars (\$1,000,000) for each occurrence (plus an aggregate of two million dollars (\$2,000,000)). Such policy or policies shall provide, among other things, that the insurer specifically recognize and insure the obligation undertaken by the Developer or such contractor or subcontractor pursuant to this Agreement, or the applicable construction contract

and shall name the EDC and the City of Freeport as additional insureds. Each policy must contain an endorsement to the effect that the insured waives any claim or right of subrogation to recover against the EDC, its officers, agents, or employees or the City of Freeport. The Developer and each contractor and subcontractor shall deliver to the EDC a certificate of insurance evidencing the existence in force and effect of such policy or policies of insurance. Such certificate and each policy or policies will provide that such insurance will not be cancelled or materially amended unless thirty (30) days prior written notice of such cancellation or amendment is given to the EDC.

4.14 Performance Criteria.

The transfer of the real property in this Agreement to the Developer is conditioned upon and subject to the Developer complying with the following Performance Criteria (the "Performance Criteria"):

- (A) The Developer shall comply with the Construction Schedule.
- (B) The Developer will use its best efforts to "Buy Local" with sourcing of goods and services procured through vendors and service providers with offices within the City of Freeport wherever possible.
- (C) The Developer will use its best efforts in the employment of the construction jobs to be provided by contractors and employees who are residents of the City of Freeport.
- (D) The Developer shall design and build the Project in accordance with the design and development standards and according to Exhibit "C" (Home Construction Specifications).
- (F) No later than December, 31st of each year that this Agreement is in effect, the Developer's chief executive officer shall certify to the EDC in a sworn statement that the Developer has been in compliance in the prior year with all terms and provisions of this Agreement, including the Performance Criteria.

ARTICLE V. DEVELOPMENT AID AND INCENTIVES

5.01 Regulations City will aid in coordinating with other regulatory agencies and utility providers.

5.02 Fees City will waive development/impact fees, and home permit fees.

5.03 Property Tax Payments. City will retain 25% of the increased assessed Property taxes on each home for a period of 20 years and 100% thereafter, with the beginning date of the 20 year period to commence one year after the completion of the first home of the development, and cease at 20 years after this period. This 20 year property tax rebate will not be calculated as a separate 20 year period for each completed home.

5.04 Public Improvement District. Approval of 20-year PID (costs to establish paid by Developer) totaling \$10,000 per original 25X125ft lot. Developer reserves the right to pay down a portion of the PID assessment on all lots prior to actual sale of homes.

ARTICLE VI. MISCELLANEOUS PROVISIONS

6.01 Default; Remedies. Any party to this Agreement that believes that the other party this Agreement has defaulted in the performance of any condition, term, or obligation owed to that party under this Agreement shall within ten (10) business days after discovery of said default, give written notice of the default to the defaulting party, specifying in detail the provision or provisions of this Agreement that have allegedly been breached and what specific action must be taken to cure or correct the default. Should the party receiving the notice fail to commence to cure the default within ninety (90) days or such longer period as may be allowed by the non-breaching party, the non-breaching party may suspend this Agreement until such default is cured.

Upon default of this Agreement by Developer, all portions of the real property that have not been completely and finally constructed according to the construction standards and construction schedule in this Agreement, **shall immediately revert back to the ownership of the EDC. Such reversion shall be automatic, and without any set off, credit, or payment of any kind by the EDC. Developer shall be required to execute all documents necessary to transfer ownership back to the EDC in the form required by the EDC. Developer agrees that the EDC shall have the legal remedy of injunctive relief, specific performance, and/or a Brazoria County, Texas court of competent may take any action to complete the transfer of ownership to the EDC.**

Failure to complete construction and acceptance of all infrastructure as set forth in this Agreement shall constitute a default. Upon this specific default, all real property together with all improvements **shall immediately revert back to the ownership of the EDC. Such reversion shall be automatic, and without any set off, credit, or payment of any kind by the EDC. Developer shall be required to execute all documents necessary to transfer ownership back to the EDC in the form required by the EDC. Developer agrees that the EDC s hall have the legal remedy of injunctive relief, specific performance, and/or a Brazoria County, Texas court of competent may take any action to complete the transfer of ownership to the EDC.**

6.02 Indemnification and Insurance. The Developer shall indemnify, defend and hold the EDC (including the EDC and City of Freeport's agents, servants, employees, officers, and directors) harmless from any and all claims, causes of action, losses, damages, liabilities, fines, costs, and expenses, including but not limited to actual and reasonable attorney's fees, reasonable investigative costs, court costs, all defense costs and interest, and all other sums which the EDC may be required to pay and become obligated to pay on account of any claim or assertion of liability arising or alleged to have arisen out of any act or omission of the Developer (including Developer's agents, employees, officers, directors, contractors, and subcontractors) in connection with the performance of the project, unless such claim or liability arises out of any intentional or

negligent act or omission of the EDC or the City of Freeport, or its agents, servants, employees, invitees, or contractors. The Developer shall require that all of its contractors and subcontractors (and their subcontractors) to release and indemnify the EDC and City of Freeport to the same extent and in substantially the same form as its release and indemnity of the EDC and the City of Freeport.

6.03 Separate Status. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the Parties in their respective businesses or otherwise, nor shall it cause them to be considered joint ventures or members of any joint enterprise, with the exception that the EDC and the City of Freeport have common interests in this Project. The parties acknowledge that Developer has duties to the City of Freeport, as set forth in this agreement, whether the agreement is executed by the City of Freeport or not. Developer agrees that such duties to the City of Freeport are supported by consideration under the terms of this Agreement.

6.04 Construction and Interpretation.

A. Whenever required by the context of this Agreement, (i) the singular shall include the plural, and vice versa, and the masculine shall include the feminine and neutral genders, and vice versa, and (ii) use of the words “including,” “such as,” or words of similar import, when following any general term, statement or matter, shall not be construed to limit such statement, term or matter to specific terms, whether or not language of non-limitation, such as “without limitation,” or “but not limited to,” are used with reference thereto, but rather shall be deemed to refer to all other items or matters that could reasonably fall within the broadest scope of such statement, term or matter.

B. The captions preceding the text of each article and section of this Agreement are included only for convenience of reference. Captions shall be disregarded in the construction and interpretation of this Agreement. Capitalized and Bold terms are also selected only for convenience of reference and do not necessarily have any connection to the meaning that might otherwise be attached to such term in a context outside of this Agreement.

C. This Agreement may be executed in several counterparts; each of which shall be deemed an original. The signatures to this Agreement may be executed and notarized on separate pages, and when attached to this Agreement shall constitute one (1) complete document.

6.05 Assignability. The Developer may not assign or transfer its rights (including the rights to receive interest payment reimbursements as described in this agreement), duties and obligations under this Agreement to any person or entity. Further, Developer may not sell, transfer, alienate or encumber any of the property transferred to Developer in this agreement, without prior approval of the EDC, such approval not unreasonably withheld.

6.06 Severability. If any provision hereof shall be finally declared void or illegal by any court or administrative agency having jurisdiction, the entire Agreement shall not be void; but the remaining provisions shall continue in effect as nearly as possible in accordance with the original intent of the parties.

6.07 Complete Agreement. This Agreement represents the complete agreement of the parties with respect to the subject matter hereof and supersedes all prior written and oral matters related to this Agreement. Any amendment to this Agreement must be in writing and signed by all parties hereto or permitted or approved assignees. This Agreement may be executed in multiple counterparts.

6.08 Exhibits. All exhibits attached to this Agreement are incorporated herein by reference and expressly made part of this Agreement as if copied verbatim.

6.09 Notice. Any notice or demand, which any party is required to or may desire to serve upon the other, must be in writing, and shall be sufficiently served if (i) personally delivered, (ii) sent by facsimile, (iii) sent by registered or certified mail, postage prepaid, or (iv) sent by commercial overnight carrier, and addressed to:

If to the City or the EDC:

City of Freeport
Attn: City Manager
200 W. Second St.
Freeport, Texas 77541

With Copy to:

City of Freeport, City Attorney

If to the Developer:

Waterstone Development Group LLC
185 Cedar Point Dr.
Livingston, Texas 77351

or such other address or addresses which any party may be notified in writing by any other party to this Agreement.

Such notice shall be deemed to have been served (a) four (4) business days after the date such notice is deposited and stamped by the U.S. Postal Service, except when lost, destroyed, improperly addressed or delayed by the U.S. Postal Service, or (b) upon receipt in the event of personal service, or (c) the first business day after the date of deposit with an overnight courier, except when lost, destroyed or improperly addressed, or (d) the date of receipt by facsimile (as reflected by electronic confirmation); provided, however, that should such notice pertain to the change of address to either of the Parties hereto, such notice shall be deemed to have been served upon receipt thereof by the party to whom such notice is given.

6.10 Force Majeure. In the event any party is rendered unable, wholly or in part, by force majeure to carry out any of its obligations under this Agreement, it is agreed that on such party's giving notice and full particulars of such force majeure in writing to the other party as soon as possible after the occurrence of the cause relied upon, then the obligations of the party giving such notice, to the extent it is affected by force majeure and to the extent that due diligence is being used to resume performance at the earliest practicable time, shall be suspended during the

continuance of any inability but for no longer period. Such cause shall as far as possible be remedied with all reasonable dispatch. The term "force majeure" as used herein, shall include, but not be limited to, acts of God, strikes, lockouts or other industrial disturbances, acts of the public enemy, war, blockades, insurrections, riots, epidemics, landslides, lightening, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrests and restraints of governments and people, explosions, breakage or damage to machines or pipelines and any other incapacities of either party, whether similar to those enumerated or otherwise and not within the control of the parties claiming such inability, which by the exercise of due diligence and care such party could not have avoided.

6.11 Forum Selection. This Agreement and the relationship between the Parties shall be governed and interpreted under the laws of Texas without regard to any conflict of laws provision. Venue for any suit arising out of any relationship between the Parties shall exclusively be the appropriate court in Brazoria County, Texas. Developer specifically consents to and waives any objections to, personal jurisdiction in Brazoria County, Texas.

6.12 Appointment of Representatives. To further the commitment of the Parties to cooperate in the implementation of this Agreement, the Parties shall designate and appoint a representative to act as a liaison between the Parties. The initial representative for the the EDC shall be the City Manager or his designee (the "EDC Representative"), and the initial representative for Developer shall be Ken Schott (the "Developer Representative"). The representatives shall be available at all reasonable times and places to discuss and review the performance of the Parties to this Agreement and the development of the Property pursuant to the Conceptual Site Plan. Provided, however, any agreement made by the representatives of the parties must be approved by the parties.

6.13 Effective Date. This Agreement shall be binding and take effect only upon all Parties signatures hereto, attachment of all required exhibits, and receipt by the Parties of a fully executed copy hereof. For the purposes of timetables provided in this Agreement, the Effective Date shall be the date first above written.

6.14 Preamble. The findings of fact, recitations and provisions set forth in the preamble to this Agreement are true and are adopted and made a part of the body of this Agreement, binding the Parties hereto, as if the same were fully set forth herein.

6.15 Signature Warranty Clause. The signatories to this Agreement represent and warrant that they have the authority to execute this Agreement on behalf of the Parties, respectively.

6.16 Legal Contest. This Agreement is entered into in accordance with applicable law as understood by the Parties. In the event any part, provision or paragraph thereof shall become unenforceable by reason of judicial decree or determination the parties hereto mutually agree to the extent possible to ensure that all other provisions of the agreement including the intent of the Agreement be honored and performed.

6.17 Economic Incentives Constitute a Program. This Agreement constitutes an economic development program to promote state or local economic development and to stimulate business

and commercial activity in the City and the area annexed for limited purposes pursuant to Article III, Sec. 52-a, Texas Constitution and Chapter 380, Texas Local Government Code.

6.18 Term. This Agreement will begin upon execution by both parties and continue as set forth herein.

CITY OF FREEPORT, TEXAS

Brooks Bass, Mayor
City of Freeport, Texas

ECONOMIC DEVELOPMENT CORPORATION:

By: _____
Trey Sullivan, President
Freeport Economic Development Corporation
Waterstone Development Group, LLC - DEVELOPER:

By: _____

**EXHIBIT A-1
LOTS FOR 87 HOMES**

(Freeport) BLK 730, Lot 8 Velasco
(Freeport) BLK 730, Lot 9 Velasco
(Freeport) BLK 730, Lot 10 Velasco
(Freeport) BLK 730, Lot 11 Velasco
(Freeport) BLK 730, Lot 12 Velasco
(Freeport) BLK 742, Lot 23 Velasco
(Freeport) BLK 742, Lot 22 Velasco
(Freeport) BLK 742, Lot 21 Velasco
(Freeport) BLK 742, Lot 20 Velasco
(Freeport) BLK 742, Lot 19 Velasco
(Freeport) BLK 742, Lot 18 Velasco
(Freeport) BLK 742, Lot 17 Velasco
(Freeport) BLK 742, Lot 15 Velasco
(Freeport) BLK 742, Lot 14 Velasco
(Freeport) BLK 742, Lot 13 Velasco
(Freeport) BLK 731, Lot 24 Velasco
(Freeport) BLK 731, Lot 23 Velasco
(Freeport) BLK 731, Lot 22 Velasco
(Freeport) BLK 731, Lot 21 Velasco
(Freeport) BLK 731, Lot 20 Velasco
(Freeport) BLK 731, Lot 19 Velasco
(Freeport) BLK 731, Lot 18 Velasco
(Freeport) BLK 731, Lot 17 Velasco
(Freeport) BLK 731, Lot 16 Velasco
(Freeport) BLK 731, Lot 15 Velasco
(Freeport) BLK 731, Lot 14 Velasco
(Freeport) BLK 731, Lot 13 Velasco
(Freeport) BLK 731, Lot 1 Velasco
(Freeport) BLK 731, Lot 2 Velasco
(Freeport) BLK 731, Lot 3 Velasco
(Freeport) BLK 731, Lot 4 Velasco
(Freeport) BLK 731, Lot 5 Velasco
(Freeport) BLK 731, Lot 7 Velasco
(Freeport) BLK 731, Lot 8 Velasco
(Freeport) BLK 731, Lot 9 Velasco
(Freeport) BLK 731, Lot 10 Velasco
(Freeport) BLK 731, Lot 11 Velasco
(Freeport) BLK 731, Lot 12

EXHIBIT A-2
ORPHAN LOTS

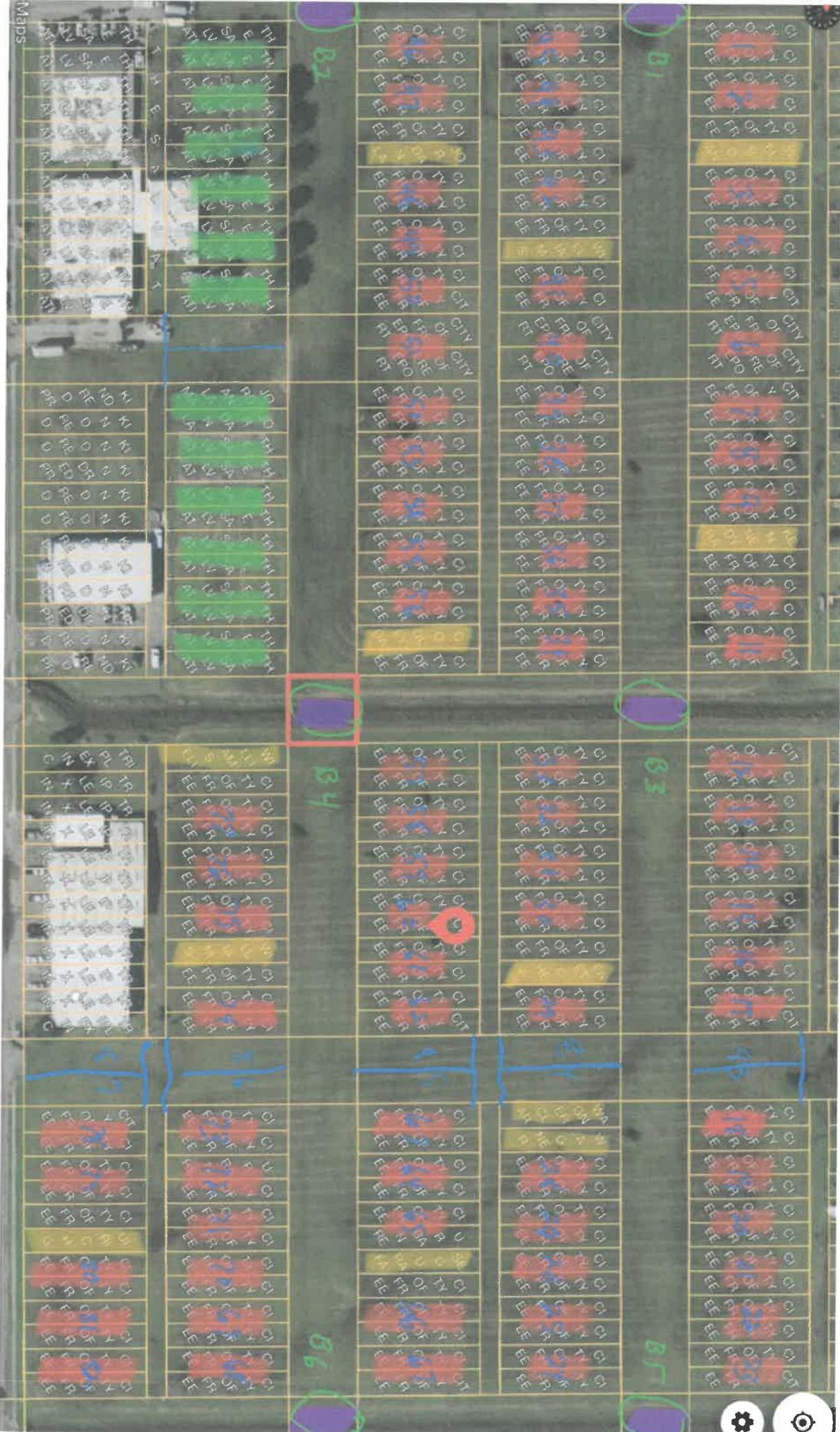
Velasco (Freeport) BLK 774, Lot 6
Velasco (Freeport) BLK 759, Lot 7
Velasco (Freeport) BLK 773, Lot 15
Velasco (Freeport) BLK 743, Lot 15
Velasco (Freeport) BLK 730, Lot 24
Velasco (Freeport) BLK 730, Lot 23
Velasco (Freeport) BLK 773, Lot 6
Velasco (Freeport) BLK 760, Lot 11
Velasco (Freeport) BLK 730, Lot 7
Velasco (Freeport) BLK 742, Lot 24
Velasco (Freeport) BLK 742, Lot 16
Velasco (Freeport) BLK 731, Lot 6

EXHIBIT A-3
SEVENTH STREET LOTS

Velasco (Freeport) BLK 52, Lot 3
Velasco (Freeport) BLK 52, Lot 4
Velasco (Freeport) BLK 52, Lot 5
Velasco (Freeport) BLK 52, Lot 6
Velasco (Freeport) BLK 52, Lot 7
Velasco (Freeport) BLK 52, Lot "East ½" of lot 2



Road Names will be extensions of the existing streets per the existing city plan. All road extensions will include full sewer, water, electricity, phone, and gas if available. The streets, sidewalks, curbs, stormwater without detention will be built to effective Freeport Development Code in place December 1, 2019. Road extension of N Avenue L from Varner Street to extension west of Skinner St is 1523 feet. Road extension of N Avenue K from Varner Street to Skinner St is 1861 feet.



Owner
Address

Parcel ID
 100000000000000000

Red highlight indicates development lots currently owned by City that are subject to this transfer upon which homes will be built on.
 Yellow highlight lots are owned by others "orphans" which may or not ever be acquired by the City of Freeport.
 Green highlight lots are owned by Salvation Army or Jordan Family and are not part of this purchase agreement but will be subject to PID.
 ROW are shown as open cleared areas running left to right on drawing. Utilities will be located to serve each lot in the format designated by city code or utility providers.
 The bridge structures required for road crossings are shown in 6 locations by a purple slash with a green circle.
 The lots that will be created during platting are shown as blue boxes.

Parcel ID
 100000000000000000

Freight Reserve	2/7/2020
Total Units	87
Length of Street	3407
Number of Intersections	4
Number of Cul-de-Sacs	0

Legend	
	User Input Lines
	Calculated Cells
	Optional Items (Remove 0 in front of formula to include)

Infrastructure Budget

Description	Unit	Unit Price	Subtotal	Total		Manhand pit	Materials only	Std Price
				Variables				
EXTERNAL OVERHEAD								
Mobilization/ General Conditions	LS	\$20,000	\$80,000					\$20,000
Bonds Letter of Credit to County	%	\$50,000	\$0					
Insurance	per 1 M	\$7,500	\$22,500					\$7,500
Subtotal					\$102,500			
SURVEY								
Construction Staking	Lot	\$250	\$21,750					\$250
Elevation Surveys		\$12,500	\$12,500					\$4,200
Subdivision Platting		\$32,000	\$0					\$32,000
Market Study		\$15,000	\$0					\$15,000
Environmental Phase 1		\$4,800	\$4,800					\$4,500
Soils Testing		\$5,500	\$5,500					\$5,500
Options		\$5,000	\$0					\$5,000
Subtotal					\$44,550			
EROSION CONTROL								
Construction Entrance	EA	4,800.00	\$4,800					\$4,800
Clear & Grub	AC	4,500.00	\$0		2500-6000			\$4,500
Erosion Control Measures (Silt Fence etc....)	AC	400.00	\$6,800					\$400
Erosion Control Basins	EA	10,000.00	\$0		10-15K			\$10,000
Temporary Erosion Control Seeding	AC	850.00	\$14,450					\$850
Subtotal					\$26,050			
GRADING								
Strip Topsoil - Waste Onsite	CY	3.75	\$58,414					\$1.25
Swap/ Borrow Topsoil Onsite	CY	2.00	\$31,154					\$2.75
Cut/ Fill Excavation	CY	5.75	\$68,218					\$3.75
Retaining Wall	SF	37.00	\$0					\$37.00
Remove Temporary Sediment Basins	EA	3,000.00	\$0					\$3,000.00

Description	Unit	Unit Price	Subtotal	Total Variables	Manhand pft	Materials only	Std Price
FINEGRADING							
Subtotal				\$157,786			
Fine Grading (pads COS)	LOT	450.00	\$39,150	Pricing Type 0 for None 1,2,3	Asphalt 22		C&G 28
Fine Grade ROW after dry utilities	LF	2.50	\$8,518		\$3		350.00
Fine Grade/ Backfill Curb & Gutter	LF	0.00	\$0		\$0		2.50
Subtotal				\$47,668			
SANITARY SEWER							
Subtotal				\$16,800	Pricing Type 0 for None 1,2,3	Recent	Parts
Tie to Existing Manhole	EA	4,200.00	\$16,800		4,200.00	4,200.00	4,200.00
8" PVC Sanitary Sewer (Depth 6'-18')	LF	26.00	\$75,295		26.00	4.67	41.00
8" DIP Sanitary Sewer	LF	35.00	\$29,811		35.00	11.00	48.00
8" C900 Sanitary Sewer (Depth 6'-18')	LF	26.00	\$52,000		26.00	7.75	36.00
10" PVC Sanitary Sewer (Depth 6'-18')	LF	38.00	\$38,000		38.00	5.95	55.00
4" PVC Sanitary Sewer Lateral w/ CO	LOT	375.00	\$32,625		375.00	3.25	650.00
Jack & Bore	LF	82.00	\$0		82.00	0.00	285.00
Sanitary Sewer Manhole	EA	2,500.00	\$45,000		2,500.00	2,500.00	3,000.00
4" PVC Force Main line w/fittings	LF	25.00	\$0		25.00	1.82	35.00
6" PVC Force Main line w/fittings	LF	28.00	\$0		28.00	2.50	40.00
8" PVC Force Main line w/fittings	LF	32.00	\$0		32.00	3.50	45.00
Pump Station	LS	32,000.00	\$0		32,000.00	30,000.00	35,000.00
Trenchless Construction SAN (additional cost)	LF	2.00	\$0		2.00	82.00	135.00
Trenchless Construction SA (Steel Casing)	LF	122.00	\$0		122.00	122.00	240.00
Move in, Startup, and Bonds (5%)	LS	0.00	\$0.00				%
As Built Topo (1%)	LS	0.00	\$0.00				%
Construction Materials Testing (3%)	LS	0.00	\$0.00				%
SWPPP (3%)	LS	0.00	\$0.00				%
Domestic Sewer Service	EA	1,100.00	\$0		1,100.00	1,100.00	1,100.00
Pressure Test	LF	0.00	\$0			1.00	1.00
Subtotal				\$289,531			
STORM DRAINAGE							
Subtotal				3	Pricing Type 0 for None 1,2,3	Recent	Parts
15" RCP Class III	LF	33.00	\$75,329		33.00		33.00
18" RCP Class III	LF	39.00	\$37,204		39.00		39.00
24" RCP Class III	LF	54.00	\$45,995		54.00		54.00
30" RCP Class III	LF	60.00	\$34,751		60.00		60.00
36" RCP Class III	LF	72.00	\$26,983		72.00		72.00

Description	Unit	Unit Price	Subtotal	Total	Variables	Manhard pit	Materials only	Std Price
8" C900 Water Main	LF	19.00	\$0			19.00	7.75	19.00
8" DIP Water Main	LF	42.00	\$28,619			36.00	20.00	42.00
12" C900 Water Main	LF	36.00	\$0			30.00	11.25	36.00
Blow off and Box 2"	EA	650.00	\$2,600				85.00	650.00
Plug and Clamp 4"	EA	160.00	\$0				20.00	160.00
Plug and Clamp 6"	EA	0.00	\$0					
Plug and Clamp 8"	EA	400.00	\$0				75.00	400.00
Plug and Clamp 10"	EA	410.00	\$0				75.00	410.00
Plug and Clamp 12"	EA	420.00	\$0				75.00	420.00
Trenchless Construction WTR additional cost	LF	82.00	\$0				75.00	82.00
Trenchless Construction WTR Steel Casing	LF	122.00	\$0				90.00	122.00
Flushing Valve	EA	3,600.00	\$7,200			350.00	150.00	3,600.00
Fire Hydrant Assembly	EA	4,450.00	\$30,322			4,500.00	4,500.00	4,450.00
Move in, Startup, and Bonds (5%)	LS	9,952.94	\$0.00					%
As Built Topo (1%)	LS	1,990.59	\$0.00					%
Construction Materials Testing (3%)	LS	5,971.77	\$0.00					%
SWPPP (3%)	LS	5,971.77	\$0.00					%
Domestic Water Service	EA	1,000.00	\$50,000			1,000.00	1,000.00	1,000.00
Pressure Test & Chlorinate	LF	1.00	\$3,577			1.00	0.00	1.00
Subtotal				\$260,436				
STREET								
Roadway Excavation & Spread and Compact Onsite	CV	3.25	\$12,477			3.75	3.25	3.25
Subgrade Preparation	SY	10,596	\$21,192			2.00	2.00	2.00
Lime for Subgrade 20#/SY	TON	\$55	\$0			180.00	180.00	0.00
Fly Ash for Sub grade 40 #/SY	TON	\$110	\$0			80.00	80.00	0.00
Reinforced Concrete Pavement	SY	10,596	\$445,022			0.00	0.00	42.00
Curb & Gutter	LF	9,576	\$129,276			0.00	13.50	13.50
Asphalt Paving (8" ABC+1.5" S9.5)	SY	8,313	\$0			20.25	20.25	0.00
Asphalt Paving (1.5" Final Surface)	SY	8,313	\$0			8.00	8.00	0.00
8" Compacted Base	SY	9,085	\$0			12.00	12.00	0.00
Asphalt Transitions	EA	110.00	\$0			110.00	110.00	110.00
Asphalt Trail	SY	0	\$0			11.00	11.00	11.00
Handicap Rammps Type 7 ADA	EA	650.00	\$10,400			650.00	650.00	650.00
Handicap Rammps Type 12 ADA	EA	1,100.00	\$0			1,100.00	1,100.00	1,100.00

Description	Unit	Unit Price	Subtotal	Total	Variables	Manhard pif	Materials only	Std Price
Sign Stree with Stop	EA	410.00	\$3,280			410.00	410.00	410.00
Street Signs	EA	400.00	\$3,200			400.00	400.00	400.00
Type III Barricade	EA	1,200.00	\$0			1,200.00	1,200.00	1,200.00
Traffic Control Plan	EA	3,200.00	\$3,200			3,200.00	3,200.00	3,200.00
Move in, Startup, and Bonds (5%)	LS	31,402.32	\$31,402			%	%	%
As Built Topo (13%)	LS	6,280.46	\$6,280			%	%	%
Construction Materials Testing (3%)	LS	18,841.39	\$18,841			%	%	%
SWPPP (3%)	LS	18,841.39	\$18,841			%	%	%
Subtotal				\$703,412				
MISC STREET								Standard
5' Sidewalk	LF	20.00	\$0					\$20
Street Trees	EA	225.00	\$0					\$225
Conc D/W	SY	2.00	\$0					\$2
Subtotal				\$0				
Electrical Grid								
Mobilization	EA	10,000.00	\$10,000		Pricing Type 0 for None 1,2,3	Sheco	Direct	Entervy
Main Transformer	EA	12,500.00	\$12,500			0	0	10,000.00
Individual Transformers	EA	3,500.00	\$154,000			0	0	12,500.00
Surcharge	EA	0.00	\$0			3500	900	3,500.00
Rebate at 24	EA	0.00	\$0			0	0	0.00
Sub Total				\$176,500				
STREAM CROSSINGS								
Wetland/Stream Impact Mitigation Fee	LF	0	\$0		Pricing Type 0 for None 1,2,3			\$550
Onsite Mitigation in lieu of fee	LS	0	\$0					\$0
Pipe Stream Crossing (Turnkey inc walls)	EA	75,000	\$450,000				\$75,000	\$150,000
Bottomless Culvert (Turnkey inc walls)	EA	0	\$0					\$450,000
Bridge Construction	SF	0	\$0					\$225
Subtotal				\$450,000				
OFFSITE ROAD IMPROVEMENTS								
Build new 3 lane DOT Road	LF	450.00	\$0		Pricing Type 0 for None 1,2,3			450
Stop Light	EA	187,000.00	\$0					187,000
Cross Walk	EA	2,500.00	\$0					2,500

Description	Unit	Unit Price	Subtotal	Total Variables	Manhard pif	Materials only	Std Price
Public Road Signage Turn lanes (Turnkey)	EA	275.00	\$0				275
	EA	250,000.00	\$0				250,000
Subtotal							
SUBDIVISION ENTRY							
Entry Gate House	EA	175,000.00	\$0				175,000
Entry Gate System	EA	75,000.00	\$0				75,000
Entry Storage	EA	5,000.00	\$0				5,000
Subtotal							
OFFSITE WATER							
8" Water Main with Fittings	LF	450.00	\$0			Parts	Standard
12" Water Main with Fittings	LF	30.00	\$0		19	7.75	70
Trenchless Construction WTR additional cost	LF	82.00	\$0		30	18.00	90
Trenchless Construction WTR Steel Casing	LF	122.00	\$0		82	82.00	82
Subtotal					122	122.00	122
OFFSITE SEWER							
4" Force Main Sewer	LF	3.82	\$0			Parts	Standard
8" Gravity Sewer with Manholes/clearing/grading	LF	0.00	\$0		22	3.82	41
12" Gravity Sewer with Manholes/clearing/grading	LF	0.00	\$0		26		150
Trenchless Construction SWR additional cost	LF	85.00	\$0		35		250
Trenchless Construction SWR Steel Casing	LF	122.00	\$0		85	85.00	85
Open cut roadway for tie-in	SY	118.00	\$0		122	122.00	122
Traffic Control for roadway open cut	LS	0.00	\$0		118	118.00	118
Subtotal					2,500	0.00	4,500

Total without contingency	\$2,596,155
Contingency Percentage	10%
Engineering, Field Inspections and Testing	\$259,616
Contingency	6%
Engineering, Field Inspections and Testing	\$155,769
Total	\$3,011,540

Description	Unit	Unit Price	Subtotal	Total	Variables	Manhand pit	Materials only	Std Price
			Cost per Lot	\$34,615.40				
			Cost per LF of Street	\$883.93				
			Cost per LF of Lot	\$692.31				

EXHIBIT B-1
PUBLIC INFRASTRUCTURE

EXHIBIT C
REALTY WORLD AGREEMENT

HOME CONSTRUCTION SPECIFICATIONS

I. COMTEMPORARY COASTAL AND TRADITIONAL ELEVATIONS

II. EXTERIOR FEATURES FLOORING FEATURES

Beautifully designed elevations with 6:12 roof pitches Choice of ceramic tile at entry
Stone, Stucco, Brick on front elevation per plan Carpet in bedrooms and upstairs over 3/8" pad
30 year architectural shingles 3/8" x 5" x 5ft paneled wood floor in entry, living room, kitchen,
and powder room

Energy Efficient Vinyl Windows with double pane glass

Hardie fiber cement siding, fascia, soffit, & trim

Solid Wood entry door

Steel garage door with two garage door openers

3 X 3 broom finished concrete pad at rear entry

16 foot driveway with 3 foot privacy walk to entry

Decorative black address numbers

III. ENERGY EFFICIENCY FEATURES

16 SEER HVAC system with environmentally friendly 410
refrigerant, fresh air intake and media filters

Gas-fired water heater – 40 gallons

Ridge vent, soffit vent and attic ventilation per plan

Poly seal on all base plate and wood penetrations to exterior

Dual-pane LowE366 windows

IV. INTERIOR FEATURES

Electric washer/dryer connections

9' ceiling heights in all living areas

Rounded sheetrock corners throughout

Raised panel interior doors with decorative casing

Hardware choice

Monterey texture at ceilings and walls

Choice of one color interior paint

Decorative wood base throughout home

Ceiling fan with light kit in living room

V. ENGINEERING AND SAFETY FEATURES

Professionally engineered and designed post-tension foundations
Engineered framing designs
Smoke detectors in bedrooms and halls with battery back-up
CPVC water distribution system with main water shut-off access
Copper wiring with protective housing on exterior GFCI outlets
Phone jack in kitchen and all bedrooms
Cable TV pre-wired in family, master and other bedrooms
Lighted front entry doorbell

VI. KITCHEN FEATURES

Fluorescent lighting in utility room
30 inch upper cabinets
GE slide in gas range, dishwasher
External venting microwave
Fluorescent lighting
Granite kitchen countertops with ceramic tile backsplash
Stainless steel dual bowl sink
Chrome double lever kitchen faucet
Garbage disposal under kitchen sink

VI. LANDSCAPING PACKAGE

Two 5-gallon shrubs in front yard
One 4-inch caliper pine tree
6-foot privacy fence with bottom 12" rot board
Fully sodded front yard
Rain gutter with down spouts
Two exterior hose bibs with anti-siphoning device

VII. LUXURIOUS BATHS

Elongated water saver commodes

White bath cabinetry

Granite countertops with dual vanities per plan

Fiberglass tub in master bath

Master bath tub walls with ceramic tile

Over hardie - backer and window

Secondary bath tub/shower with ceramic tile over hardie - backer

Chrome bath faucets and tissue holders

Granite top cabinet and decorative mirror in powder room

Shower option available

VIII. CUSTOMER SERVICE FEATURES

Two-year warranty for materials and workmanship (see warranty)

Ten-year foundation warranty (see warranty)

Pre-move in orientation meeting with construction superintendent

EXHIBIT C
WATERSTONE AGREEMENT

HOME CONSTRUCTION SPECIFICATIONS

- Lots:** Each building site would combine 2 current lots to create 50 ft wide lots with depth as currently platted. Setbacks of 5 foot on each side, 25 feet front, and 10 feet rear. Driveways shall be the same width as the home's 2 car garage door and provide sufficient off street parking for 2 cars in the driveways. The HOA deeds and restrictions will prohibit any parking in the yards or commercial vehicles on the property. Deeds and restrictions will also limit short term and visitor/guest parking along the street. Deeds and restrictions will be written to provide the City with the right, but not the obligation to enforce them. . Corner lots shall have a 25 foot setback on both street fronts and provide for an unobstructed view for oncoming traffic.
- Tax Value:** Homes will average a minimum \$185,000 tax appraised value. (based upon what the market will bear).
- Style:** Homes shall offer a variety of street elevations using either a cottage style with Hardi plank or a variation utilizing Brick, Faux stone and Hardi in 1 and 2 story layouts each providing 2 car garages and sufficient off street parking for 2 cars in the driveways.
- Landscaping:** Each home shall be delivered with one 2-inch caliper tree and 4 shrubs in front of home. Front yard shall be fully sodded, and back yard shall be seeded or sodded.
- Design:** Each home shall have at least 3 bedrooms and will be fully engineered and inspected, offering Low E Glass, Granite Countertops, HVAC, new Stainless steel or comparable appliances. Deed restricted requiring a 6-foot privacy fence.

EXHIBIT D
WATERSTONE DEVELOPMENT AGREEMENT
CONSTRUCTION SCHEDULE

INFRASTRUCTURE IMPROVEMENTS/PUBLIC IMPROVEMENTS

All infrastructure/public improvements shall be completed by Developer within 900 days of the execution of this agreement.

Milestone Description	Assigned To	Progress	Start	No. Days
Pre-Development	EDC and WDG	0%	5/1/2020	
Pre-Development Meeting	EDC and WDG	0%	5/1/2020	1
Prepare Full Engineering Drawings	WDG	0%	5/2/2020	75
Initial Submission	WDG	0%	7/16/2020	1
Staff Review by all agencies	City/Drainage	0%	7/17/2020	30
Receive Comments and Modify Design	WDG	0%	8/16/2020	30
Resubmit for review to agencies	WDG	0%	9/15/2020	1
Staff Review by all agencies	City/Drainage	0%	9/16/2020	10
Receive final approval	WDG	0%	9/26/2020	1
Bid Contracts to Contractors	WDG	0%	9/27/2020	20
Select Contractors and issue contracts	WDG	0%	10/17/2020	5
Development		0%	10/22/2020	
Underground Water and Sewer	TBA	0%	10/22/2020	60
Underground Electrical & Phone	TBA	0%	12/21/2020	20
Compaction and Site Prep Geotech	TBA	0%	1/10/2021	30
Road Construction and drainage	TBA	0%	2/9/2021	60
Project Acceptance by City	Freeport	0%	4/10/2021	10
Home Construction		0%	4/20/2021	
Internal prebuild processing	WJH	0%	4/20/2021	30
Start of Build (2 Homes Biweekly)	WJH	0%	5/20/2021	87
First Delivered Homes	WJH	0%	8/15/2021	

I do also certify that the officers of the Corporation are as follows:

President: _____

Secretary: _____

EXECUTED AND DELIVERED this ____ day of _____, 2020.

Secretary,



City Council Agenda Item # 8

Title: Consideration of Request for Approval of the Freeport Tax Increment Reinvestment Zone (TIRZ) Board of Directors By-Laws

Date: May 18, 2020

From: Courtland Holman, Executive Director

Staff Recommendation:

Staff recommends that City Council approve the By-Laws for Freeport Tax Increment Reinvestment Zone Board in order to allow the board, appointed by Council, to conduct business.

Staff recommends that Council appoint the Chairman of that Board. In accordance with the Ordinance adopted establishing the board.

Item Summary:

In order to implement the purposes for which the TIRZ was formed, as set forth in Ordinance No. 2019-2590 approved on December 2, 2019, the City Council must adopt a set of by-laws that govern the activities and protocols of the board as defined in the Tax Increment Financing Act of the Tax Code, Chapter 311, Vernon's Texas Codes Annotated. In addition, on an annual basis, City Council is to appoint the Chairman from among the appointed board members.

Background Information:

In December when the TIRZ was established, the Freeport EDC Board was appointed by Council to have the dual responsibility of the City's seven appointed TIRZ board members. In addition, if other taxing jurisdictions elect to participate and contribute to the TIRZ, each would be eligible to appoint 1 additional member to the TIRZ board. Currently no other jurisdiction has yet to elected to participate.

On May 12, 2020 the TIRZ 1 board had its first meeting to discuss:

- a. Governing Structure
- b. Selection of Officers
- c. Completing project and finance plan
- d. Strategy to get other taxing entities to join TIRZ

As recommended by City attorney Chris Duncan, the only formal action taken at the meeting was to recommend the proposed By-Laws. The By-Laws were developed by Mr. Duncan. No further action can be taken by the TIRZ board until Council approves the By-Laws and Appoints the President of the board. The TIRZ board reviewed the proposed By-Laws as developed by City Attorney Chris Duncan and recommended changes before going to Council.

Special Considerations:

Directors shall serve two (2) year terms. The terms for positions one (1) through seven (7) shall be staggered and match the terms of the board positions on the Freeport Economic Development Corporation, as appointed and modified by the Freeport City Council.

Financial Impact:

None

Supporting Documentation:

Exhibit A - Freeport Tax Increment Reinvestment Zone Board By-Laws

FREEPORT REINVESTMENT ZONE NUMBER ONE (1)
FREEPORT, TEXAS
BYLAWS

ARTICLE I
Powers and Purpose

Section 1. Financing Development or Redevelopment in the Zone. In order to implement the purposes for which Tax Increment Reinvestment Zone No. 1, Freeport, Texas (the "Zone") was formed, as set forth in Ordinance No. 2019-2590 approved on December 2, 2019, creating the Zone, the City of Freeport, Texas (the "City") may issue obligations to finance all or part of the cost of implementing the "project plan" for the Zone as defined in the Tax Increment Financing Act of the Tax Code, Chapter 311, Vernon's Texas Codes Annotated (the "Act").

Section 2. Books and Records: Approval of Programs and Financial Statements. The Board of Directors shall keep correct and complete books and records of account and shall also keep minutes of its proceedings and the proceedings of committees having any of the authority of the Board of Directors. All books and records of the Zone may be inspected by any director or his agent or attorney for any proper purpose at any reasonable time; and at all times the City Council and the City Auditor will have access to the books and records of the Zone. The City Council must approve all programs and expenditures for the Zone and annually review any financial statements of the Zone.

ARTICLE II
Board of Directors

Section 1. Powers, Number, and Term of Office. The property and affairs of the Zone shall be managed and controlled by the City Council based on the recommendations of the Board of Directors of the Zone ("Board of Directors" or "Board"), subject to the restrictions imposed by law, the ordinances creating the Zone, and these Bylaws. It is the intention of the City Council that the Board of Directors shall function only in an advisory capacity with respect to the Zone and shall exercise only those powers which are either granted to the Board pursuant to the Act or delegated to the Board by the City Council.

The Board of Directors of the Zone shall consist of consist of eleven (11) members, including any members appointed by the participating taxing jurisdictions. Positions One through Seven on the Board of Directors shall be reserved for board members of the Freeport Economic Development Corporation, as appointed by the City Council. Positions Eight, Nine, Ten and Eleven shall be reserved for other participating taxing jurisdictions levying taxes within the Zone, each of whom may appoint one director. Any participating taxing jurisdiction entitled to appoint a director shall be assigned a Board position number in the order the appointment is received by the City.

Directors shall serve two (2) year terms. The terms for positions one (1) through seven (7) shall be staggered and match the terms of the board positions on the Freeport Economic Development Corporation, as appointed and modified by the Freeport City Council. Board positions eight (8)

through eleven (11), if filled, shall be staggered two (2) year terms. The initial terms of positions eight (8) through eleven (11) shall be determined in an alternating order, odd year or even year renewal, in the order in which they are initially appointed.

A vacancy on the Board of Directors is filled for the unexpired term by appointment of the governing body of the taxing unit that appointed the director who served in the vacant position.

Any director may be removed from office by the City Council at the Council's discretion.

Each year the City Council shall annually designate one (1) member of the Board of Directors to serve as chairman for a one (1) year term that begins on July 1st of that year. The Board of Directors shall elect from its members a vice chairman to preside in the absence of the chairman or when there is a vacancy in the office of chairman. The Board of Directors may elect other officers as it considers appropriate.

The Board of Directors shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall prepare and adopt a project plan and a reinvestment zone financing plan for the Zone and submit such plans to the City Council for its approval.

Section 2. Meetings of Directors. The directors shall hold their meetings once a month pursuant to the city code of ordinances in the offices of the City. Additional special meetings may be called as deemed necessary by the Chairman of Board of Directors or the Mayor of the City of Freeport. Monthly meetings may be cancelled if the board has no business to discuss.

Section 3. Regular and Special Meetings. Regular Meetings shall be scheduled, and the Board will meet as regularly as needed, but not less than once per year. Special Meetings of the Board of Directors shall be held at such times and places as shall be designated, from time to time, by the Board of Directors. All regular and special meetings of the Board shall be of a public nature unless pertaining to matters allowed for closed meetings the Open Meetings Act. Special meetings may be held in person in City offices or by teleconference or videoconference. Notice of all regular and special meetings of the Board held at City Hall shall be posted in accordance with the provisions of Chapter 551, Texas Government Code.

Section 4. Emergency Meetings. Emergency Meetings of the Board of Directors shall be held whenever called by the chair or the majority of the directors then in office or upon advice or request by the City Council. The secretary shall give notice to each director of each Emergency Meeting. Emergency meetings may be held at City Hall, or may be held by teleconference or videoconference. Minutes of emergency meetings where decisions are made will be kept.

Section 5. Quorum. A majority of the directors holding current appointments shall constitute a quorum for the consideration of matters pertaining to the purposes of the Zone. The act of a majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board of Directors, unless the act of a greater number is required by law.

Section 4. Conduct of Business.

At the meeting of the Board of Directors, matters pertaining to the purpose of the Zone shall be considered in such order as from time to time the Board of Directors may determine.

At all meetings of the Board of Directors, the Chairman shall preside, and in the absence of the Chairman, the Vice Chairman shall exercise the power of the Chairman.

The City Secretary or their designee shall act as secretary of all meetings of the Board of Directors, but in the absence of the City Secretary or their designee, the presiding officer may appoint any person to act as secretary of the meeting. City staff shall provide notice of meetings and prepare meeting agendas. A copy of the approved minutes shall be submitted to the City Secretary within a reasonable time after approval.

Section 5. Compensation of Directors. Directors as such shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual reasonable expenses incurred in the performance of their duties hereunder.

Section 6. Attendance. Board members shall make every effort to attend all Regular, Special and Emergency meetings of the Board and/or Committees. The City Council may replace a City appointee of the Board or request replacement of an appointee from other taxing jurisdictions for non-attendance at three consecutive regular meetings.

**ARTICLE III
OFFICERS**

Section 1. Titles and Term of Office. The officers of the Zone shall consist of a chair, a vice chair, and such other officers as the Board of Directors may from time to time elect or appoint; provided however that the City Council shall, on an annual basis, appoint the chair whose term shall end on June 30 of each year. Terms of office for officers, other than the chair, shall not exceed two (2) years.

A vacancy in the office of any officer, other than the chair, shall be filled by a vote of a majority of the directors.

Section 2. Powers and Duties of the Chair. The chair shall be the chief executive officer of the Board of Directors and, subject to the approval of the City Council, they shall be in general charge of the properties and affairs of the Zone and shall preside at all meetings of the Board of Directors.

Section 3. Vice Chair. The vice chair shall be a member of the Board of Directors, shall have such powers and duties as may be assigned to him by the Board of Directors and shall exercise the powers of the chair during that officer's absence or inability to act. Any action taken by the vice chair in the performance of the duties of the chair shall be conclusive evidence of the absence or inability to act of the chair at the time such action was taken.

Section 4. Secretary. The City Secretary or their designee shall keep the minutes of all meetings of the Board of Directors in books provided for the purpose, they shall have charge of such books, records, documents and instruments as the Board of Directors may direct, all of which

shall at all reasonable times be open to inspection, and they shall in general perform all duties incident to the office of secretary subject to the control of the City Council and the Board of Directors.

Section 5. Compensation. Officers as such shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual reasonable expenses incurred in the performance of their duties hereunder.

Section 6. Staff. Staff functions for the Board of Directors may be performed by the City Manager or their designees.

ARTICLE IV Provisions Regarding Bylaws

Section 1. Effective Date.

The Bylaws shall become effective upon the adoption of the bylaws by both the City Council and the Board of Directors.

Section 2. Amendments to Bylaws.

These Bylaws may be amended by majority vote of the Board of Directors, provided that the Board of Directors files with the City Council a written application requesting that the City Council approve such amendment to the Bylaws, specifying in such application, the amendment or amendments proposed to be made. If the City Council finds and determines that it is advisable that the proposed amendment be made, authorizes the same to be made and approves the form of the proposed amendment, the Board of Directors shall proceed to amend the Bylaws.

After consultation with the Board of Directors, the Bylaws may also be amended at any time by the City Council. The City Council can amend the Bylaws without consent or approval from the Board of Directors.

ARTICLE V General Provisions

Section 1. Resignations.

Any director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the City Council. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 2. Approval or Delegation of Power by the City Council.

To the extent that these Bylaws refer to any approval by the City, such approval of delegation shall be evidenced by a certified copy of the minutes, an ordinance, or a resolution.

ARTICLE VI
Ethics

Section 1. Conflicts of Interest.

Board members shall abide by the conflicts of interest laws set out in Section 171 of the Texas Local Government Code.

Section 2. Discussions.

In the interest of fairness, no discussion shall be held by a member or members of the Board with any property owners, applicants, or their representatives attempting to influence any Board Member concerning a proposed project, or any other matter before the Board. All such discussions shall be held at the public meeting called for that purpose so that all members of the Board shall have the full benefit of such discussion.

Approved by the TIRZ Board of Directors on the _____ day of May, 2020.

Approved by the Freeport City Council on the _____ day of May, 2020.

TIRZ Board Members:

_____	_____
_____	_____
_____	_____
_____	_____

City of Freeport, Texas

Brooks Bass, Mayor



City Council Agenda Item # 9

Title: Discussion regarding the annual reappointment and appointment of board member to the various boards serving the citizens of Freeport.

Date: May 18, 2020

From: Tim Kelty, City Manager

Staff Recommendation:

Staff recommends Discussion regarding annual board appointments for the various boards and committees serving the city and council involvement in advance of those appointments.

Item Summary:

The City Council of the City of Freeport is responsible for the appointment of members to the following Boards and Commissions:

- Planning Commission
- Library Board
- Brazosport Water Authority
- Board of Adjustments
- Urban Renewal Board
- Beautification/Parks & Rec
- Economic Development Corp.
- Charter Review Committee
- Senior Citizens Commission
- TIRZ Board
- Mainstreet advisory Board (Historical Commission)

Most of the appointments are for two-year terms and appointments generally alternate so half of the board members are supposed to come up for re-appointment every year. The bulk of the appointments begin terms of office in June. There are caveats to some appointments mostly associated with whether the individual lives in the city or in a specific area.

Currently there are 7 or 8 vacancies on all the various boards. Including those vacancies there are 36 board or commission positions that are up for appointment or re-appointment.

Attached is a summary list of those positions.

Background Information:

It is important when a vacancy occurs that the appointment made be made to fill the remaining term and keep track of that information. Because it has not been tracked properly in the past some of the appointments/re-appointments will be for 1 year and some for two.

It is also important to point out that some of the boards established have not been meeting on a regular basis. As an example, we have an agenda for one library board meeting in 2019 and only 8

meetings over the last 5 years; the last documented meeting of the beautification and parks committee was in April 2018 with 2 members present. That board had one meeting with a quorum in 2017 and none in the 5 years before that.

The Urban Renewal Board was instituted for a specific purpose and that purpose was completed.

Financial Impact:

None

Supporting Documentation:

Board list and summaries.

CITY OF FREEPORT
COUNCIL, COMMISSIONS & COMMITTEES
2020-2021

<u>DATE</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>WORK#</u>	<u>HOME#</u>
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PLANNING COMMISSION- 4TH TUESDAY @ 6:00 P.M. COUNCIL CHAMBERS/MAYOR BASS

5/20	Nicole Mireles	2002 N. Ave G		236-4304
5/20	Stuart Herbst	1431 W. 2 nd	824-9264	319-1690
5/20	Andrew Dill	132 BL Court	233-3602	
5/20	Loren Eric Hayes	1507 W. Broad	824-1910	
5/21	Clift Vandergrift	205 S. Front	201-2731	

Need to appoint 3 members to two year terms and one(or two) to one year term

LIBRARY BOARD-QUARTERLY 410 N. BRAZOSPORT BLVD., COUNCILMAN YATES @ LIBRARY

5/21	James Walker	223 S. Front	292-4233	239-2722
5/19	Christina Travis	919 N Ave A		281-451-5840
5/19	June Strambler	1603 W. 7 th	709-7240	233-0598
5/19	Nancy Hughes	1511 W. 7 th		233-5878
5/19	Amy Garcia	1220 N Ave M	482-7290	233-1608

Library Board shall consist of 7 members, 5 of which are residents and qualified voters of Freeport; and 2 non-Freeport resident who resides in one each of the SFA or OA Fleming Elementary School attendance zones established by the ISD board of trustees

BRAZOSPORT WATER AUTHORITY REPRESENTIVE – ONCE A MONTH

8/20	Kenny Hayes	223 S. Front	297-2715	235-0846
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BOARD OF ADJUSTMENTS-AS CALLED @ CITY HALL-MAYOR BASS

5/20	Raul Ramirez (R)	616 N Ave B	236-2433	
5/21	Roddy Mohler (R)	201 N Ave B	233-1439	373-8600
5/21	Sammye Moore (R)	1527 W. 7 th	233-6163	236-8616
5/21	Tim Closs (R)	902 Dixie Dr	239-2359	239-7042
5/20	Keith Stumbaugh (R)	518 West 4	713-419-7484	
5/20	Carlos Varela (ALT)	1937 N Ave G	202-5695	
5/21	Mario Muraira (ALT)	1727 W. 7 th	824-1739	

URBAN RENEWAL BOARD-AS CALLED MAYOR BROOKS BASS

n/a	Nat Hickey	1402 W. 6 th	235-0274	233-4953
5/20	Melanie Oldham	522 West 5	481-2723	233-0460
5/19	Vacant			
5/21	Ken Tyner	1827 W. 8 th	482-7521	
5/21	Raul Ramirez	616 N. Ave B	233-4862	
5/20	Vacant			

Not Active

BEAUTIFICATION/PARKS & REC-4TH TUESDAY @ 5:30 P.M.-VIC MAYOR BROOKS BASS

10/20	Rosemary Bravo	1611 W 9 th	233-7495	
10/20	Nino Herrera	614 W. 9 th	236-5133	
10/19	Guadalupe Gonzalez	1330 W. 5 th	238-4844	
10/19	Margaret L. McMahan	1330 W. 8 th	201-9006	
10/19	Michael Dole	2020 N. Ave G	248-6500	248-6041
10/19	Michelle Backman	1833 Acacia Circle	201-0437	
10/20	VACANT			

7-member board of Freeport residents appointed annually in October serving 2-year terms (3 in even years and 4 in odd) Parks Director acts as ex-officio member. 3 unexcused absences in a row shall automatically be dismissed

Very inactive board. One meeting in 2017, 2 meetings in 2011

ECONOMIC DEVELOPMENT CORP-2ND TUESDAY OF MONTH @ 6:00 P.M. COUNCILMAN GREEN**ALSO SERVES AS TIRZ BOARD**

n/a	Director Courtland Holman		233-3526	832-816-1623
5/20	Edward Garcia	1924 N. Ave G	233-5553	233-5518
5/20	Jeff Pena	224 W. Park Ste 200	713-227-8663	
5/20	Trey Sullivan	217 S. Front	310-242-1448	
5/21	Marinell Music	126 Dutchlake Ct	871-9336	236-1978
5/21	Kenneth Hayes	223 South Front	235-0846	
5/21	Mingo Marquez	902 W. 9 th	824-2776	824-2101

5/21	Lesa Girouard	121 Brazos Landing	864-1804	236-4304
CHARTER REVIEW COMMISSION (MEET ODD YEAR) MAYOR BASS				
2019-21	Sandra Barbree	1502 N. Ave R	482-2036	
2019-21	Amy Carrales	1503 N. Ave F	709-0219	233-2393
2019-21	Donna Hayes	223 S. Front	235-0848	
2019-21	Ana Slibas	1126 W. 6 th	665-8892	239-1747
2019-21	Rita Cundieff	113 BL Court	299-3851	

Not applicable - to be reappointed in Odd numbered Years

SENIOR CITIZENS COMM-3RD MONDAY @ 5:00 P.M. VELASOCO COMM HOUSE MAYOR BASS

5/21	Ona Johnson	1754 W. 10	236-8569	233-5601
5/21	Sammy Moore	1527 W. 7 th	236-8616	233-6163
5/21	Martha Westbrook	1415 W. 4 th	233-2767	
	Vice Chairperson			
5/21	Jane Hawkins	1756 W. 5 th	233-4833	480-7980
5/20	Vacant			
5/20	Mary K. Talbert	1502 W. 11 th	665-6541	233-6541
5/20	Valerie Crosby	401 S. B'Port Blvd #158		313-3601

Very active board

Historical Commission and Mainstreet Advisory Board (needs Council Liason)

5/20	Nat Hickey (resident)
5/20	Brenda George (resident)
5/20	Carmen Read
5/20	Sandra Barbree (resident)
5/20	Cliff Vandergrift (?)
5/21	Carolyn Weatherly
5/21	Vacant (resident)
5/21	Vacant (resident?)
5/21	Vacant

9-member board of which 5 must be city residents 4 members appointed in odd-numbered years 5 appointed in even-numbered years.

Board was disbanded by Jeff Pynes and some members were transitioned to Museum Board. Never officially dissolved by city council.



City Council Agenda Item # 10

Title: Consider Authorizing Application Process for Recertification as a Texas Main Street City

Date: May 18, 2020

From: LeAnn Strahan, Destinations Director

Staff Recommendation:

Staff recommends authorizing the Mayor to sign a letter of intent to initiate the application process to recertify Freeport as a member of the Texas Historical Commission, Texas Main Street Program.

Item Summary:

The Freeport Historical Commission and Main Street Advisory Board was established to revitalize the downtown business district of the city while preserving its historic buildings and landmarks. In accordance with Ordinance §32.20, approval of the Letter of Intent will allow us to apply for 2021 recertification by the deadline date of July 31, 2020.

Background Information:

The purpose of the Texas Main Street Program is to “assist Texas communities in the preservation and revitalization of historic downtowns and commercial neighborhood districts in accordance with the national Main Street Approach.” Since the city’s population is under 50,000, we will apply for recertification within the Small City category. Applications will be reviewed by the Main Street Interagency Council and recommendations forwarded to and voted on by the Texas Historical Commission.

Special Considerations N/A

Financial Impact:

There is no application fee. However, the annual fee of \$535 and \$500 Training Fee

Board or 3rd Party recommendation:

The Freeport Historical Commission and Main Street Advisory Board discussed the recertification process at their regular board meeting in February. Topics included the process to reclaim our position as a Texas Main Street city, the necessity to have data prepared in advance of the application process, and participation in Main Street events and training as being key to the success of the program.

Supporting Documentation:

Letter of Intent

Proposed map of Freeport Texas Main Street area

§32.20, Freeport, Texas Code of Ordinances

TEXAS MAIN STREET PROGRAM INTENT TO APPLY (OPTIONAL, DUE MAY 29, 2020)

The community of **Freeport** intends to apply to the Texas Main Street Program for designation as a 2021 Texas Main Street program: Small City Urban Recertified

Date: 5/18/2020

City-Elected or Administrative Official		
Name	Brooks Bass	
Title	Mayor	
Address	200 West 2nd Street	
City	State	Zip Code
Freeport	TX	77541
Telephone Number	979-233-3526	
Email	bbass@freeport.tx.us	
Signature		




For Urban Authorized Board Official		
Name		
Title		
Address		
City	State	Zip Code
Telephone Number		
Email		
Signature		

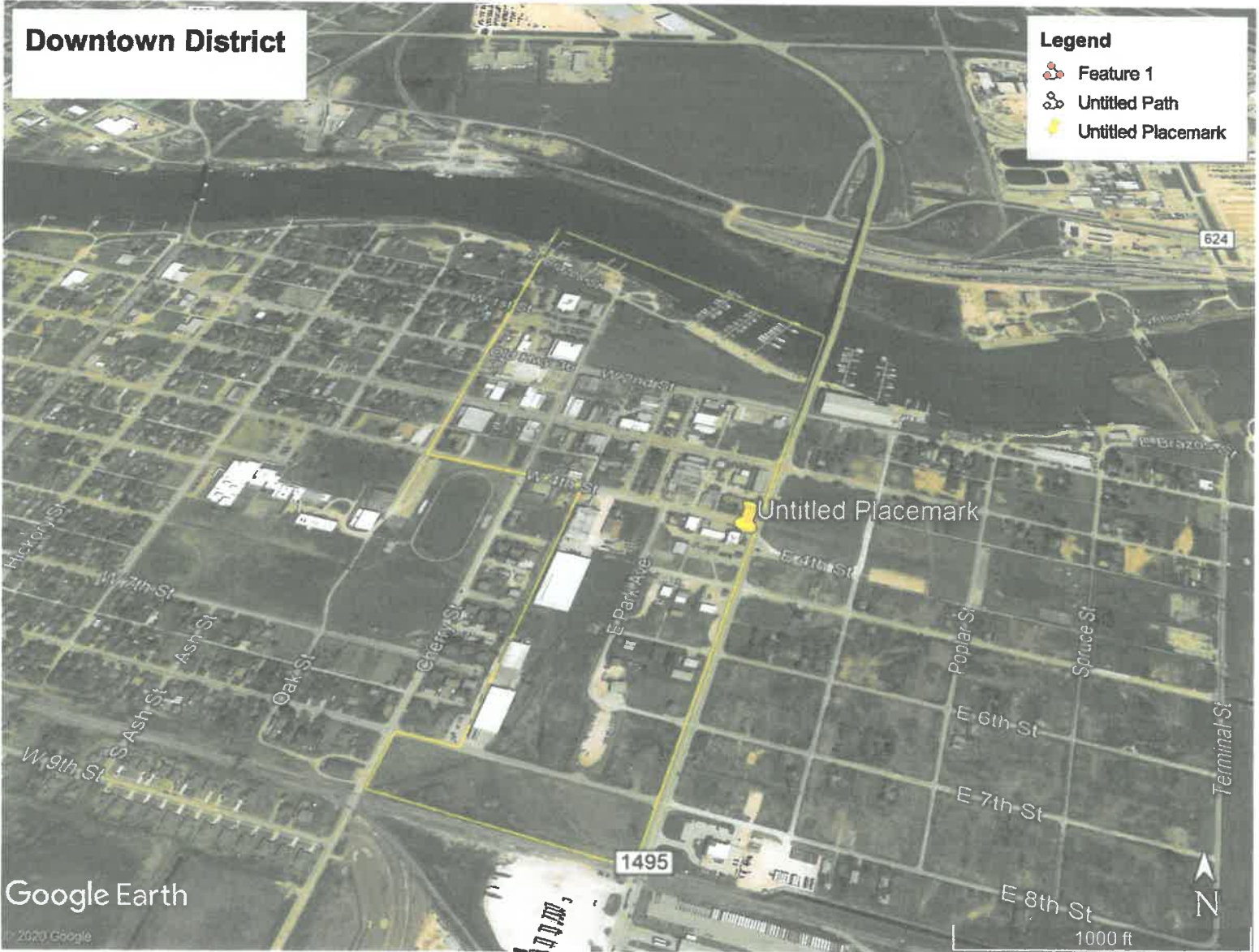
Contact Person/Application Preparer		
Name	LeAnn Strahan	
Title	Destinations Director	
Address	311 E Park	
City	State	Zip Code
Freeport	TX	77541
Telephone Number	979-233-0066	
Email	lstrahan@freeport.tx.us	
Signature		

Please include the map of the proposed Main Street Program area as described on page 6. This map will also be included as part of the application.

Downtown District

Legend

-  Feature 1
-  Untitled Path
-  Untitled Placemark



Google Earth

© 2020 Google



1000 ft

Monthly Golf Course report April 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	\$18,000	\$0	\$-18,000
Cart Rental	\$8,000	\$ 0	\$-8,000
Merchandise	\$19,800	\$594	\$-19,206
Prep Food	\$ 1000	\$0	\$-1000
Beer Sales	\$ 8,000	\$0	\$-8000
Drinks/Chips	\$ 4,000	\$0	\$-4000
Memberships	\$ 7,000	\$13,130	\$+6,130
Total	\$65,800	\$13,724	\$-52,076

For the month of April, we were only open to members as dealt with the COVID-19 pandemic. The proshop was closed entirely so we saw no food, beverage, or merchandise sales. Unfortunately, April is typically our highest revenue month during the fiscal year, so this hurt our yearly goals significantly. On a positive note we did see a large increase in membership. At the end of April, we had over 190 members which is the largest total we have ever had.

With these uncertain times and the course still closed to nonmembers we do not have ant scheduled events for May and June other than our club championship which is a member only event.

Thank you and stay safe

Brian



PUBLIC WORKS MONTHLY REPORT

Date: May 11, 2020

From: Lance Petty, Director of Public Works

PUBLIC WORKS STORM PROJECTS			
PROJECT	PROJECT MANAGER	CURRENT ACTION	COMMENTS
Quadrant C	Kenny Collins	Repair broken mailbox and clean	Complete
700 Blk 4th	Kenny Collins	Grade Ditch	Complete
Quadrant B	Kenny Collins	Sweep	130 yards dumped
1600 Ave G	Kenny Collins	Clean Ditch	Complete
700 Blk 4 th	Kenny Collins	Clean Ditch	Complete
1600 Blk 4 th	Kenny Collins	Clean Ditch	Complete
Quadrant C	Kenny Collins	Clean Inlets	Complete
Broad	Kenny Collins	Form Driveways	Complete

PUBLIC WORKS STREET PROJECTS			
Skinner	Kenny Collins	Slope Mow	Complete
City Wide	Kenny Collins	Slope Mow	Complete
700 Blk Broad	Kenny Collins	Clean Concrete Bay	Complete
Rec Center	Kenny Collins	Pour Concrete	Complete
700 Blk Broad	Kenny Collins	Poured concrete	Complete
Zapata	Kenny Collins	Slope Mow	Complete
Rec Center	Kenny Collins	Flower Bed removal	Complete
Broad	Kenny Collins	Tear out concrete / rebar for next section	Complete
Penny's electric	Kenny Collins	Grade ditch behind business	Complete
Quadrant C	Kenny Collins	Mowing	Complete
Quadrant D	Kenny Collins	Mowing	Complete
Fisher	Kenny Collins	Sawcut	Complete
Quadrant B	Kenny Collins	Clean Inlets	Complete
Quadrant D	Kenny Collins	Clean Inlets	Complete
Quadrant A	Kenny Collins	Mowing	Complete
Quadrant B	Kenny Collins	Mowing	Complete

PUBLIC WORKS FACILITIES MAINTENANCE PROJECTS			
PROJECT	PROJECT MANAGER	CURRENT ACTION	COMMENTS
FS2	Carissa Liddell	Water Line repair	Complete
Rec Center	Carissa Liddell	Install irrigation line	Complete
Rec Center	Carissa Liddell	Install Flower bed rocks	Complete
FS1	Carissa Liddell	Install water line	Complete
Rec Center	Carissa Liddell	Install electrical circuit	Complete
PD	Carissa Liddell	Install electrical circuit	Complete
Rec Center	Carissa Liddell	Pressure wash building	Complete
Service Center	Carissa Liddell	Install Cat 5	Complete
Service Center	Carissa Liddell	Install new 20A circuit for phones and wifi	Complete
Service Center	Carissa Liddell	Clean up from construction	Complete
Rec Center	Carissa Liddell	Repair exterior wall	Complete
Rec Center	Carissa Liddell	Paint exterior wall	Complete
Service Center	Carissa Liddell	Install trim for remodel	Complete
Service Center	Carissa Liddell	Install doors	Complete
Rec Center	Carissa Liddell	Repair leak in chlorine system	Complete
Library	Carissa Liddell	Quotes for a/c	Complete

FS1	Carissa Liddell	Install blinds	Complete
City Hall	Carissa Liddell	Repair lights	Complete
FMP	Carissa Liddell	Repair restroom door	Complete
Rec Center	Carissa Liddell	Operate bucket truck for a/c repair	Complete
FCHP	Carissa Liddell	Repair solar lights	Complete
FSI	Carissa Liddell	Install cat 5 boxes	Complete
FS1	Carissa Liddell	Install outlet	Complete
Rec Center	Carissa Liddell	Install new electrical circuit in pump room	Complete
PD	Carissa Liddell	Repair hole in wall	Complete
City Hall	Carissa Liddell	Replace certificate in elevator	Complete
Pixie House	Carissa Liddell	Repair balcony doors	Complete
Service Center	Carissa Liddell	Relocate from VIC to Service Center	Complete
City Hall	Carissa Liddell	Check Chiller	Complete
Antonellis	Carissa Liddell	Check Status on remodel	Complete
Mystery Boat	Carissa Liddell	Check Status on Repairs	Complete
Rec Center	Carissa Liddell	Gym Floor PO	Complete

PUBLIC WORKS PARKS GROUNDS PROJECTS			
Rec Center	Sally Bailey	Remove Flower Beds	Complete
City Playgrounds	Sally Bailey	Install Caution Tape COVID	Complete
River Place	Sally Bailey	Re Located 2 Palms	Complete
City Wide	Sally Bailey	Clean Inlets	Complete
High School	Sally Bailey	Trim Hedges	Complete
Playgrounds	Sally Bailey	Spray Weed Control	Complete
City Wide	Sally Bailey	Mow, Weed Eat, Edge, and Spray all 12 Parks and Levees every week	Complete
288 Corridor	Sally Bailey	Trim Hedges	Complete
FMP	Sally Bailey	Install Mulch in Playgrounds	Complete
Gulf BLVD	Sally Bailey	Trim Trees	Complete

Work in Progress:

- Soccer Goals and Dirt for Field
- Baseball Dugout Benches and Batting Cage

PUBLIC WORKS FACILITIES PROJECTS			
Beach	Kim Townsend	Litter Control	Complete
VCH, Pixie, Riverplace	Kim Townsend	Maintenance Flower Beds	Complete
City Hall	Kim Townsend	Increase Sanitation	Complete
Golf Course, PD, Vic	Kim Townsend	Increase Sanitation	Complete
Pee Wee/Little League	Kim Townsend	Sanded/Painted Bleachers	Complete
City Parks	Kim Townsend	Painted Boards Around Play Boxes	Complete
FMP/FCHP	Kim Townsend	Daily Sanitation Restrooms	Complete
City Playground Equipment	Kim Townsend	Sanitize all playground equipment	Complete
Parks	Kim Townsend	Litter Control	Complete
FCHP	Kim Townsend	Painted Speed Bumps	Complete
288 Corridor	Kim Townsend	Litter Control	Complete
Arrington Park	Kim Townsend	Paint Boards	Complete
Riverplace	Kim Townsend	Paint Handicap	Complete
Service Center	Kim Townsend	Re located office from VIC to Service Center	Complete

Employee of the Month Nominees:

Adriana Martinez – Facilities

Previn Hobbs – Parks

Alberto Servin - Streets



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 April, my officers responded to 1897 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.

Significant Incidents:

We had a few car burglaries during a one-week period but two suspects were identified and charged in those cases.

We also investigated a home invasion but through our investigation we learned that the alleged victim knew the suspects who he had purchased marijuana from in the past on several different occasions. That case has been forwarded to the district attorneys office to be heard by a Grand Jury.

Community Events:

No community events as we followed the recommendation of the CDC to social distance as we did our part to help control the spread of the COVID-19 Virus.



To Protect, Serve, Model Integrity and Demonstrate Professionalism

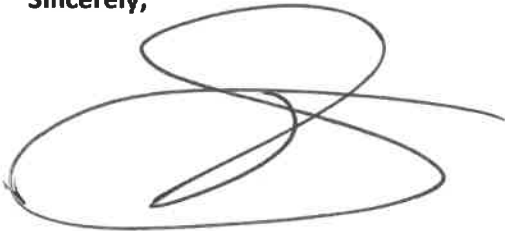
Employee of the Month:

TCO Adrienne Prodoehl has been selected as Employee of the Month for the Month of April. On April 23rd, TCO Prodoehl received a telephone call in dispatch from an unknown male who refused to identify himself. During the conversation, for no apparent reason, the caller became verbally abusive with TCO Prodoehl and at times shouting profanities at her. TCO Prodoehl maintained her composure and professionalism until she could finally get the caller off the phone. TCO Prodoehl is commended and the Employee of the Month for April for the way she handled the situation under the circumstances and maintaining the professionalism that is expected of the members of the Freeport Police Department.

Open Positions:

We currently have no open positions at the police department.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Garivey', written over a large, light-colored oval shape.

Chief Raymond Garivey

Freeport Police Department

(979) 415-4187



Human Resources Monthly Report

Date: May 11, 2020

HR TEAM: Brenda Miller-Ferguson and Donna Fisher

HR Services Team Priorities and Results for April 2020:

- **COVID Response:** Our highest priority in April was being an on-demand resource for employees and managers regarding COVID resources and payroll benefits under FFCRA. Employees and managers had Brenda's cell phone number for 24/7 response. Call volume from employees with concerns and questions reduced significantly in late April as employees got more accustomed to safety protocols and absence guidelines.
- **Policy Update Progress This Month:**
 - **COVID Related policies and procedures were distributed to employees.** In April Donna Fisher tracked acknowledgment forms returned to HR. Employees were prompt and cooperative.
 - **Social Media Usage Policy:** Personnel Policy Handbook Section 5.24 was created, approved by Council on 4/20/20, and distributed to employees. Donna Fisher is tracking return of acknowledgment forms from each employee.
 - **Weapons in the Workplace and Workplace Violence Policies:** In response to clarification requests initiated by the Fire Department, an updated Personnel Policy Handbook Section 5.17 has been drafted. The existing "Workplace Violence/Weapons" policy has been divided into two different policies and edited to reflect current Government Code and Penal Code. Section 5.17-A Workplace Violence and Section 5.17-B Weapons in the Workplace were drafted and submitted to the City Attorney for review in April.
 - **Chapter 9 Policy Updates:** Updates have been drafted for multiple sections in Personnel Policy Handbook Chapter 9 (Employee Wage and Benefits). Management review is pending for updates to the following Chapter 9 policy sections:
 - Longevity Pay
 - Tuition Reimbursement
 - Travel Reimbursement
 - Per Diem
 - Education Pay
 - Certification Pay
- **New Standardized Position Description Format Created:** A new format was created and approved to standardize job descriptions across departments. This format includes new language regarding essential functions and physical requirements that are helpful for the purposes of light duty and return-to-work assignments (for workers comp., medical FMLA, etc.). The new format also includes new language related to non-standard assignments and the requirement to be available to provide essential duties as needed by the City in an emergency. This new format includes a more detailed table listing the duties of the position, in addition to the percent of time an employee can expect to spend on those duties on a routine basis. Project work has begun to convert all job descriptions to the new format.

- **Payroll Software Conversion Research Completed:** A total of nine (9) payroll/HR vendor proposals were reviewed to determine feasibility and cost/benefit of converting payroll to in-house processing using existing our InCode module. A summary of proposals was completed in April, for consideration in conjunction with the pending conversion of our financial software package.
- **New HR Strategic Plan Progress:** Stephanie Russell translated the Strategic Plan initiatives created by the Human Resources Services Team into her One-on-One meeting template. This will be helpful to facilitate focus. Detailed Action Plans for Strategic Initiatives are being developed and work has already begun on some.
- **Training/Coaching This Month:**
 - **Cyber Security Training:** An online option for Cyber Security Training was distributed and was utilized by several employees in April. This option will help us meet the mandated deadline of June 15 [as mandated by HB 3834], despite our adjusted social distancing schedules.
 - **FFCRA / COVID Legislation Training:** Brenda attended two webinars hosted by Society for Human Resource Management (SHRM) regarding FFCRA (COVID) leave laws.
- **Organizational Restructuring Project Progress:**
 - **Public Works Department position descriptions are being reviewed and updated. Lance and Brenda are working on revised and they will be converted into the new standardize format mentioned above.**
- **Recruiting & Hiring Progress This Month:**
 - **Firefighter/EMS position recruiting: Received 16 applications in current campaign;** candidates are being reviewed and scheduled for testing by Fire management.
 - **Golf Course Coordinator:** recruiting completed; new employee starts in May.
 - **Fire Marshal:** Recruiting continues after offer declined. Position Description upgraded in April.
 - **Fire Dept. Driver / Operator:** Fire Chief requested this new position in Strategic Plan; new Position Description created and Vacancy Verification submitted in April.
- **Open Positions [recruiting for vacancies in-process]:**
 - Fire Fighter (1 vacancy)
 - Fire Marshal
 - Golf Course Attendant and Seasonal Grounds Positions
 - Recreation Center Seasonal Pool Attendants/Lifeguards
 - Police Dept. Crossing Guard—on hold due to school closure & discussion to transfer responsibility to school district
- **Risk Management and Insurance Updates:**
 - **Workers Compensation Claims:** One new Public Works claim (parks maintenance) but no time lost.
 - **Family & Medical Leave Cases (FMLA)-One new claim:** Police (for new baby), plus one on-going intermittent FMLA claim in Recreation.
 - **Property/Accident Claims-Two new claims:** tractor in Public Works; employee vehicle accident in Streets parking lot
 - **Asset Management Updates:** One new vehicle added for Fire (replacement for totaled truck; partial reimbursement received from TML)
 - **Property Insurance:** Windstorm policy renewal completed; premium due in May.

- **Health Insurance Billing Reconciliations** – continued streamlining monthly process to reconcile payroll system to insurance carrier billings. Thank you to Stephanie Russell assisting with pivot tables to reduce processing time.
- **Audit Work/Results:**
 - **Internal Asset File Audit Continues:** We are creating new process to track vehicle & equipment assets and to secure asset files going forward. Old system entries in Incode are being audited and updated by Donna Fisher.

Priorities for May and June:

- **Continued due diligence with Directors and Employees to manage COVID response.**
- **Begin Health Insurance Open Enrollment Process:** obtain Letter of Representation and plan participation summary for review
- **Management Review of Performance Evaluations and Rating Scores Summary**-approve for Directors to begin meetings with employees in May/June.
- **Execute Pay Increases** [determine % increases and enter for employees to receive in June payroll]
- **Payroll/HR System Conversion Project** – Decide on vendor/timeline to sync with RFP for financial software
- **Strategic Plan Progress**– next steps and updates as directed; prepare presentation
- **Policy Reviews/Revisions In-Process for Updates to Chapters 5 and 9 in Employee Handbook:**
 - **Obtain Attorney and Council Approval of Chapter 5 Weapons Policy and Workplace Violence Policy Drafted in April**
 - **Review and Obtain Approval on Chapter 9 Employee Wage and Benefits Policy Edits noted above**
 - **Draft New Workers' Compensation-Return to Work Policy/Process** (consulted w/TML - policy draft in process)
 - **Random Drug Testing** (change policy to safety sensitive positions only)

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

FREEPORT HISTORICAL MUSEUM & VISITORS CENTER

Exhibits

With museums remaining closed throughout the month of April, the traveling exhibit to coincide with our *Herstory* exhibit did not arrive as scheduled. However, our Museum Coordinator has created an educational and visually stimulating exhibit highlighting local women that led the path to women's suffrage: Elisabet Ney, Dr. Sofie Herzog, Jane Long and Carrie Nation. We have ordered AV equipment necessary to host a virtual exhibit online and are grateful to Museum Board member and local reenactor Carolyn Weatherly who will give a guided tour as Mary Austin Holley. All video will be available on Facebook, Twitter and Instagram and we will share the link on the city's website.

Rental Venues

VIC staff cancelled or rescheduled all rentals for the month of May. We are not taking any additional reservations until further notice.

Education / Training

The museum coordinator participated in several Texas Historical Commission webinars in April and received certificates of completion in *COVID-19 Resources for Texas Museums*, *How to Create Online Exhibits* and *Digital Engagement at Your Museum During COVID-19*.

Museum Statistical Data

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

FREEPORT RECREATION CENTER

Capital Projects

The Recreation Center re-roof and drainage repairs were tested with heavy rains in April with no issues reported.

The pool resurface job was completed the first week of April. Public Works has continued work on landscaping the beds around the pool and the recreation center. Recreation staff has torn down the old rotten pergola and storage shelving to clear off the pool deck and flushed the lines on the waterslides that were clogged. The pool itself is ready to open to the public.

Quotes for the new gym floor came in below budget, allowing us to reallocate funds for a contractor to paint the fiberglass panels in the gym to match the new platinum paint throughout the facility. We also eliminated the snack machine and relocated the soda machine away from the entrance, so it is much more open and inviting to guests.







Programs

While all in-person programs are cancelled until further notice and the Recreation Center remains closed, staff is working to schedule Zumba classes live via Facebook on Mondays, Wednesdays and Fridays starting in May.

Recreation Center Statistical Data

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

SPECIAL EVENTS

Special Events

All regularly scheduled special events has been cancelled at this time. We have formed a steering committee of CRT staff members to take the lead on all city-wide events. Currently they are working on ideas for summer events and activities that would follow social distancing guidelines, such as pop-up Friday night drive-in movies and mobile scavenger hunts. Additionally, they continue to plan seasonal events throughout the remainder of the year.

MAIN STREET

Main Street updates included as a City Council Agenda item for 5/18/20.

LIBRARY

In April, the Freeport Branch Library opened for curbside services only, but are planning to reopen to the public at limited capacity as soon as the county allows. They are hosting Storytime live on Facebook to keep the community engaged in reading and children entertained. Maintenance obtained quotes to replace one A/C unit and the work should be completed mid-May.

SENIOR CITIZENS COMMISSION

All meetings and events at city facilities are currently cancelled until further notice. We have contacted a local church to consider offering an alternative space for them to be able to meet in groups of 50 or under on their own, as they are anxious to interact within social distancing guidelines. Our Administrative Secretary and senior citizen liaison has also created a monthly brochure to keep members up to speed on current local issues and guidelines, upcoming events, fun facts, games and puzzles, craft ideas, and more.

Directors Notes

April 6th Through May 8th

April 6th

Conference Call with Courtney of FDI Alliance to go over On-Line marketing during Covid-19 to promote Freeport globally. Needed to design the colors of the front page. Design already done

Conference call with Chris and Samer on the 8.8 Acre mixed use development on the waterfront.

Conference call with Patrick of CBRE on property for Project Sky High. This was multiple conversation throughout the day. I am helping finding permanent location and short term lease opportunity.

Various conversations with Project Sky High on property, Workforce Solutions – Brazosport College training and education programs that includes grants and long term education. Pre-discussion on development of Community Development Entity conference call with PeopleFund being the facilitator.

Working with Chris on the base downtown map for development of a Downtown Zoning.

The ED Director for Hondo Texas reached out to me and likely other asking for help of information on assisting businesses in her community. I was able to send the Director quite a bit of information that I have been sending out from our HREDA and other ED conferences. As she has a high Hispanic population I had previously asked Workforce Solutions to create a presentation for small businesses in Spanish which they have done with the webinar coming up. This was forward to the Director.

April 7th

City staff meeting. Most were working from home or remotely I needed to come to the office for paperwork and paying bill items. Much of the meeting consisted of Covid-19 related matters.

Contacted Retail Strategies to see if they had a way to find Linda McFarland's contact.

Went to office to process invoices

The EIN number for the Freeport Community Development Entity has been obtained vis Chem Energy.

Working on Agenda for next week.

Chris and I worked on the potential downtown map that will include the guillotine bridge area for the downtown zoning development that must occur asap as we have attracted retail that will need conforming zoning for downtowns.

Received a call from an industrial development representative that I sent to Mr. Wong months ago. Tim and I have met with them and talked with them for a few months. It is a great fit for the industry in the area and a future use for the City. He inquired on the progress Mr. Wong is doing for his development. I stated that Mr. Wong has an approved MUD and 380 Agreement with the city that the city will support. I am unsure as to what Mr. Wong is intending for his property any longer. Therefore, I have place him in contact with ChampionX former Nalco.

Project Sky High is negotiating with their finance investor on debit ratio. Developer wants to invest more of their fund and the investor wants them to invest less so they are negotiating on the terms of debit ratio.

I had previously requested from Mark Noriega of Workforce Solutions to create a webinar for the Spanish Speaking business community of for the COVID-19 business solutions such as the EDIL and PPP programs. This has been sent out to the Hispanic chamber and other organizations. Gina at the Hispanic Chamber confirmed that the Mexican Consulate has sent it out to the Hispanic businesses in the Houston MSA.

Working with Kirk Pascal on violation of First Agreement.

April 8th

Conference call with Project Sky High in afternoon on progress. Discuss creation of a Freeport Chamber of Commerce, i.e. funding

Discuss with Project Sky High downtown properties in relation with TIRZ creation. One property owner Mr. Davenport gave a price so high for the Second and Cherry .8 acres it was amazing. The entire .8 acres on CAD is valued at \$37,250 as there are no structures on the property and there will be a cost to demo the concrete pads and replace all the infrastructure on site. He requested over 10 to 15 time the amount plus other considerations that has made it unreasonable. It is unfortunate as this was a good location. The developer will continue looking.

Ben Miller the real estate agent working for Dean'O that owns the properties on East Pine / Hickey Lane needs information on Funeral Parlor issues. This information will be provided and a

letter from City will be requested informing property owner and Funeral Parlor owner on the denials. There a retail use looking for space that I have discussed before.

Discussed with Travis of TXP needing values of development cost. Project Sky High will be providing their information, I have provided a possible cost for the retailer leasing property in our downtown, but on a hold with the waterfront development with Samir until the City engineering firm can provide them info.

I need to get the TIRZ Board to meet soon to discuss potential projects in downtown. (TIRZ board is the EDC Board).

Sent out the Draft Agenda for Next Tuesday for anyone on the Board to have an added item of which there already has been a couple of requests from previous board meeting that still are in the processes.

April 9th

Had a HREDA webinar on the COVID-19 virus and assistance to businesses. The funding is drying up fast.

Discussion and presentation by People Fund for Freeport Economic Development Entity with Trey, Chris, Tim attending. Mayor Bass was not able to attend. People fund presented to the group how and CDE is formed, funded and operated. This will be advantageous to Freeport.

Got the agenda completed for posting.

Project Sky High has requested the properties I sent before for the Solar Array site. I have sent them and their broker the sites and a few more that are in a New Market Tax Credit area of Freeport. Need to get the property owner contacts.

Project Sky High has worked out the start of a good Grant funded training program with Brazosport College:

Subject: RE: NABCEP Certifications

Gentlemen-

I have what I think is good news. I just got off a video conference with a colleague. Her institution offers a certificate in Industrial Electricity: Solar Photovoltaic System Installer. I'm attaching a summary of the courses included in this certificate as well as the course description and end of course outcomes for each class. My initial thought is that my partner could provide instruction for some combination of these classes that would be offered as customized training on the non-credit side of the house. That way we don't

have to worry about addressing each required outcome, credentialing of instructors, formal application to colleges, etc. Our partner would offer some online instruction that we could do at BC. They would also provide hands-on labs at their south campus which is about 45 minutes north of Lake Jackson right off of 288. They have a perfect lab that is relatively empty. In addition to facilitating the online instruction, BC would also provide contextualized instruction in math, wrap around supports/case management, and OSHA training. I hope that this sounds like a positive potential path forward. Assuming it is, I need for you to review the course descriptions and objectives and report back on what knowledge skills, and abilities you want your employees to be able to demonstrate upon successful completion of training. Feel free to red-line anything in the courses you don't need and make a list of things you do want employees to demonstrate that are not included. We'll design a training program from there and begin piecing together a budget for a grant proposal.

We're looking forward to this collaboration and moving this project down the road!

Patrick of CBRE needed local contacts for Title. Chris was able to provide several which were sent to him. Chris was able to get the email for Linda McFarland as well.

Late additions to Agenda will require not posting today but tomorrow.

April 10th

Holiday

Went to office at 10AM to work on completing agenda finished at 3:30PM. Needed Tim to sign and stamp with City Seal the agenda for posting as city offices are closed and sent to Laura for posting on web site and sent to paper.

Contacted CBRE on properties for Project Sky High again.

April 13th

Researched and sent locations to Patrick for a 500 acre track in our etj that are owned by 1 person for Chem Energy. Fred Welch of GHP has a led to property for CBRE and I placed both in contact with each other.

Spent April 12 and 13th completing article for FDI. Still need proofing.

On site meeting with Michael - Realty World's Contractor, Billy and I to discuss timeline as project has been Red-Tagged with a Stop Work order until such point at they are in compliance. This occurred I believe on Thursday. I gave directions to Michael on a timeline I needed to see which he will provide me either later today or tomorrow morning.

Talked to CBRE on temporary rental space for Project Sky High.

Mark Noriega at Workforce Solutions sent me information on Covid-19. I have forward this to others to post. Message for the Webinar will be: We will be joined by Commissioner Julian Alvarez, Commissioner Representing Labor, who will provide important updates on TWC's COVID-19 response. We will also have the Office of Employer Initiatives and Workforce Development Division providing updates on new initiatives and funding opportunities for our partners.

As part of our HREDA discussions weekly Pearland made a request to the Governor's office to use 4A AND 4B funds in the declared emergency to help our local small businesses that is not allowed under Section 501 of state code. [A number of you have reached out to ask us for updates on our request to the Governor's office and we have unfortunately not heard back yet on any decision.](#) Attached is the letter we sent to Adriana Cruz with our request a few weeks ago. We did have Betty Russo on April 3 tell us on our HREDA conference call that they are still considering the request. Our state representative Ed Thompson has contacted the Governor's office multiple times and has informed us that other legislators around the state are also urging the Governor to approve it. Will send an update when we hear something either way and please let us know if you hear of anything. Thanks!

Kirk Pascal has sent a request for Request for Extension of RWPH EDC Development Agreement and a Construction Schedule. I have reviewed it and I have issues with this version. I will create another that will be sent back to Kirk. I will have it reviewed by Chris, Trey, and Tim as Tim will need to lift the Red Tag.

April 14th

Create support letter for Project Sky High for EDC Meeting also updated the support letter for same.

Work on Realty World requirements to lift Red Tag and develop Second Amendment to the Contract this was forward to Chris, Tim, Billy and Trey.

FEDC Board Meeting

April 15th

Ben Miller called regarding Dean'O property and future lease with James McDonald. Leroy McBride does not want out of the lease. A letter of denial for the variance was issued to Leroy and Dean'O

Workforce and Economic Development Partners Conference call

Meeting with Mayor Bass, Tim and Chris to discuss downtown zoning uses that need to be develop as we have pending businesses that I have attracted that will need a Downtown Zoning designation. We have used the city version that I just completed the DT zoning before leaving, Chris and Tim had other version but in the end most all were the same information which is a good check.

As we can't find the contact information on the acreage I sent to CBRE on the Sky High solar array portion of the project letters are being sent to the addresses of the property owners.

April 16th

Start development of the board packet as some board members requested a special agenda for Tuesday.

After recrafting the letter to Kirk Pascal and talking to Realty World's builder (Michael) the letter on process to remove red tag and keep going was sent. A special board meeting will be needed. I will place this on the special agenda for next Tuesday if we have it in time. Tim had some additions to the version I created and have sent it to Kirk for review, approval and his signature.

The letter denying the Variance Application by McBride Funeral Home went out today to Dean'O and Mr. McBride not earlier as I hoped. James McDonald is working diligently in multiple retail and restaurant businesses. He has already pulled permits on the building he is leasing.

April 17th

HREDA/GHP Zoom Meeting

I completed the Article for FDI Alliance magazine on Diversity of Industry. As it is missing something I believe. I have asked my friend that owned Expansion Solutions to have his

daughter critique it and help it as she is a writer for Expansion Solutions. They had me add some items and will have it back to me on Monday I hope to send to Courtney.

Kirk has signed the version of the basis of an agreement that I will need Chris to create the Second Amendment but will need Trey, Tim and I to meet to see if this will be approved by the board in order to let them start building. I do not believe it is our best interest to stop the development as they have made significant investment and two of the building will be damaged if not weather tight.

Finished Special Agenda and Board Packet late in afternoon and it is posted for next Tuesday board meeting.

April 20th

Attended City council with executive session on Project Easy Street

Meeting on Zoning for Downtown with Chris, Billy and Tim, others

Discussions with Michael Payne of Realty World on schedules and development of project

Prep work for tomorrow's board meeting.

Samer asked for contact information on Hotel and developer for industry that was provided for him to contact.

Discussion with Project Sky High on properties and sent same to their broker.

Sent 1300 plus word article I wrote on Diversity of Industry to FDI Alliance that will be published in 2 weeks.

April 21st

Conference call on Layoffs & Furloughs – What Employers Need to Know

Final prep for board meeting with 2nd Amendment for Realty World that I made slight changes and updated exhibit.

Requested from board contacts of property owners and sent to broker of Project Sky High

All, I was able to speak with Leroy McFarland yesterday afternoon. As of my conversation he had not yet received the denial letter. I explained to the best of my knowledge that he can't

request the appeal but Dean'O the property owner needs to do so but I doubt that would occur. In the end I think Leroy is willing to get out of the lease with Dean'O especially if Dean'O pays back his lease payments. I stated that we want his businesses in Freeport just not in the downtown and the reasons why.

Sent Laura the Zoning map that we are discussing.

April 22nd

Sent to Kirk Pascal of Realty World the Second Agreement amendment. Kirk was vey upset. I let him know that this allows him to start construction that will give us time to work on a Third Agreement Amendment so he is not out of compliance of the homes due to be completed on 8/22/2020. The Second Agreement could make that occur unless the road development is accelerated which may not be able to do based on their current performance.

Since Kirk was not able to listen, I contacted Michael Payne their builder to explain what needs be done in hope that Michael can talk to Kirk.

City is waiting on verification on a couple of water/sewer lines from Veolia to get to Freese and Nichols in order for Samer's engineer can complete costs and some due diligence planning. We will need this for the TIRA and Travis James of TXP.

April 23rd

Conference call with Jennifer and Christopher of Retail Strategies for Downtown Deliverable Discussion on the Redevelopment Assessment for Freeport, TX. Some of this information was needed for the meeting later in the day at city hall on Downtown Zoning.

Downtown zoning meeting with Stephanie, Tim, Billy and me.

Received message from Kirk that has signed the Second Amendment Agreement but with condition to meet with Executive Board (the board) on Monday. I contacted all board members to see if they are available for a special meeting with Trey's approval and scheduled the meeting. The signed documents were forward to Tim, Billy, Chris and Trey. This is to determine of the Red Tag can be removed.

April 24th

Well So much for taking day off as I work all day last holiday on Friday, try again another time.

The Special Meeting has been posted at city hall for discussion of Realty World

Scheduling a meeting with City, Port and Project Wing Tip for next week..

Scheduling a meeting with Travis James of TXP, Tim, Chris, and Project Sky High for next week

After conference call with Chris, Tim and I due to the language that Kirk Pascal included on the Second Amendment agreement Chris has advised Tim he should not remove red tag until after the conclusion of the Special Board meeting.

TIRZ BOARD

As the FEDC board has been appointed by City Council as the Tax Increment Reinvestment Zone Board we need to schedule a meeting two weeks from now as we have potential projects that will want to use the TIRZ. Travis James will be presenting next steps.

Is Tuesday May 5 open or would you prefer a longer meeting evening on May 12 of TIRZ board followed by FEDC Board meetings?

April 27th

Working with Port and Project Wing Tip to set up a conference call for Wednesday to get City, Developer and Port back on tract to bring this development to the city and port. Also setting up conference call for a special city council meeting on Thursday.

Prep work for Special EDC meeting with Realty World.

Meeting for DT zoning for tomorrow evening.

Meeting with Jeff and Stephanie on Financials and Budget.

Discussions with CBRE on properties for Project Sky High.

Make some corrections for the FDI Alliance article that goes live in 7 days or so.

Remind Chris we need the Development agreement between Waterstone and City for the housing development.

April 28th

Sent to EDC board a spread sheet to update information. We will need to recommend/present to city council at our next board meeting candidates and existing members on the A cycle. Chris and I after some research are showing that council has placed people that may not correspond to the "A" or "B" schedule. Will likely need to have a resolution passed by council correcting this just in case.

Laura and I (others) testing ZOOM Meeting for Council. Need to come to office.

Discussion with Ben Miller regarding property on Brazosport Blvd and Dean'O downtown property. We discussed the Funeral Parlor and finding a possible site for them on Gulf Blvd that has onsite parking.

Attended Zoning and Planning commission meeting regarding the proposed DT mapped designation and uses. This is for authorizing a Public Hearing. Some of the members did not like the boundary as it did not allow for their friends to operate a warehouse in the future. I tried to explain that their friend's values would be much higher with the property being a mixed-use commercial retail then it every could be as a warehouse. Also, by reducing the boundary would hinder the viability of bringing back the downtown as there may not be enough massing or buffer from the Highway.

April 29th

Conference call with Travis James on TIRZ as Robert from Project Sky High has been approached by a development group who desires to establish a hotel in Freeport. Robert is requesting that we might need to take a collaborative approach in utilizing the TERZ/TIFF financing as they establishing a joint venture with the firm in moving all aspects along and consolidating financial coordination efforts. Robert has made introductions with me and the development group. This is an added need for the TIRZ board to meet soon on next steps.

Christopher of Retail Strategies has placed me in contact with a Mr. S Patel from Oklahoma City looking to expand a hotel or retail center in Freeport. He has already toured the city I was informed. Christopher will be making arrangements for us to have a meeting next week.

Conference call with the Port, Commissioners, City, and Project Wing Tips to keep the dialoged going. Find out what information on all sides are missing to make sure Freeport is the best location for their operation. I will be contacting Greater Houston Partnership and Gary at the Alliance to make us more of a regional force to make sure that we have the best opportunity to have them open here.

April 30th

Texting ZOOM to make sure it worked for this evening's City Council meeting for Executive session.

Due to yesterday's discussion with Project Wing Tips I have sent drawings that show that the proposed development will fit on the site(s). This will be followed up with a better CAD drawing and property detail by the Port on Friday. I also included detail regarding infrastructure and construction that will show their engineer a less costly development requirement. This is pre information for the Council meeting.

City Council meeting, it went well.

May 1st

HREDA conference call at 10AM

Jason Miura of Port Freeport has sent the drawings of the site to Project Wing Tips.

Later in the evening I asked the contacts if they need NDA's signed by GHP and the Alliance as I will be combining our abilities to make the best effort in having Project Wing Tips open here.

I had a pre-conversation with Fred at GHP, as they also receive Project Wing Tips from the Governor, on assistance we will need. Gary from the Alliance had the same conversation but he was part of my meeting with them initially. GHP has found added funding/grants that have just come up due to Covid-19 that could offset construction cost.

I have forward from Workforce Development to our Chambers of commerce and Alliance for information would be vital to the community and businesses in understanding new unemployment qualifications and guidelines set forth by the Governor yesterday.

As of today, we have attracted two additional hotel groups and mixed-use development groups. Two with the help of Retail Strategies and one with the help of Project Sky High. These are separate from Samir's project

Chris and I were on a conference call with the firm from Project Sky High and this is the most viable as this will be a Joint Venture with a minimum investment of \$20MM that is self-funded. I have asked the City to provide infrastructure information on 4 sites. This one is well versed per our conversation with entertainment venues.

I am meeting with a consultant on this next Monday.

I am meeting with one or two of the other hotel groups that Retail Strategies have sent me. These were conversations up to 6:30 PM this evening.

I will be requesting a Hotel Study as this will be needed to land any hotels.

May 4th

Conference call with CBRE regarding Project Sky High

Conference call with Jessica Junker a consultant for developing Hotel Studies. Retail Strategies has recommended Jessica. I have requested her to provide me with a contract proposal as we have recently attracted 3 hotel groups.

Various conference calls with Project Sky High group on the later with Donald part of the group regarding development of a Hotel (one of the three). This is the most feasible as they are funded but a certain hotel consultant will be required and not Jessica to verify if Freeport can justify a mixed-use hotel today. Chris on conference call. Discuss with Tim on this one.

May 5th

Sent corrections for Realty World to Chris for final review and approval to bring to the board for approval

City Staff meeting

Conference calls with Project Sky High and Donald part of the group regarding development of a Hotel and other development to facilitate mixed hotel development.

Concerted effort to work on finalizing development of Property Tax Abatement guidelines for city and bring to EDC Board for review and recommendation. Contacted 140 other cities to obtain the best versions and received 6. Amazing how the exact language is the same in many areas. Send a good draft to Chris for review.

Scheduled hotel conference call for tomorrow with Retail Strategies and a hotel group (one of three).

Made and approved all finale edits to article going in FDI Magazine.

Contacted Chris on Development Agreement with Waterstone for housing development.

Conference call with Project Sky high until 7PM

Discussion with Jeff on various items but needed him to send his suggested items to Chris for Waterstone development agreement including my Bonding requirements for streets.

May 6th

Conference calls with Project Sky High and Donald part of the group regarding development of a Hotel and other development to facilitate mixed hotel development. We will schedule another conference call tomorrow with Hotel Chain and their demographer.

Conference call with Retail Strategies and a hotel group out of Oklahoma (one of three). They also appear to be funded but requesting many incentives from EDC and City.

Made corrections to Property Tax Abatement guidelines and sent to Chris, Tim and Trey for review.

Contacted Chris on Realty World as I need to send this out to Kirk tomorrow and place in packet. Also discussed process for development agreement with Chris as this now only needs to go to council for Waterstone.

Discussion call with Nigel Soliday that owns an industrial company in US and outside US. I spoke to him in February supplying information. He is circling back as he needs a certain firm to purchase in Freeport area or as a side note other industrial chemical firms that are for sale to expand portfolio.

May 7th

Finish Agenda and post by 5PM

Working most of morning with CBRE on Project Sky High industrial property possible locations.

Conference call with a Mr. Peterson regarding Oil / Gas / Shipping / Tanks as he is expanding into the area and needs information to see if Freeport will be a fit.

Conference call tomorrow with Hotel Chain and their demographer associated with Project Sky High. Headquarters will not be in Hotel as it must be in a different location and time frame for development is too long for hotel.

Send Kirk Pascal the Third Agreement.

Work on getting credit for ICSC flights

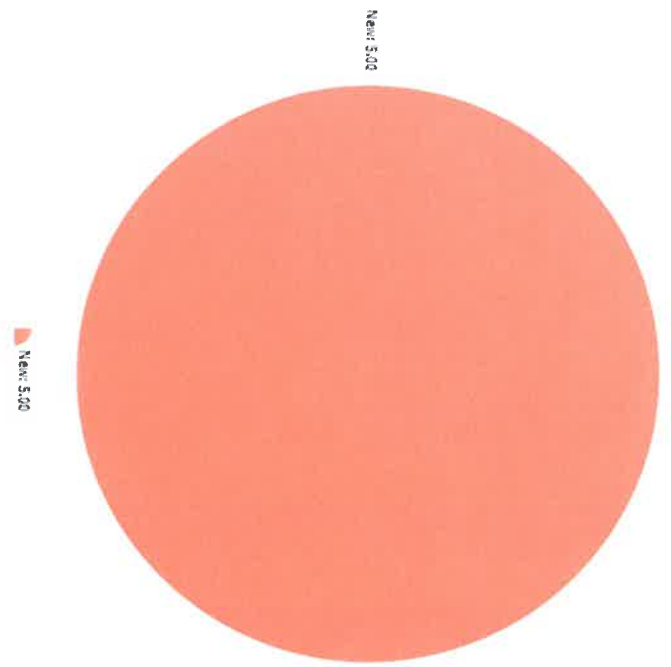
Work on development of EDC Strategic Plan for the Year for Tim.

May 8th

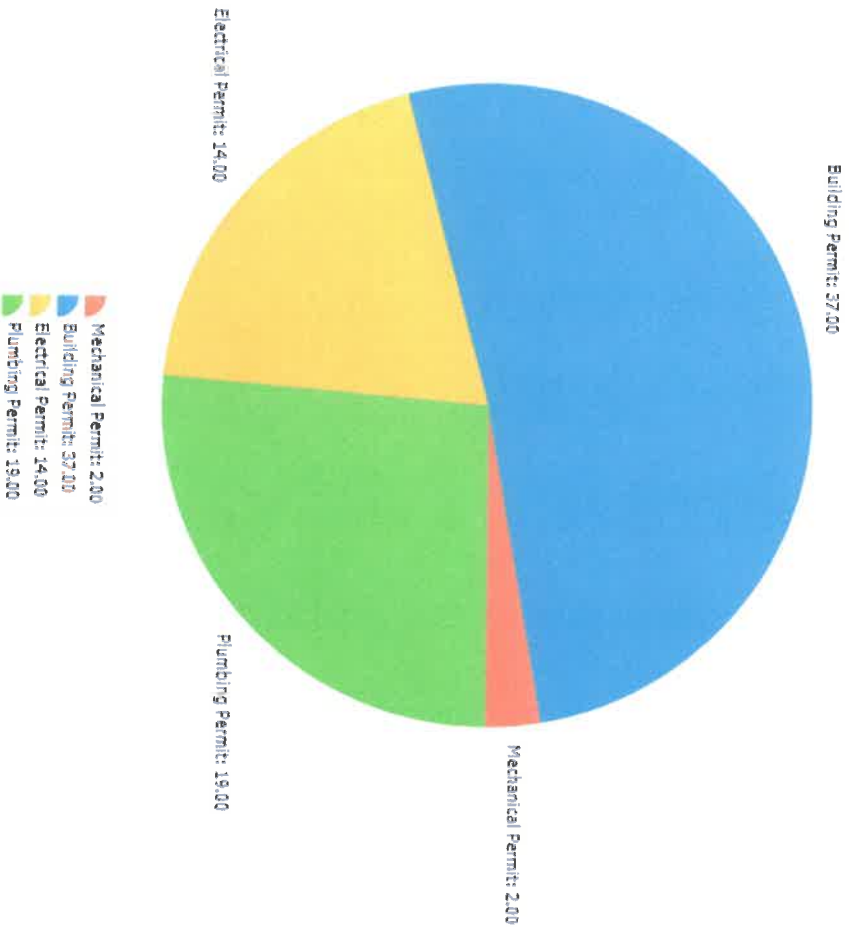
Take a day off, I hope. I have been on the job 1 year and 5 days. I have three weeks of vacation and only have been able to take off three days last November. So far have worked through all holidays and many weekends.

Building & Codes

April Report



Code Cases
April 2020



Building Permits

April 2020



Before



After

1204 West 5th St.



Before



After

23 S. Ave C



Before



After

**1702 Skinner
Freeport Oaks**



Finance, Court & Water Departments

Title: Monthly Report for April 2020

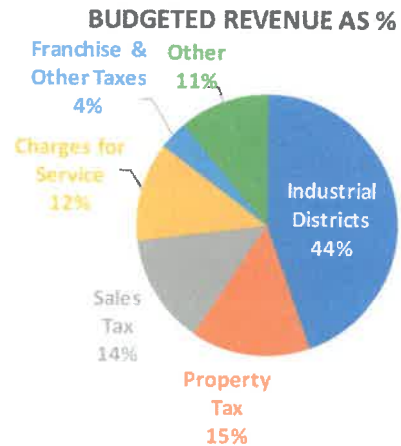
Date: May 18, 2020

From: Stephanie Russell, Assistant City Manager/Finance Director

Major Revenue

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

	Current Budget	Actual FYTD	% Budget Received
Industrial Districts	(7,820,758)	(4,872,415)	62%
Property Tax	(2,601,000)	(2,392,403)	92%
Sales Tax	(2,400,000)	(770,310)	32%
Charges for Service	(2,144,490)	(1,072,899)	50%
Franchise & Other Taxes	(638,278)	(348,922)	55%
Intergovernmental	(506,575)	(278,992)	55%
Fines & Forfeits	(475,331)	(153,570)	32%
Miscellaneous Income	(346,420)	(124,543)	36%
Lease Income	(282,574)	(79,101)	28%
License and Permits	(191,831)	(64,886)	34%
Investment Earnings	(150,000)	(70,330)	47%
Grand Total	(17,557,257)	(10,228,371)	58%



Industrial District Contracts

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

Property Tax

As of the end of April, the City had received 92% of its Property Tax Revenue.

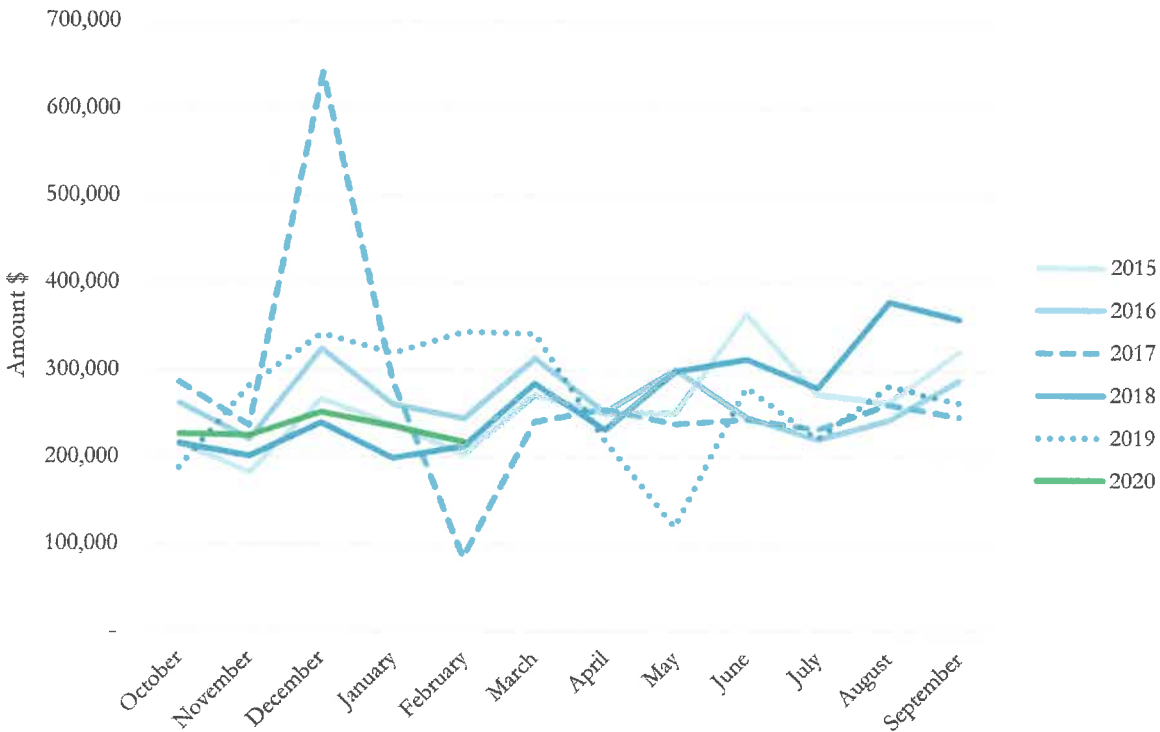
Fund	Budget	Actual FYTD	% Rcvd FYTD
General Fund	\$ 2,601,000	\$ 2,398,039	92%
Capital Purchase DS	\$ 564,832	\$ 510,561	90%
Total	\$ 3,165,832	\$ 2,908,600	92%

Sales Tax

Sales Tax Revenue through February (received in April) was over \$ 770,000, which is down from last year (-22%) and also under budget by 24%. It appears 2017 and 2019 were outlier years and thus we are seeing revenue dip to prior year trends. We may start to see the impacts from the COVID-19 pandemic with the May (March) distribution. Please note, there is a two-month lag from when sales tax is collected and received by the City; thus, February's sales tax was received in April.

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		
April	146,054		
May	80,307		
June	187,205		
July	147,760		
August	187,451		
September	175,616		
Grand Total	2,134,644	770,310	-64%
Total Budget	2,350,000	2,400,000	2%
% of Budget YTD	90.8%	32.1%	

Comparison of Sales Tax Revenue by Year



Budget vs. Actuals

Fund	Current Budget	Actuals FYTD	Budget-Actual
General Fund			
Revenue	-17,557,257	-10,228,371	-7,328,887
Administration	2,534,822	1,295,600	1,239,222
Building	346,400	169,614	176,786
Code Enforcement	446,950	148,768	298,182
EMS	914,290	412,576	501,714
Fire/Emergency Management	1,308,637	712,436	596,201
Garbage	992,453	566,117	426,336
Golf Course	998,300	528,154	470,146
Historical Museum	230,293	116,691	113,602
Library	28,300	23,040	5,260
Municipal Court	180,508	90,714	89,794
Parks	2,123,767	1,133,828	989,939
Police/Animal Control	4,743,390	2,753,601	1,989,789
Recreation	750,200	190,527	559,673
Service Center	219,090	94,773	124,317
Sr. Citizen's Commission	10,100	6,168	3,932
Street	3,542,276	1,573,816	1,968,460
Transfers	2,350,000	300,000	2,050,000
General Fund Total	4,162,519	-111,946	4,274,465
Water & Sewer			
Revenue	-5,276,100	-2,921,613	-2,354,487
Debt Service	0	0	0
Transfers	-1,750,000	0	-1,750,000
Water/Sewer	6,946,112	2,542,560	4,403,552
Water & Sewer Total	-79,988	-379,053	299,065
Capital Debt Service			
Revenue	-565,232	-509,091	-56,141
Debt Service	565,232	569,224	-3,992
Capital Debt Service Total	0	60,133	-60,133
COO 2008 Construction			
Administration	54,000	0	54,000
COO 2008 Construction Total	54,000	0	54,000
Special Revenue			
Revenue	-64,100	-37,055	-27,045
Beach Maintenance	6,500	1,989	4,511
Hotel/Motel	10,250	5,000	5,250
Municipal Court	24,800	9,378	15,422
Police/Animal Control	15,000	4,449	10,551
Special Revenue Total	-7,550	-16,238	8,688
Street & Drainage			
Street	300,000	11,394	288,606
Transfers	-300,000	0	-300,000
Street & Drainage Total	0	11,394	-11,394

Utilities

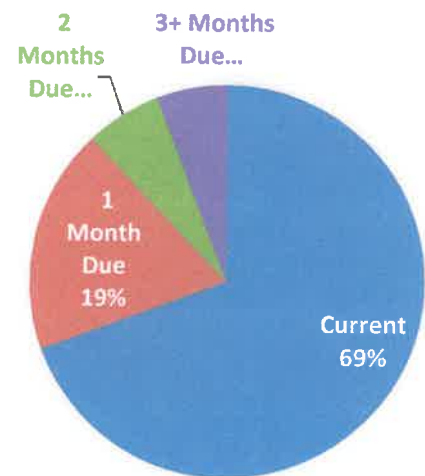
As of the end of April, 69% of water accounts were current and 31% had outstanding balances.

Apr-20

Billed	Water	Sewer	Total FYTD
Residential	\$475,765	\$412,348	\$888,113
Commercial	851,693	720,598	1,572,292
Outside CL	203,646	2,713	206,359
Irrigation	6,359	0	6,359
Water Only	120,447	0	120,447
Total Billed	\$1,657,911	\$1,135,660	\$2,793,570
Last FYTD	\$1,564,286	\$1,110,363	\$2,674,649
% Change	6.0%	2.3%	4.4%

Consumption	Water	Sewer	Total FYD
Billed	204,350,000	155,806,463	360,156,463
Unbilled	836,000	0	836,000
Total Gallons	205,186,000	155,806,463	360,992,463
Last FYTD	225,183,000	174,689,970	399,872,970
% Change	-8.9%	-10.8%	-9.7%

AGING REPORT FOR WATER ACCOUNTS



Municipal Court

Fiscal Year Total Through	Apr-18	Apr-19	Apr-20	% Change
Violations				
Filed	2,133	2,119	1,391	-34.4%
Completed	1,672	1,412	1,043	-26.1%
Net Difference Filed/Complete	461	707	348	-50.8%
Warrants				
Issued	631	397	209	-47.4%
Warrants Cleared	843	495	370	-25.3%
Change in Total Warrants	-212	-98	-161	64.3%
Total Fees/Fines Paid*	\$363,540	\$302,073	\$220,603	-27.0%

* Includes Regulatory, State & Other Agency Fees

Ongoing Initiatives

FY2018-2019 Audit

The final Comprehensive Annual Financial Report was shared with Council in March and will be placed on the City's website in April. The presentation of this report has been delayed due to COVID-19 but is anticipated to occur in June.

Budget

Based on updated projections, a new budget amendment is being proposed in May.

Financial Software

The City is not fully utilizing its financial software to its maximum capacity. Therefore, staff is currently working with the software provider to expand our use within the available modules and evaluate adding new ones. Additionally, staff is also evaluating the cost versus benefit of newer versions of the current software and other software that is available. Staff solicited an RFP for Integrated Financial Software in March and received two proposals on April 13th. Staff is reviewing the proposal and intends to make a recommendation to Council in June.

Grant Reporting

Submitted quarterly report for the Mobile Video Recorder Equipment Project under the DJ-Edward Byrne Memorial Justice Assistance Grant Program.

Online Services

Residents may now apply for new water and garbage services online. The new website will also allow residents to sign-up for other utilities. Additionally, staff is working to upgrade the website for online payments which should be available in May.

Policies

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

Purchasing

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

Records

There are not any new updates for April. 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

Staff made some updates to the Finance page to include Quarterly Investment Reports. The Texas Comptroller of Public Accounts' Transparency Stars program recognizes local governments for going above and beyond in their transparency efforts. Over the next year or so, the Finance Department will be working towards expanding its online presence in an attempt to increase transparency and possibly submit for recognition.

Utility Rate Study

The final report was presented to Council April. Based on the direction from Council during that meeting, staff will include the proposed rate increases in the FY2020-2021 Proposed Budget.



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
EMS Coordinator

To: Mr. Kelty, City Manager

From: Christopher D. Motley, Fire Chief

Date: May 15, 2020

Re: April 2020

Response alarms: August: Fire – 7
EMS: - 173
Total: 180

Significant Events: .

Air Ambulance transport: 1
Request mutual aid into the city to cover EMS response: 0
Two EMS units working calls at the same time: 16
Three working EMS alarms: 1
Four working EMS alarms: 0
Transport rate 48 %
Surrounding agencies are down due to COVID-19 except AAEMC.
AAEMC increase is due to their contract with TDCJ prisons.

Equipment/Instructure: Fleet repairs in progress on Engine 901. The tank was repaired under warranty work. Engine 902 had electrical issues with a drop in voltage. It was repaired and placed back in service.

Emergency Management: Meeting held with GLO, grant writer, and engineer on DBG DR grant. Continuation of Harvey FEMA projects.

Personnel: Administrative Assistant, Bette Dahse, has been working out well. She has organized the daily operations: purchasing, invoicing, tracking expenses, and coordinating employee information.
Fire Marshal vacancy: Position reposted
Fire Fighter Vacancy: (One personnel) Employee testing May.
Canceled testing in March for COVID-19
FF/EMT-B Jason Schneider; new hire has completed basic orientation and assigned to B-Shift.

Public Relations:

Canceled due to COVID-19

Visit us online at www.freeport.tx.us
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