



**AGENDA
REGULAR MEETING
FREEPORT CITY COUNCIL
MONDAY, APRIL 15, 2019 at 6:00 P.M.**

Mayor:
Troy Brimage

Council Members:
Ken Green
Brooks Bass
Sandra Loeza
Roy Yates

City Manager:
Timothy Kelty

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, THE 15th DAY OF APRIL 2019, AT 6:00 P.M., AT THE FREEPORT POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD, FREEPORT TEXAS 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 the time. Note, specific factual information or a recitation of existing policy may be furnished in response to an inquiry made, but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open meetings Act unless said notice appears herein. The public is reminded that there is a (4) minute time limit as approved by City Council on June 21, 2010.

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

- Employee of the Month.

COUNCIL BUSINESS – REGULAR SESSION:

1. Consideration and possible action on the approval of City Council meeting minutes from April 1, 2019 and April 6, 2019. (Tolar) Pg. 354-360

2. Update on collection of delinquent taxes and court fine and fees from Mike Darlow with Perdue, Brandon, Fielder, Collins & Mott, LLP. **(Russell)** Pg. 361-378
3. Consider and take action on renewal of delinquent tax collection contract with Perdue, Brandon, Fielder, Collins & Mott, LLP. **(Russell)** Pg. 379-383
4. Consider and take action on renewal of collection contract for mowing, paving and demolition liens with Perdue, Brandon, Fielder, Collins & Mott, LLP. **(Russell)** Pg. 384-388
5. Consideration and possible approval of change orders #1 and #2 to contract with Sorrell Construction for 2019 Concrete Road Street Project. **(Hoelewyn)** Pg 389-392
6. Consideration and possible action on plumbing bill reimbursement and a request for water and sewer bill adjustments at Freeport RV Park. **(Kelty)** Pg. 393-395
7. Consideration of approving Resolution No. 2019-2576 suspending for 45 days the effective date proposed by CenterPoint Energy Resources Corp., Texas Coast Division (“CenterPoint”) in its application filed on or about March 28, 2019 pursuant to section 104.301 of the Gas Utility Regulatory Act. **(Kelty)** Pg. 396-400
8. Consideration of approval of revising Sections 8.02, Appendix A A8.02, A8.03, A12.03, 3.07, 5.06 of the City of Freeport Personnel Policy Handbook. **(Kershaw)** Pg. 401-410
9. Discuss and consider approving the City Manager to seek proposals for legal services. **(Kelty)** Pg. 411

WORK SESSION:

10. The City Council may deliberate and make inquiry into any item listed in the Work Session.
 - A. Mayor Troy T. Brimage announcements and comments.
 - B. Councilman Green Ward A announcements and comments.
 - C. Councilman Bass 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 announcement and comments
 - G. Updates on current infrastructure.
 - H. Update on reports / concerns from Department heads. Pg. 412-433

ADJOURNMENT:

11. 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. on this the 12th day of April, 2019.



Laura Tolar, Interim 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, April 1, 2019 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 Troy Brimage
Councilman Brooks Bass
Councilman Ken Green
Councilwoman Sandra Loeza
Councilman Roy E. Yates

Staff:

Tim Kelty, City Manager
Laura Tolar, Asst. City Secretary/Special Projects Coordinator
Wallace Shaw, City Attorney
Nat Hickey, Property Manager
Danny Gillchriest, Police Captain
Kim Townsend, Parks & Recreation Director
Brian Dybala, Golf Course Director
David Hoelwyn, Street Department Director
Stephanie Russell, Finance Director
Loni Kershaw, Human Resources Director
Jerry Meeks, Veolia
LeAnn Strahan, Historical Museum Director
Billy Shoemaker, Building Department Director

Visitors:

Kenny Hayes	Desiree Pearson
Tommy Pearson	Melanie Oldham
Lovie Phillips	Sabrina Brimage
Olan Massingill	Angie Williams
Edmeryl Williams	

Call to order.

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

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Troy Brimage led the Pledge of Allegiance.

Citizen's Comments

Lovie Phillips spoke regarding the new construction on Avenue D and presented a petition to council requesting the alley to be asphalted.

PRESENTATIONS/ANNOUNCEMENTS

Presentation by Freeport Historical Museum and Amanda Danning regarding the forensic facial reconstruction.

Amanda Danning spoke regarding the live facial reconstruction exhibit that is at the Historical Museum.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from March 18, 2019.

Consideration of ratifying act of authorizing City Manager seeking extension of time required by IRS for filing income tax return for the Freeport Historical Museum Foundation.

On a motion by Councilman Bass, seconded by Councilman Green, with all present voting "Aye", Council unanimously approved Consent Agenda.

REGULAR SESSION

Consideration of approving Resolution 2019-2575 approving an investment policy for the city

Finance Director Stephanie Russell stated that the last time the city approved an investment policy was in 1993 and that we must pass one to be in compliance with the law.

On a motion by Councilman Bass, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Resolution 2019-2575 approving an investment policy for the city.

Consideration of Ordinance No. 2019-2570 adopting an amendment to the budget for the 2018-2019 fiscal year

Stephanie Russell presented items needing a budget amendment and stated that the industrial district revenue was underbudgeted.

Mayor Troy Brimage stated that there is no negative impact to the budget.

On a motion by Councilman Bass, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Ordinance No. 2019-2570 adopting an amendment to the budget for the 2018-2019 fiscal year.

Authorization to send out Request for Proposals (RFPs) for bank depository authorization

Stephanie Russell stated that 2014 was the last time the city acted on a bank deposit service. She stated that there are many new security features that the city will want to implement. Ms. Russell stated that a 10-mile radius is an appropriate distance from city hall to be considered.

On a motion by Councilman Green, seconded by Councilman Yates, with all present voting "Aye", Council unanimously approved Ordinance No. 2019-2570 adopting an amendment to the budget for the 2018-2019 fiscal year. Councilwoman Loeza abstained from voting.

Discuss and consider approval to submit an application to the State of Texas Commercial Charge Card program

Ms. Russell informed council that we currently use credit cards through Texas Gulf Bank. She stated that the procurement cards are through the state and are can all be accessed electronically.

Councilman Bass asked if there was more control with these cards.

Ms. Russell replied there is more control.

On a motion by Councilman Bass, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved to submit an application to the State of Texas Commercial Charge Card program.

Discuss and consider approval to submit an application to the State of Texas Fuel Card program

Ms. Russell stated that the city should see an immediate savings and that most companies use this fuel card program.

On a motion by Councilman Bass, seconded by Councilman Yates, with all present voting "Aye", Council unanimously approved to submit an application to the State of Texas Fuel Card program.

Discuss and consider approving a change order for the Freeport Water tower

On a motion by Councilman Bass, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved to table this item.

WORK SESSION:

Mayor Troy T. Brimage announcements and comments

Mayor Brimage reminded everyone that council and staff are here to serve the public. He added that Abigail Arias was made an honorary Exporter. Street Department are currently working on alleys

Councilman Green Ward A announcements and comments

Councilman Green had nothing to report.

Councilman Bass Ward B announcements and comments

Councilman Bass asked the scheduling of when the county will be asphaltting again. Street Department Director David Hoelewyn replied approximately June. Councilman Bass expressed concerns regarding the street crowns. Mr. Hoelewyn stated that the crowns will be lowered. Councilman Bass asked about the relocating of water and sewer lines and Mr. Hoelewyn stated that he is working with Jerry Meeks.

Councilwoman Loeza Ward C announcements and comments

Councilwoman Loeza expressed concern about Waste Connections and trash issues. Mr. Kelty stated that he will review the contract expiration. Mrs. Loeza stated that a resident had a broken trash can with no wheels for two weeks and it had not been replaced. She also inquired as to the status of Church's Chicken building.

Councilman Yates Ward D announcements and comments

Councilman Yates questioned the levee and the coast guard downplaying it's importance. He also stated that he had received a phone call from a resident regarding a sewer line in a trailer park. He also added that he wanted to see legal bills regarding the Wong property.

City Manager Tim Kelty announcements and comments

City Manager Tim Kelty reported that he had contacted 13 firms regarding the request for proposals for engineering services and would like mayor and some staff to sit on the committee to interview. Interviews are taking place for the Economic Development Director position. The EDC Board members, Mr. Kelty and Councilman Green will be attending the ICSC May 19-22, 2019. Mr. Kelty stated that he will begin having lunch one a month with employees drawn at random to get know the employees and for them to get to know him. Mr. Kelty also stated that once a month an employee will be selected as employee of the month and will receive ½ day off. He also added that at the 2nd city council meeting of each month directors will be submitting monthly reports for council review.

Parks Director Kim Townsend stated that the Easter Egg hunt will be on April 13th, Riverfest will be 26-28th.

Historical Museum Director LeAnn Strahan said that the museum had about 250 people attend their Spring Fling.

Finance Director Stephanie Russell stated that she has been busy updating account and just digging into the accounts.

Fire Chief Chris Motley stated that the new fire truck was delivered and outside in the parking lot were the new fire truck, stair chair and the gurney for obese patients for the public to see.

Golf Course Director Brian Dybala reported that the Brazosport Golf Team played well. He added that the weather is doing better but the first 15 days of the month were wet but still beat his goal. A two-day club championship had its biggest attendance in 10 years. He added membership is up to 110.

Street Department Director David Hoelwyn stated that they had been repairing a lot of alleys, sidewalks on 1600 of 5th Street, assisted Parks with solar lighting, worked with the Golf Course to improve the are around the new building

Building Department Director Billy Shoemaker stated that there had been 4-5 house plans submitted and working to clean out old city hall.

Police Captain Danny Gilchrist said everything was going smooth and there was a good turnout for the "Circle the Wagons" BBQ event for sick kids. He added that narcotics was staying busy.

Open session was closed at 7:14 pm and Council entered into Executive Session.

CLOSED SESSION:

Executive Session regarding economic development (Projects 2019-2 and 2019-3) in accordance with Vernon's Texas Government Code Annotated, Chapter 551, 551.087

REGULAR SESSION

Mayor Troy Brimage opened regular session at 7:18 pm

Consideration in open session of taking action on any matter discussed in closed executive session

No action taken.

Adjourn

On a motion by Councilman Bass, seconded by Councilman Yates, with all present voting "Aye", Mayor Brimage adjourned the meeting at 7:20 PM.

Mayor, Troy Brimage
City of Freeport, Texas

Assistant City Secretary, Laura Tolar
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 Saturday, April 6, 2019 at 11:00 a.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 Troy Brimage
Councilman Brooks Bass
Councilman Ken Green
Councilwoman Sandra Loeza
Councilman Roy E. Yates

Staff: Laura Tolar, Asst. City Secretary/Special Projects Coordinator
Jerry Meeks, Veolia

Visitors:

Call to order.

Mayor Troy Brimage called the meeting to order at 11:00 a.m.

Citizen's Comments

There were none.

REGULAR SESSION

Discuss and consider approving a change order for the Freeport Water tower

Mayor Brimage reviewed the price differences with Council.

Councilman Ken Green stated that we need to put our best foot forward.

Councilman Roy Yates stated that even at the higher price we are still under budget.

Mayor Brimage stated that this is an example of a brighter, clearer and newer Freeport.

Mayor Brimage added that BISD will not be contributing money towards the cost of the logos.

Councilwoman Sandra Loeza added that she agrees with the comments everyone is making.

On a motion by Councilwoman Green, seconded by Councilman Yates, with all with all present voting 3 to 1, Council approved a change order for \$16,070 for the Freeport Water tower to include the price of \$13,208 for the City of Freeport logo and \$12,862 for the Brazosport High School logo which were originally budgeted for \$10,000 for both. Councilman Brooks Bass opposed.

Adjourn

On a motion by Councilman Bass, seconded by Councilman Yates, with all present voting "Aye", Mayor Brimage adjourned the meeting at 11:06 AM.

Mayor, Troy Brimage
City of Freeport, Texas

Assistant City Secretary, Laura Tolar
City of Freeport, Texas



City Council Agenda Item #2, 3 & 4

Title: Consideration and Possible Action Regarding Proposed Contracts with Perdue, Brandon, Fielder, Collins and Mott, L.L.P. for the Collection of Delinquent Taxes and Collection of Mowing, Demolition & Paving Liens and/or Assessments.

Date: April 15, 2019

From: Stephanie Russell, Finance Director

Staff Recommendation:

Staff recommends approval of the proposed contracts with Perdue, Brandon, Fielder, Collins and Mott, L.L.P. (Perdue Brandon) for the Collection of Delinquent Taxes and Collection of Mowing, Demolition & Paving Liens and/or Assessments.

Item Summary:

This item is to review and possibly take action regarding two renewal contracts for Collection of Delinquent Taxes and Collection of Mowing, Demolition & Paving Liens and/or Assessments with Perdue Brandon. In addition to the contracts for Council consideration, Perdue Brandon will present an overview of its collection report for Property Taxes and Municipal Court Fines.

Background Information:

Perdue Brandon has collected delinquent taxes and liens on behalf of the City for the past several years. Perdue Brandon is also the collector for the County, School District and Port. Their bi-annual contract is up for renewal and, therefore; before council for consideration.

The Collection of Delinquent Taxes contract allows Perdue Brandon to enforce by suit or otherwise, the collection of all delinquent taxes, penalty and interest. Taxes that are delinquent as of July 1st each year are turned over to Perdue Brandon for collection. This contract begins April 29, 2019 continues until April 28, 2021.

The Collection of Mowing, Demolition & Paving Liens and/or Assessments contract allows Perdue Brandon to use reasonable and necessary legal steps to effect collections of mowing, demolition and paving liens and/or assessments due to City. This contract begins June 1, 2019 and continues until June 1, 2021. After June 1, 2021, the contract will continue on a month to month basis until terminated.

Special Considerations:

N/A

Financial Impact:

Perdue, Brandon, Fielder, Collins and Mott, L.L.P. receives fees directly paid by the account holders; therefore, there are not direct costs associated with either contract.

Board or 3rd Party recommendation:

N/A

Supporting Documentation:

Collection Report by Michael J. Darlow, Perdue Brandon Fielder Collins & Mott, LLP

Contract for the Collection of Delinquent Taxes

Contract for the Collection of Mowing, Demolition & Paving Liens and/or Assessments



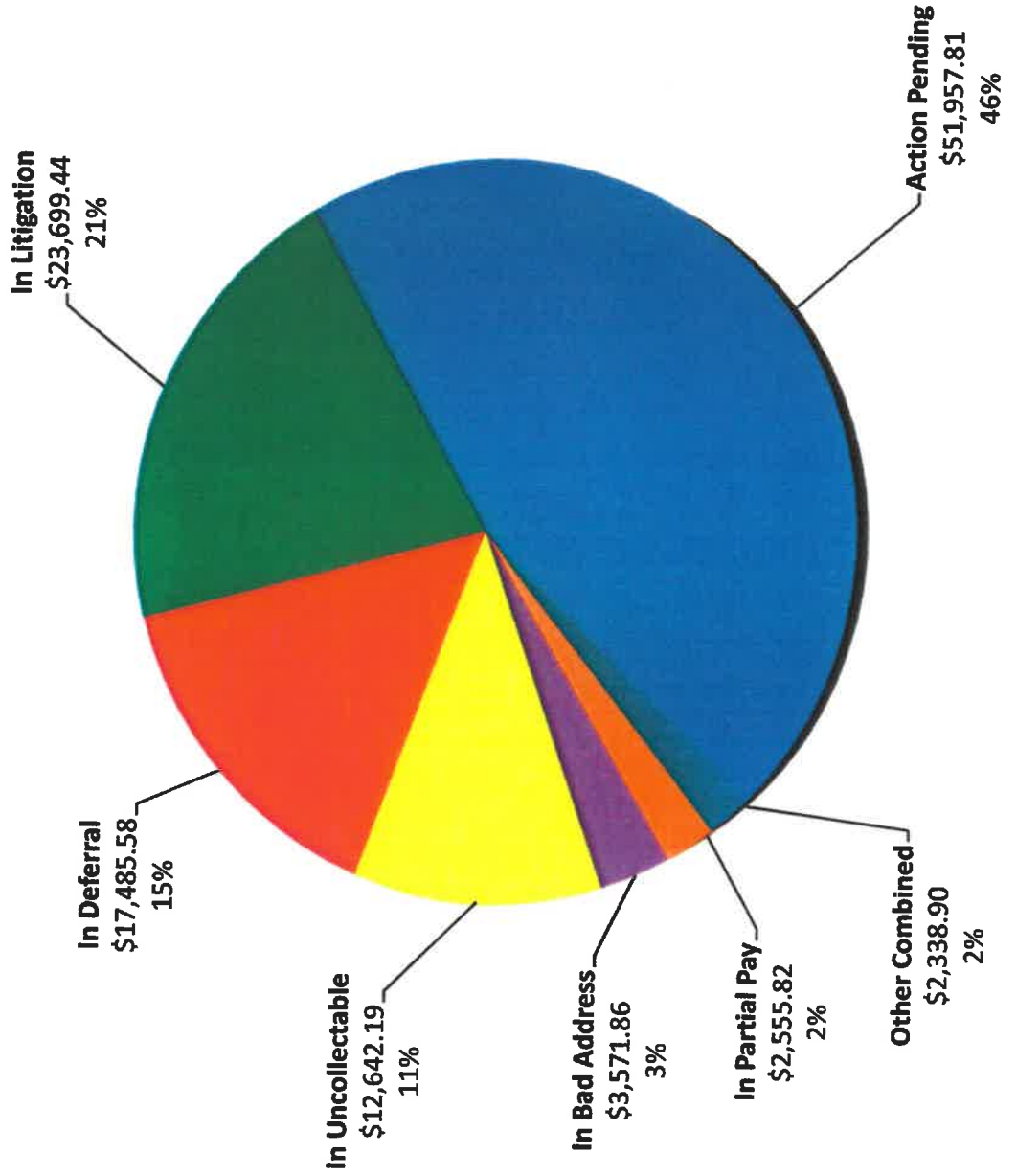
April 2019

Collection Report to the City of Freeport

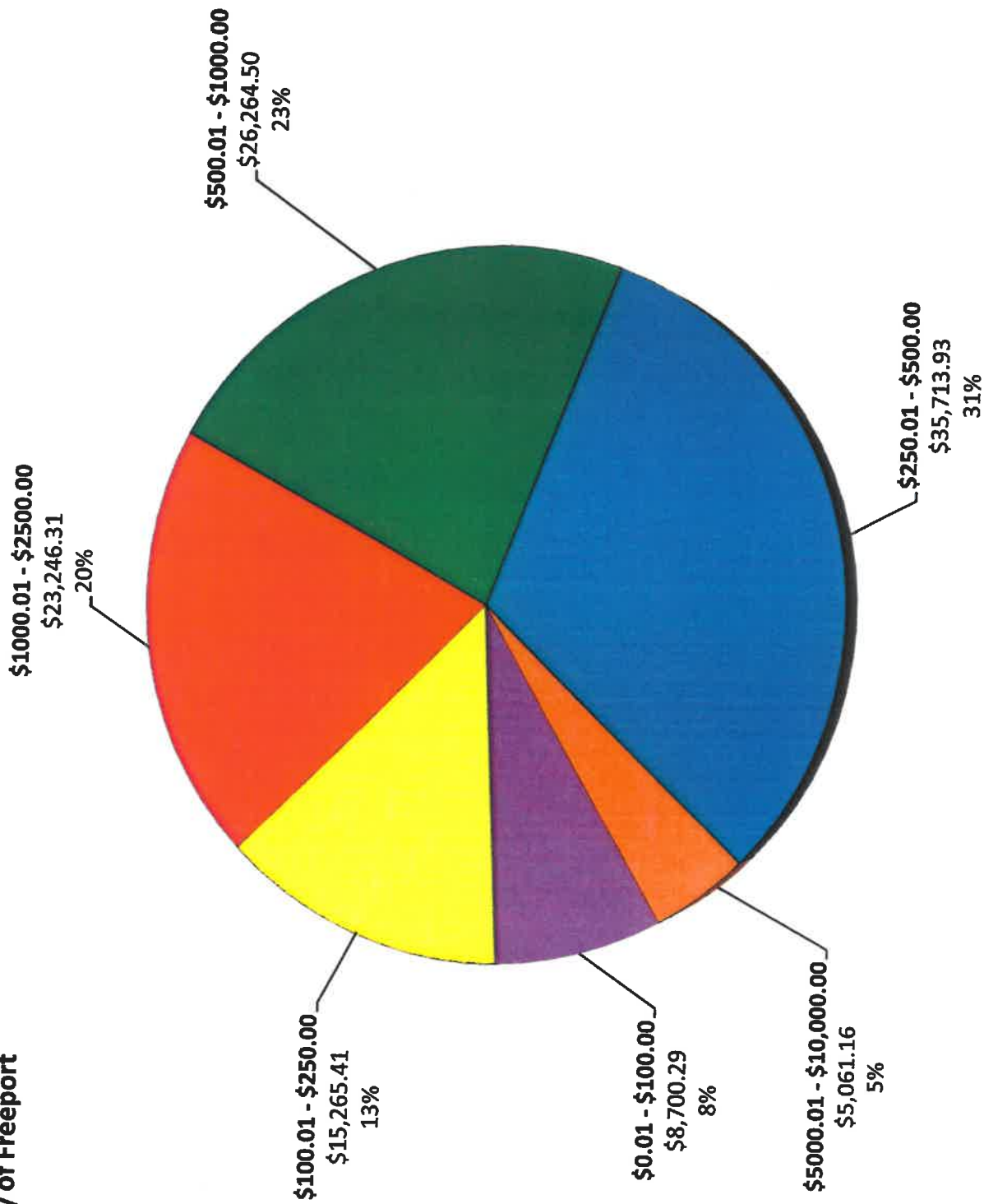
Submitted by: Michael J. Darlow
Perdue Brandon Fielder Collins & Mott, LLP
www.pbfc.com



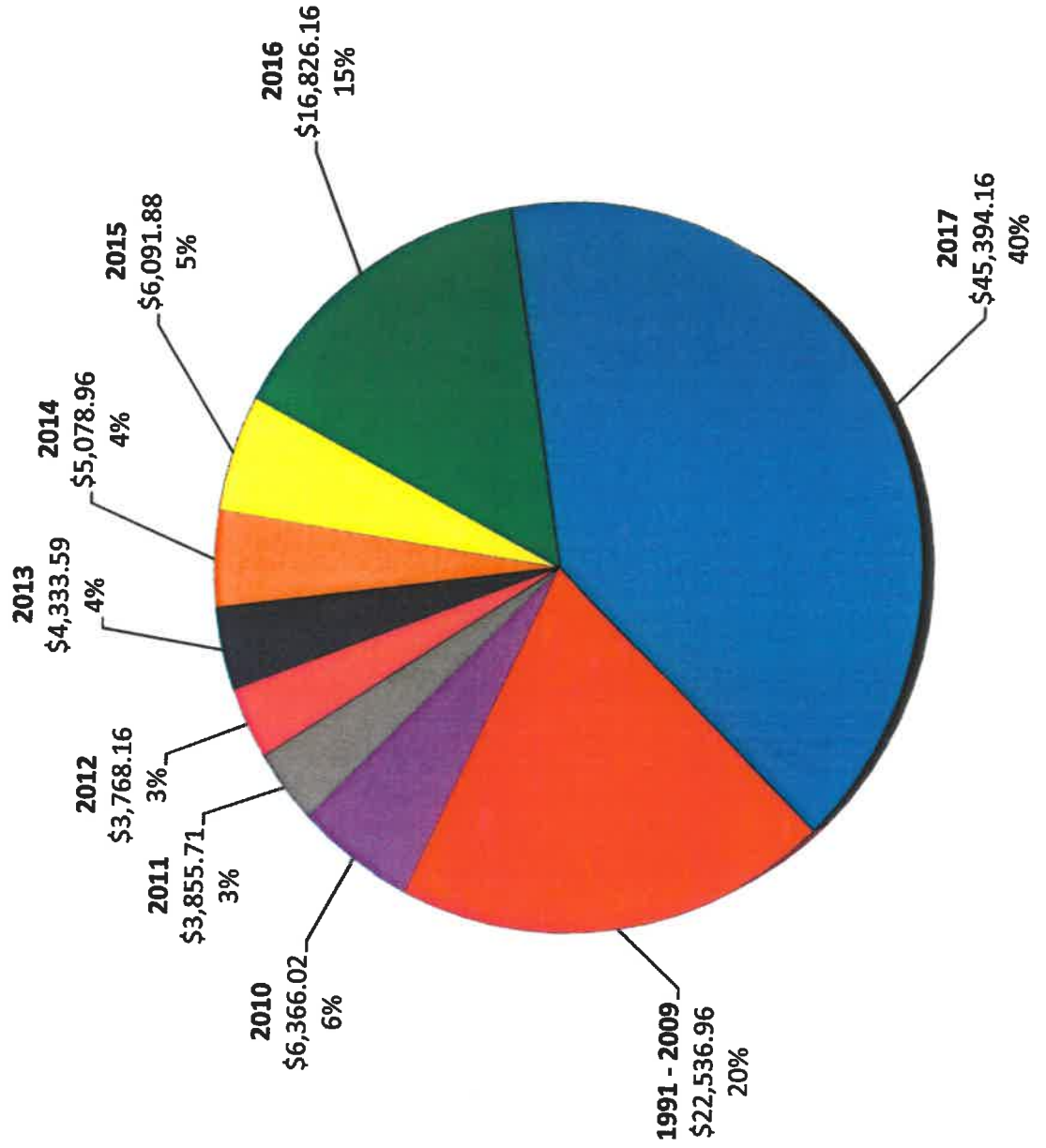
Account Break Down Chart For
City of Freeport



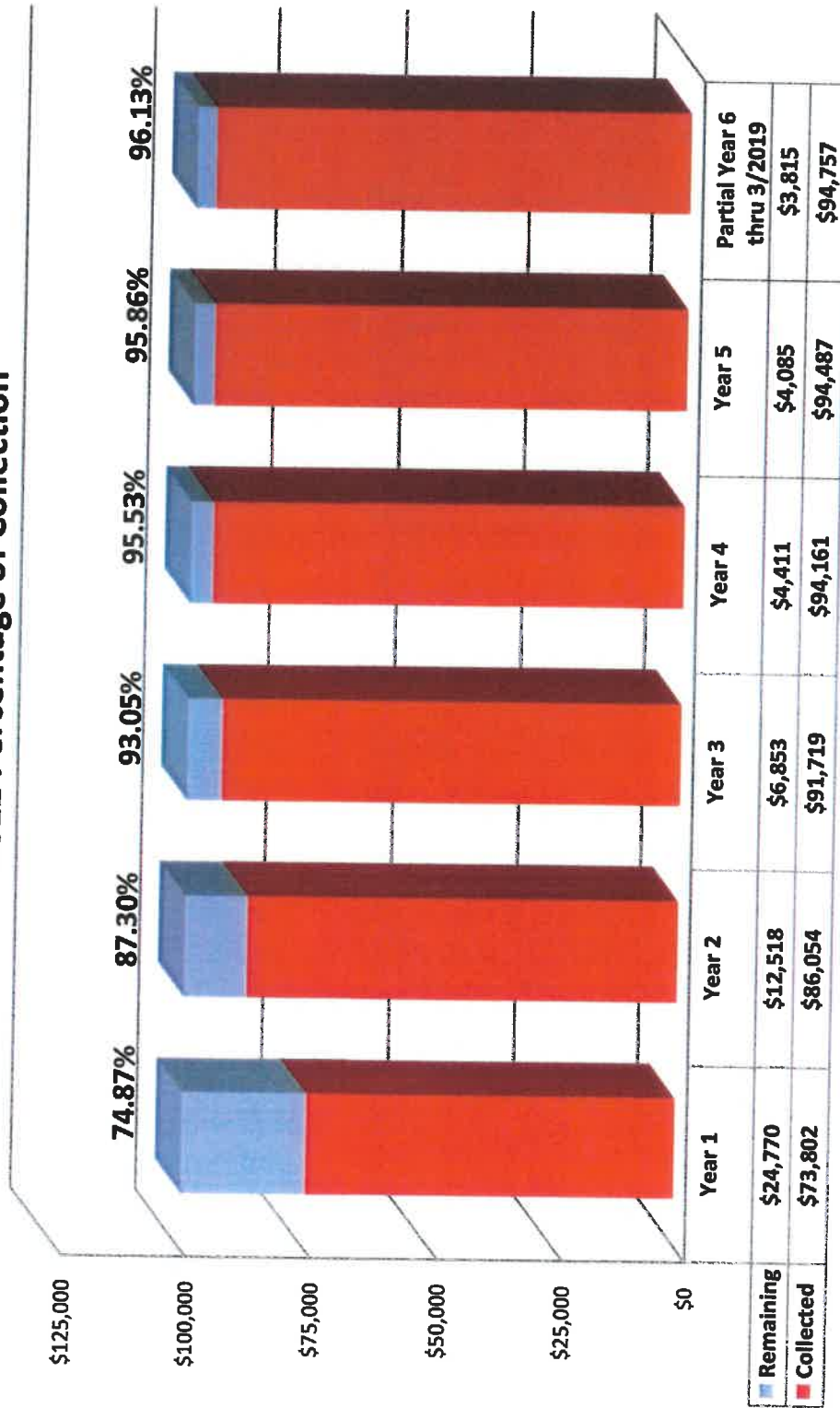
**Dollar Range Chart For
City of Freeport**



**Tax Year Chart For
City of Freeport**

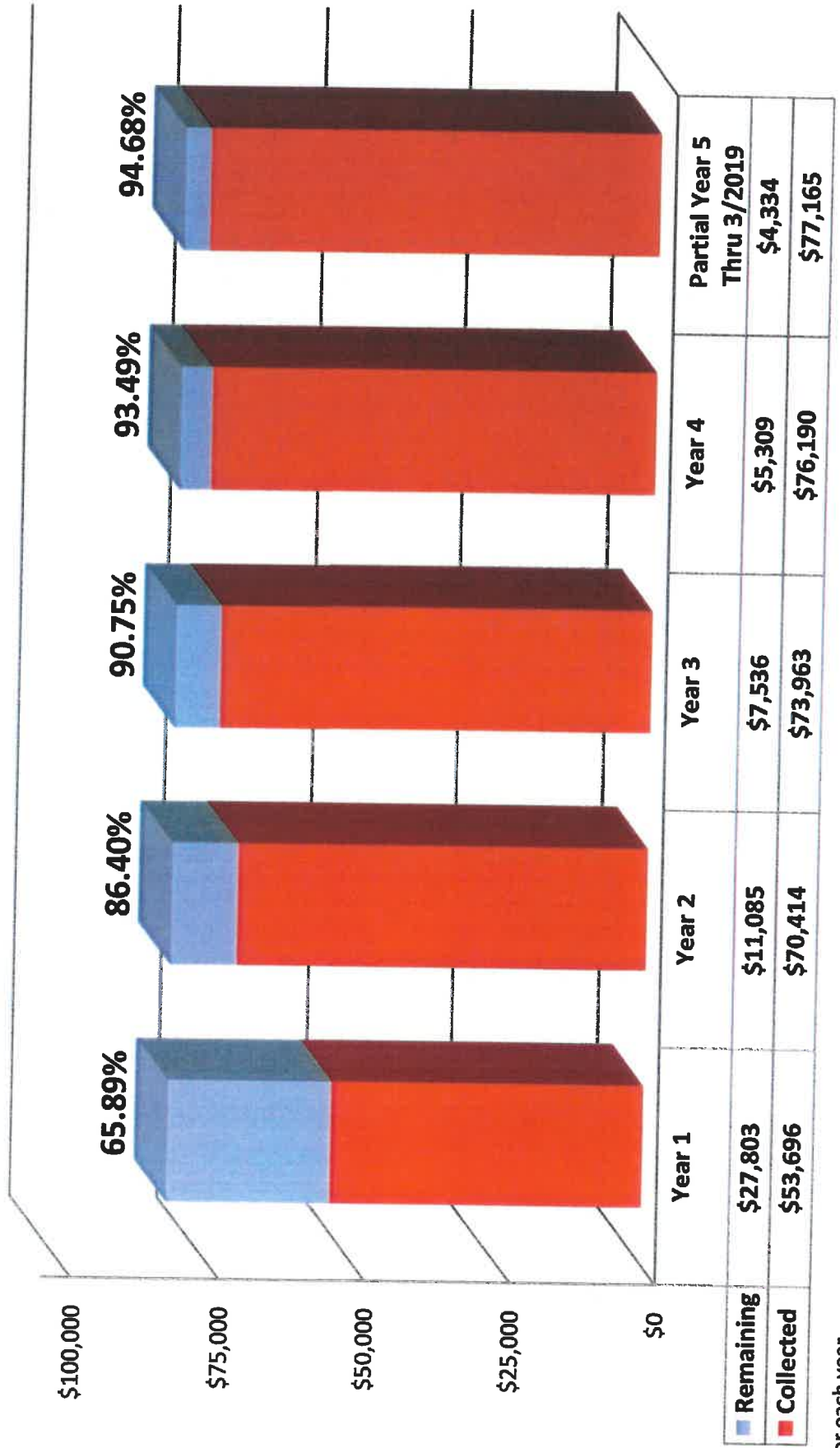


**CITY OF FREEPORT
2012 Percentage of Collection**



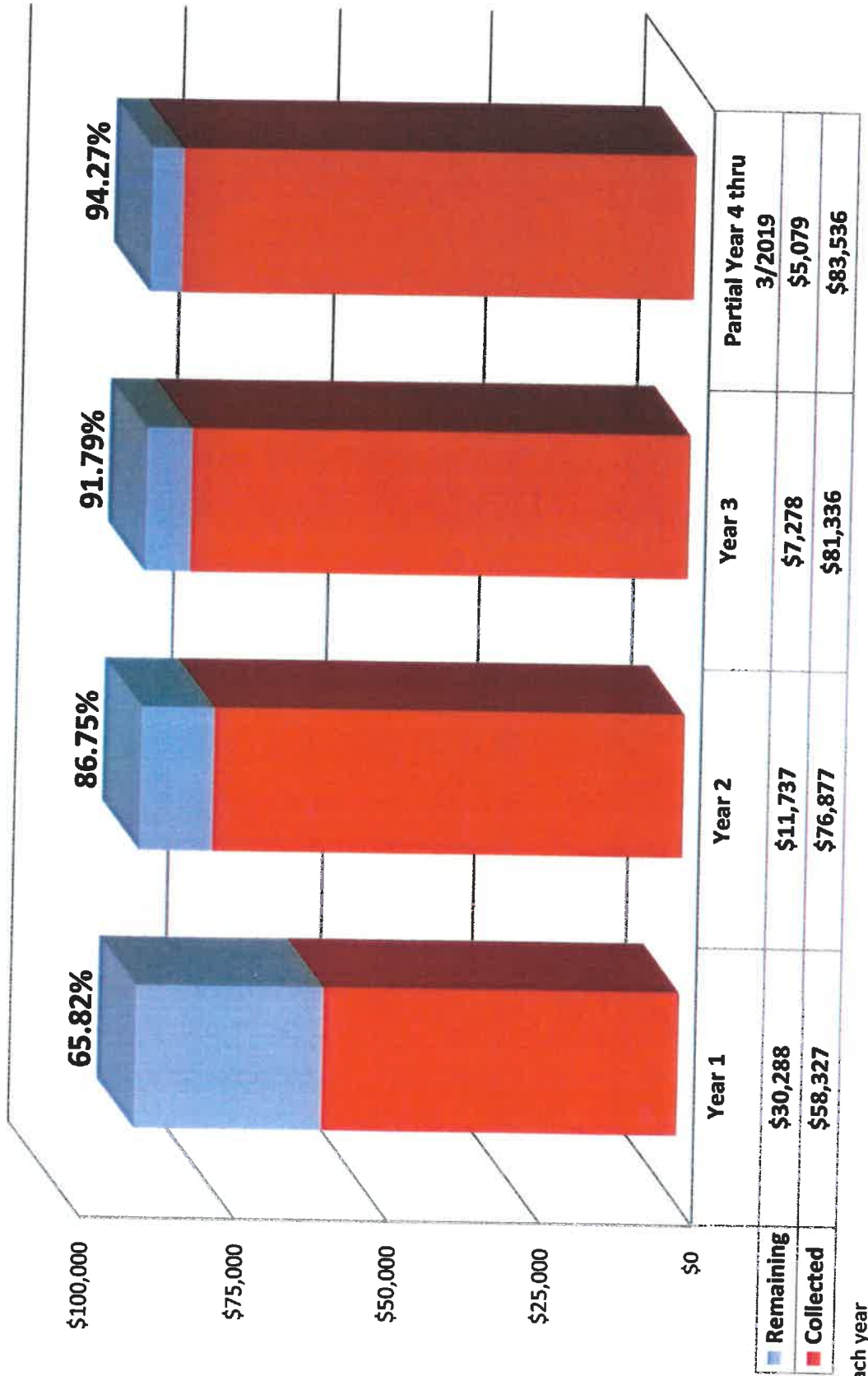
7/1 -6/30 for each year
Initial Outstanding Base Tax \$186,508 - as of 7/1/13
*Adjusted amount minus Capital Source account \$87,936 = \$98,572

**CITY OF FREEPORT
2013 Percentage of Collection**



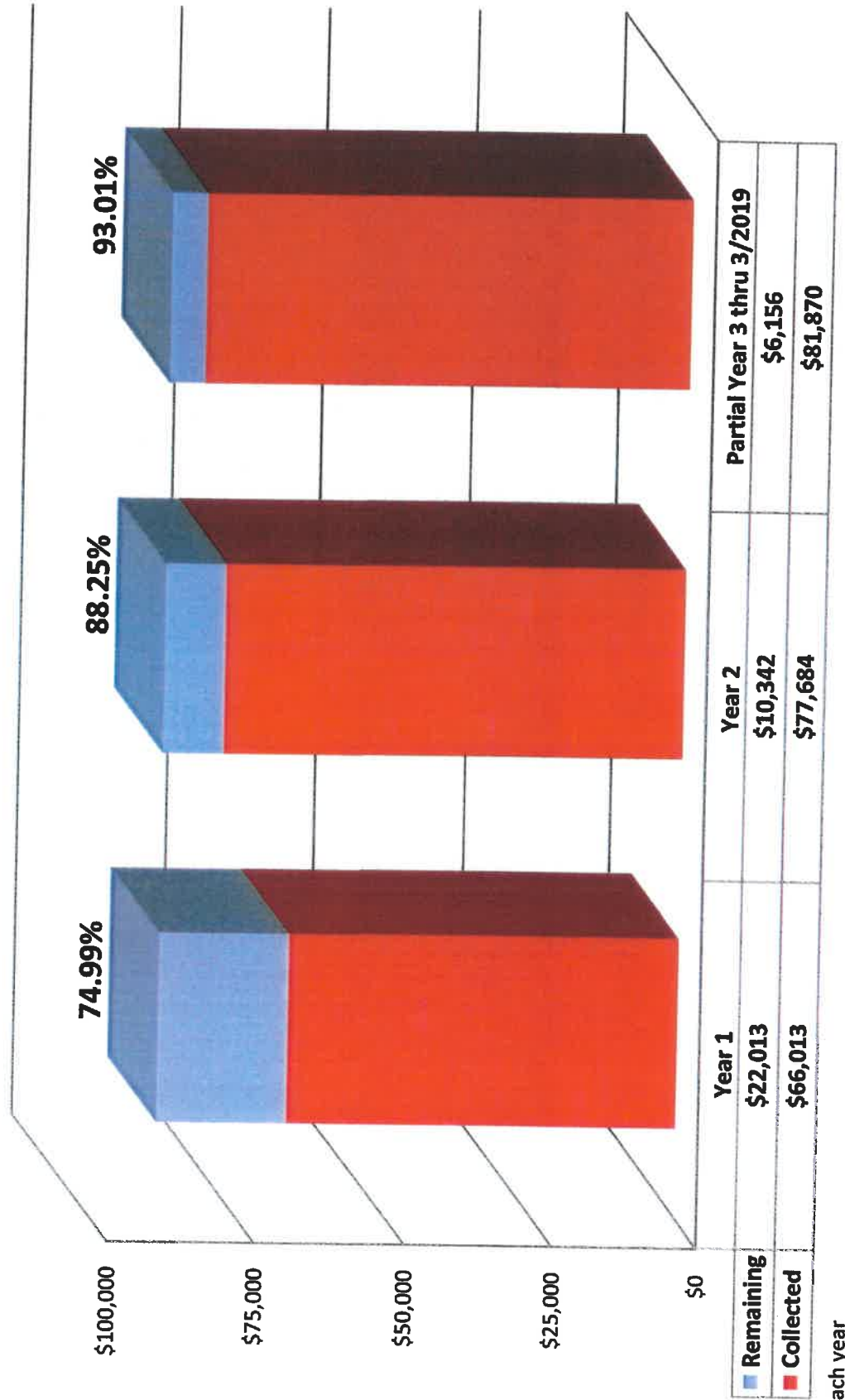
7/1 -6/30 for each year
Initial Outstanding Base Tax \$81,499 - as of 7/1/14

**CITY OF FREEPORT
2014 Percentage of Collection**



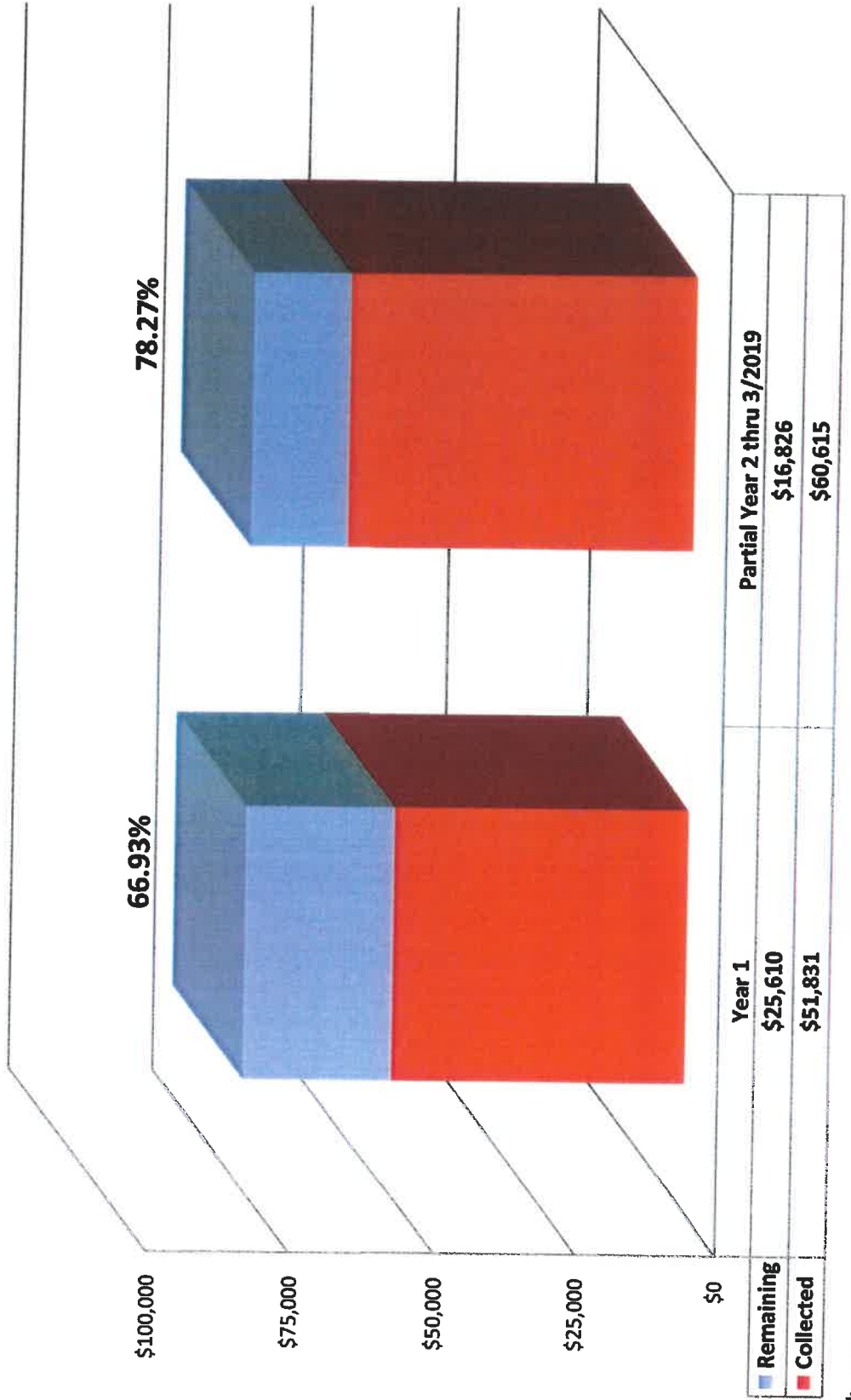
7/1 -6/30 for each year
Initial Outstanding Base Tax \$88,615 - as of 7/1/15

**CITY OF FREEPORT
2015 Percentage of Collection**



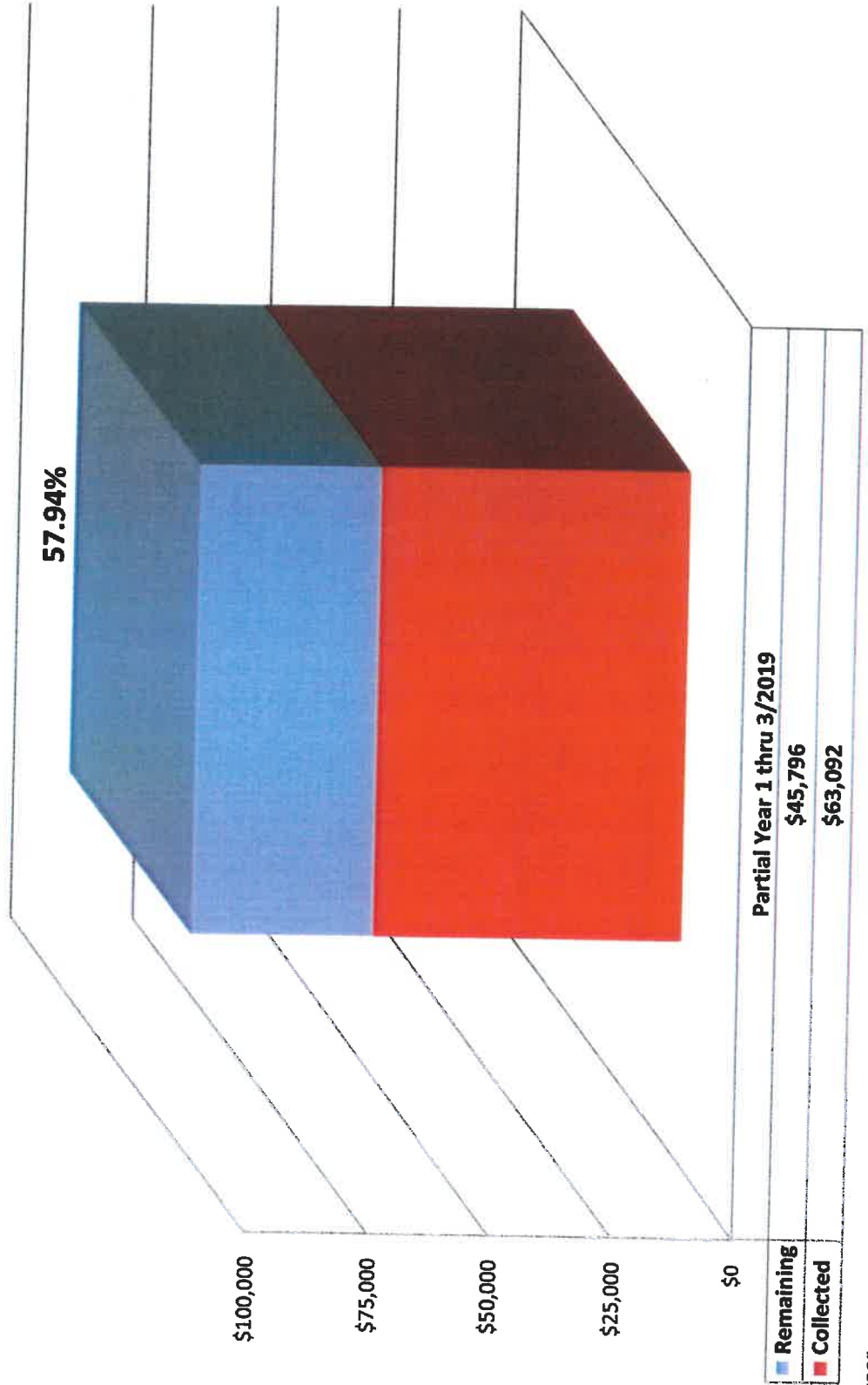
7/1 -6/30 for each year
Initial Outstanding Base Tax \$88,026 - as of 7/1/16

**CITY OF FREEPORT
2016 Percentage of Collection**



7/1 -6/30 for each year
Initial Outstanding Base Tax \$77,441 - as of 7/1/17

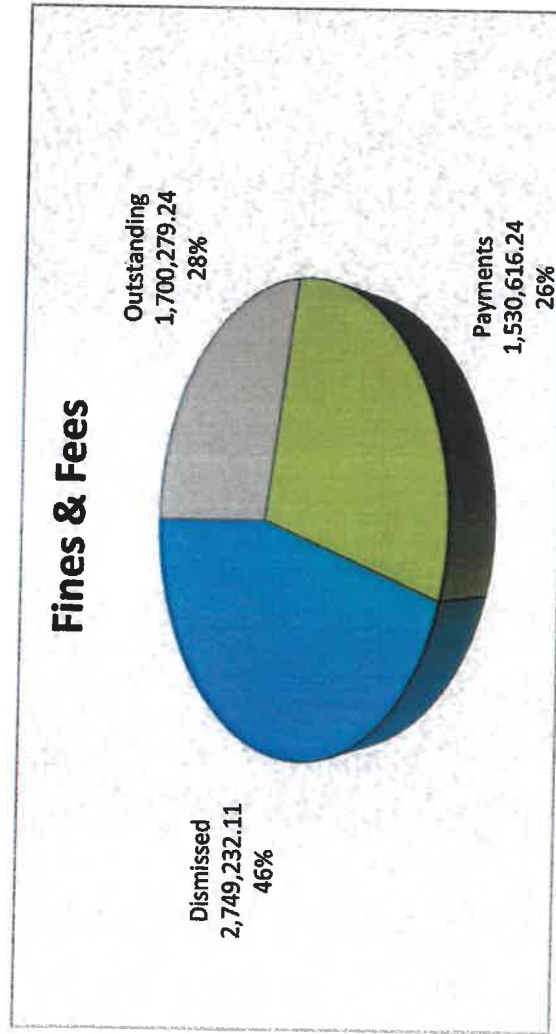
**CITY OF FREEPORT
2017 Percentage of Collection**



7/1 -6/30 for each year
Initial Outstanding Base Tax \$108,888 - as of 7/1/18

Perdue, Brandon, Fielder, Collins, & Mott L.L.P. Fine and Fee Collection Report as of April 3, 2019 City of Freeport

Total Turnover		Payments and/or Partial Payments		Dismissed/Cleared		Total \$ % cleared	Address Correction	Letters Mailed	Phone # Changes	Phone Contacts
\$	#	\$	% of \$	\$	#	% of \$				
5,980,127.59	14,311	1,530,616.24	25.60%	2,749,232.11	16,158	45.97%	8,593	47,491	6,990	14,180



Docket Age Report Summary

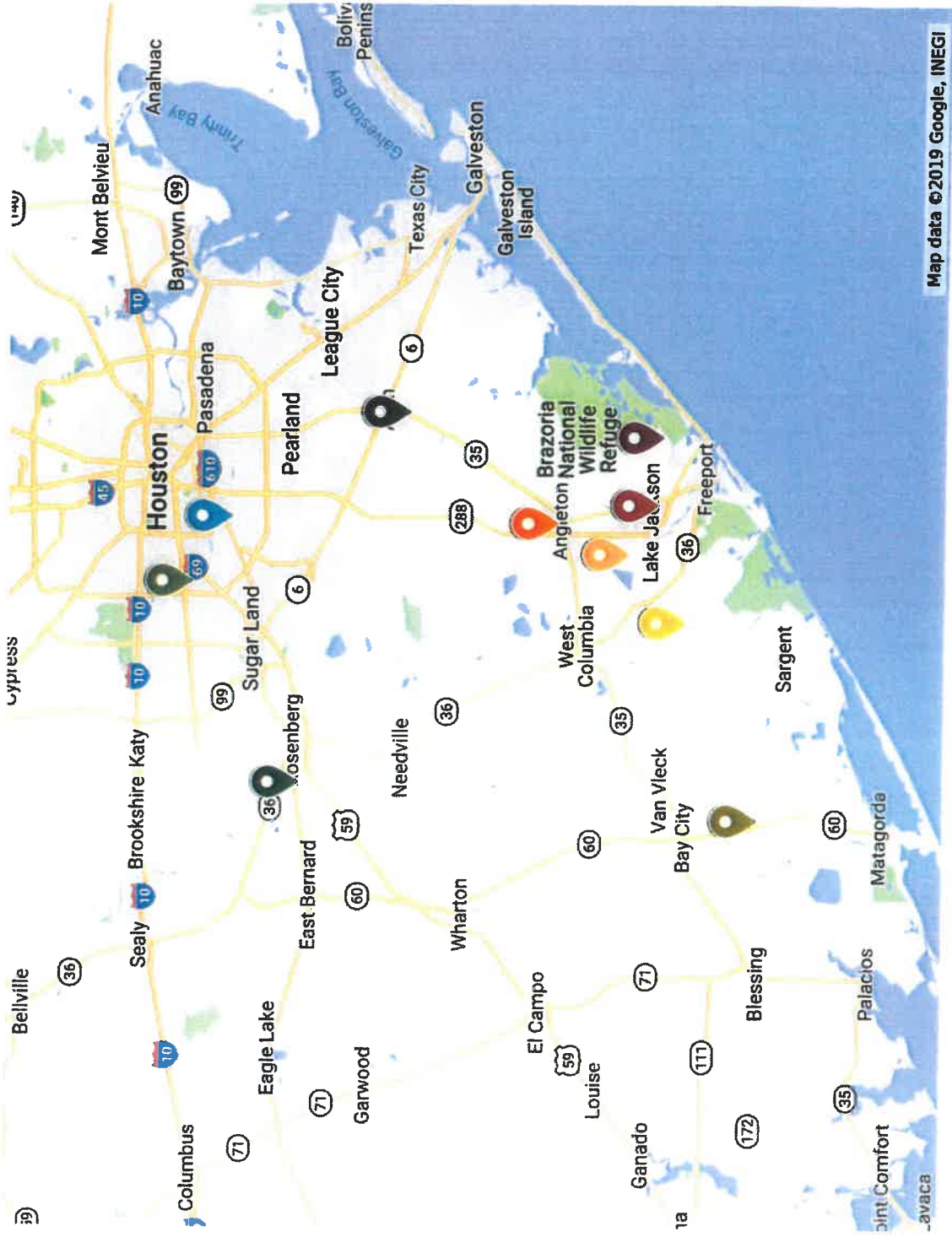
For: Freeport City Fines And Fees

Year Of Offense	Offense Age In Years	Total Dollar Amount Turned Over	Total Dollar Amount Due	Total Dollar Amount Paid	Percent Paid	Total Dollar Amount Non Cash	Percent Non Cash	Total Dollar Amount Liquidated	Percent Liquidated
2018	1	\$37,602.22	\$32,895.32	\$2,160.00	5.74%	\$2,546.90	6.77%	\$4,706.90	12.52%
2017	2	\$406,267.13	\$297,412.45	\$41,438.60	10.20%	\$67,416.08	16.59%	\$108,854.68	26.79%
2016	3	\$494,259.85	\$245,728.79	\$98,286.66	19.89%	\$150,244.40	30.40%	\$248,531.06	50.28%
2015	4	\$586,560.03	\$220,203.74	\$155,665.38	26.54%	\$210,690.91	35.92%	\$366,356.29	62.46%
2014	5	\$451,017.96	\$135,818.35	\$136,401.06	30.24%	\$178,798.55	39.64%	\$315,199.61	69.89%
2013	6	\$425,928.25	\$108,579.00	\$128,790.69	30.24%	\$188,558.56	44.27%	\$317,349.25	74.51%
2012	7	\$387,529.17	\$93,013.31	\$132,261.95	34.13%	\$162,253.91	41.87%	\$294,515.86	76.00%
2011	8	\$415,086.23	\$106,037.84	\$132,915.94	32.02%	\$176,132.45	42.43%	\$309,048.39	74.45%
2010	9	\$277,055.22	\$82,844.09	\$82,418.96	29.75%	\$111,792.17	40.35%	\$194,211.13	70.10%
2009	10	\$476,424.81	\$66,630.54	\$140,342.73	29.46%	\$269,451.54	56.56%	\$409,794.27	86.01%
2008	11	\$523,345.99	\$98,264.67	\$142,735.13	27.27%	\$282,346.19	53.95%	\$425,081.32	81.22%
2007	12	\$430,192.92	\$133,150.78	\$125,578.82	29.19%	\$171,463.32	39.86%	\$297,042.14	69.05%
2006	13	\$256,094.41	\$70,053.66	\$76,002.72	29.68%	\$110,038.03	42.97%	\$186,040.75	72.65%
2005	14	\$214,752.36	\$9,451.20	\$45,417.03	21.15%	\$159,884.13	74.45%	\$205,301.16	95.60%
2004	15	\$303,812.02	\$0.00	\$48,737.03	16.04%	\$255,074.99	83.96%	\$303,812.02	100.00%
2003	16	\$287,223.21	\$0.00	\$36,463.54	12.70%	\$250,759.67	87.30%	\$287,223.21	100.00%
2002	17	\$6,345.90	\$300.00	\$4,537.00	71.49%	\$1,508.90	23.78%	\$6,045.90	95.27%
2000	19	\$478.81	\$0.00	\$300.00	62.66%	\$178.81	37.34%	\$478.81	100.00%
1992	27	\$305.50	\$305.50	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%

1978	41	\$255.60	\$0.00	\$163.00	63.77%	\$92.60	36.23%	\$255.60	100.00%
		\$5,980,537.59	\$1,700,689.24	\$1,530,616.24	25.59%	\$2,749,232.11	45.97%	\$4,279,848.35	71.56%

City Of Freeport Top 10 Bad Address Accounts By Zip Code

Zip Code	Account Count
77541 - \$103936.03	141
77531 - \$18519.90	24
77515 - \$12870.91	17
77566 - \$13752.71	17
77422 - \$9290.23	10
77414 - \$7571.76	8
77036 - \$6681.61	7
77471 - \$2532.40	5
77511 - \$2710.46	4
77045 - \$3050.32	3



Map data ©2019 Google, INEGI

- C. Taxing Authority reserves the right to make the final decision as to whether or not to enforce by suit any delinquent tax account turned over to the Firm for collection.
- D. All delinquent personal property taxes shall become subject to this contract and are to be turned over to the FIRM for collection 60 days after the delinquency date for said taxes. A 20% penalty shall be assessed to defray the cost of collecting those taxes as provided by §33.11, Texas Property Tax Code. All collection penalties or attorney fees collected on those taxes are the property of the firm and shall be paid in the same manner as all other collection penalties or attorney fees under this contract.

II.

The Firm is to call to the attention of the collector or other officials any errors, double assessments or other discrepancies coming under their observation during the progress of the work and is to intervene on behalf of the Taxing Authority in all suits for taxes hereafter filed by any taxing unit on property located within its taxing jurisdiction.

III.

The Firm agrees to make progress reports to the Taxing Authority on request and to advise the Taxing Authority of all cases where investigation reveals taxpayers to be financially unable to pay their delinquent taxes.

IV.

Taxing Authority agrees to furnish to the Firm all data and information as to the name, and address of the taxpayer, the legal description of the property, years and amount of taxes due.

Taxing Authority further agrees to update said information by furnishing a list of paid accounts and adjustments to the tax roll as necessary. Section 33.48(a) (4) of the Texas Property Tax Code provides: "In addition to other costs authorized by law, a taxing unit is entitled to recover...reasonable expenses that are incurred by the taxing unit in determining the name, identity and location of necessary parties and in procuring necessary legal descriptions of the property on which a delinquent tax is due:..." The Firm agrees to advance on behalf of Taxing Authority such costs and expenses. In consideration of the advancement of such costs and expenses by the Firm, Taxing Authority assigns its right to recover the same to the extent approved by the Court and/or customarily and usually approved by the Court. The Firm expressly waives any claim against Taxing Authority for uncollected costs or expenses.

V.

Taxing Authority agrees to pay the Firm as compensation for services rendered hereunder, the percentage as set forth below, of the total amount of all delinquent taxes, penalty and interest which are subject to this contract and which are actually collected and paid to the Taxing Authority's Collector of Taxes, when an equal amount of Section 33.07 or 33.08 penalties is recovered from the taxpayer. Other taxes, including current taxes, which are turned over to the Firm by the Taxing Authority's Tax Assessor-Collector because of the necessity of filing claims in Bankruptcy, with other Federal authorities, or for other reasons, shall become subject to the terms of this contract at the time they are turned over to the Firm and the Firm shall be entitled to the appropriate percentage, as set forth below, of any amounts of delinquent taxes, penalties, and interest actually received by the Taxing Authority, and also the appropriate percentage, as set forth below, of current taxes actually received by the Taxing Authority when such percentage is actually recovered from the taxpayer, if collected prior to July 1st of any tax year.

Compensation Amounts

15% of tax year 2001 and prior year collections;
20% of tax year 2002 and subsequent year collections.

VI.

This Contract shall commence on **April 29, 2019** and continue in force and effect until **April 28, 2021**, and shall thereafter continue on a month to month basis, except that either party to this agreement may terminate this agreement by giving the other party thirty (30) days written notice of their desire and intention to terminate this agreement; and further provided that the Firm shall have an additional six (6) months to reduce to payment or judgment all tax litigation and bankruptcy claims filed prior to the date this agreement becomes terminated.

VII.

Every provision of this Agreement is intended to be severable. If any term or provision hereof is hereafter deemed by a Court to be illegal, invalid, void or unenforceable, for any reason or to any extent whatsoever, such illegality, invalidity, or unenforceability shall not affect the validity of the remainder of this Agreement, it being intended that such remaining provisions shall be construed in a manner most closely approximating the intention of the Parties with respect to the illegal, invalid, void or unenforceable provision or part thereof.

In consideration of the terms and compensation here stated, the Firm hereby accepts said employment and undertakes the performance of this Contract as above written.

The Firm verifies that it is in compliance with and will comply with all provisions of Texas Government Code Section 2270.002 during the term of this contract.

This Contract is executed on behalf of the Taxing Authority by the presiding officer of the governing body who is authorized to execute this instrument by Order heretofore passed and duly recorded in its minutes.

WITNESS the signatures of all parties hereto in duplicate originals this the _____ day of _____, 2019, Brazoria County, Texas.

PERDUE, BRANDON, FIELDER, COLLINS & MOTT, L.L.P.

Attorneys At Law
1235 North Loop West, Suite 600
Houston, Texas 77008
(713) 862-1860 or 1 (800) 833-5886
(713) 862-1429 Fax

By: _____

CITY OF FREEPORT

By: _____

Attest: _____

STATE OF TEXAS
COUNTY OF BRAZORIA

**CONTRACT FOR THE
COLLECTION OF
MOWING, DEMOLITION &
PAVING LIENS AND/OR
ASSESSMENTS**

This contract is entered into between the City of FREEPORT (hereinafter "City"), a political subdivision of the State of Texas, acting by and through its governing body, and the firm of Perdue, Brandon, Fielder, Collins and Mott, L.L.P., (hereinafter "Firm" or "The Firm"), acting by their duly authorized representative. The City desires to have its delinquent mowing, demolition, paving liens and/or assessments collected by a private law firm, and the Firm desires to collect such mowing, demolition, paving liens and/or assessments on behalf of City. Accordingly, the parties entered into the following contract and are subject to the following conditions.

1. SERVICE PROVIDED BY FIRM:

Firm agrees to provide the following services to City:

- a. To use such reasonable and necessary legal steps to effect collections of mowing, demolition and paving liens and/or assessments due to City.
- b. To conduct such necessary address and title research to locate the proper owners and verify ownership of properties subject to mowing, demolition, paving liens and/or assessments, and to report any newly discovered information to City.
- c. To handle all necessary litigation, whether at the trial level or the appellate level.
- d. To take any and all such appropriate actions to protect mowing, demolition, paving liens and/or assessments claims due City in the United States Bankruptcy Courts; to pursue collections of such claims in the bankruptcy court; and to review bankruptcy court records to determine the effect of bankruptcy proceedings on the viability of any City mowing, demolition, paving liens and/or assessments against persons whose estates have been in bankruptcy.
- e. To initiate sheriff's sale or writs of execution, when approved by City, through the sheriff and the county where the property subject to execution is physically located.
- f. To provide legal opinions to City concerning uncollectible accounts, and to provide sufficient documentation to City's Finance Department and/or independent auditors in order to support deletion of appropriate accounts.

g. To provide City with such collection and litigation reports as may be desired by City. The Firm also agrees to provide City with copy of litigation and pleadings filed to the extent desired by City. Except as provided herein and the section under remuneration, Firm agrees to provide all such services to City at no charge (recognizing that the costs of collection are to be paid by the property owner/obligor, and that City agrees to pay court costs). Parties agree that the following regular reports will be made:

- (1) Every six (6) months the Firm shall present a report shall be submitted to the City Manager and/or City Council containing the following information:
 - (a) The names of all accounts referred for collection during the last six (6) months;
 - (b) The amount of money collected.
 - (c) A listing of all accounts deemed to be uncollectible, the reason the Firm believes the account to be uncollectible, and a recommendation of whether the account should be written off or held open;
 - (d) The report shall contain any recommendations submitted by the Firm for settlement of any account in an amount less than payment in full;
 - (e) The report shall list any accounts in which a recommendation is made to delay collection efforts indefinitely or for more than six (6) months; and
 - (f) The report should list any properties on which the Firm believes execution of judgment should be requested in order to collect the assessment.
 - (g) To recover court costs and any other fees prepaid by City in suits previously filed by City.
 - (h) To provide to City any such other and further services that might be required to carry out the terms and conditions of this contract, and generally perform the legal services related to collection of delinquent mowing, demolition, paving liens and/or assessments due City of FREEPORT.
 - (i) Whenever the Firm enters into an agreement with a debtor for installment payments, the City shall collect all installments. The City shall account to the Firm each month for money received under installment agreements and shall pay the Firm the Firms' share.
 - (j) The Firm agrees to follow the City's instruction with regard to installment payment plans in hardship cases and homestead cases. No settlement agreement of any claim, suit, or proceeding shall be entered into without the approval of the Director of

Finance or the City Manager. The City authorizes and directs the Firm to take all actions the Firm deems advisable to perform the services required under this Contract. This includes all necessary court appearances, research, investigation, correspondence, preparation and drafting of pleadings and other legal documents, trial preparation and related work necessary to properly represent the City's interest in these matters.

- (k) The Firm agrees to obtain permission from the City Council or its designated official before executing any judgment through foreclosure and the sale of any property.
- (l) The Firm shall perform its services under this contract as an independent contractor and maintain a file for each referred claim which shall be available to the City at all times for inspection. Such file shall contain all data pertinent to the claim to support its disposition. All documents, papers, or records pertaining to a file shall be retained after conclusion of all legal proceeding for disposition as determined by the Director of Finance or the City Manager.

2. CITY AGREES TO PERFORM THE FOLLOWING AS A PARTY TO THIS CONTRACT:

- a. To make all accounts that the Finance Director and/or City Manager designates as ready for collection available to Firm in order to carry out the terms of the conditions of this contract. This includes the initial referral of accounts, and any subsequent referral of accounts.
- b. To provide a history of payments (whether ongoing through partial payment plans, or lump sum to City) in order to allow Firm to update balances owing to City.
- c. To designate a party to sign appropriate affidavits or claims in order to support claims filed in Court. The Director of Finance is designated as the person authorized to sign all mowing certificates, releases or affidavits concerning any matter affecting the mowing, demolition, paving liens and/or assessments within his knowledge.
- d. To advise Firm of any prepaid court costs and/or expenses so that Firm may seek recovery of said prepayments.
- e. To advance necessary court cost, filing fees, and any publication fees (for notices of sale, etc.) relating to litigation.

3. REMUNERATION

- a. Existing Judgments. The collection of accounts where a judgment has already been entered would be compensated to the Firm at the rate of twenty percent (20%) of any moneys received. Provided that the City would be reimbursed for any prepaid litigation expenses (court costs, publication expenses etc.). The Firm recognizes that the City Attorney may have been awarded attorney fees as a part of the judgments obtained and the Firm is willing to accept an assignment of these attorney fees rather than receive a commission of collections. The Firm further agrees to treat such attorney fees awarded through the judgment as full satisfaction of any amounts owing and no additional fee income would be due once the Court ordered attorney fees has been paid.
- b. Pre Judgment Accounts. For collection of accounts where a judgment has not been entered, the fee is a twenty percent (20%) commission of any balance owing.

4. TERM OF CONTRACT

This contract shall be effective beginning the 1st day of June 2019, and shall continue for a two (2) year term ending on the 1st day of June 2021 and continue on a month to month basis thereafter until terminated. Either party may terminate this contract upon sixty (60) days written notice to the other party or at the address provided below.

City and Firm acknowledge and agree that Firm shall have six (6) months to receive compensation on collections resulting from litigation or bankruptcy proceedings initiated prior to written notice of intent to terminate this contract; such six (6) month extension begins at the effective date of the termination of the contract.

5. RECITALS

This contract is performable in Brazoria County, State of Texas, and in signing this contract, each of the signatories listed below warrant that they are authorized to sign this contract on behalf of the respected party to said contract.

Every provision of this Agreement is intended to be severable. If any term or provision hereof is hereafter deemed by a Court to be illegal, invalid, void or unenforceable, for any reason or to any extent whatsoever, such illegality, invalidity, or unenforceability shall not affect the validity of the remainder of this Agreement, it being intended that such remaining provisions shall be construed in a manner most closely approximating the intention of the Parties with respect to the illegal, invalid, void or unenforceable provision or part thereof.

The Firm verifies that it is in compliance with and will comply with all provisions of Texas Government Code Section 2270.002 during the term of this contract.

This contract may be executed in duplicate originals, each of which shall be deemed valid.

SIGNED the _____ day of _____, 2019, pursuant to City Council approval on _____, 2019.

ATTEST

CITY OF FREEPORT
200 W. 2nd Street
Freeport, Texas 77541

CITY CLERK

City Manager

APPROVED:

CITY ATTORNEY

PERDUE, BRANDON, FIELDER,
COLLINS & MOTT, L.L.P.

Michael J. Darlow
SBN: 05387300
1235 North Loop West, Suit 600
Houston, Texas 77008
(713) 862-1860
(713) 862-1429 Fax



City Council Agenda Item #5

Title: Consideration and possible action on Change orders #1 and #2 to the Contract with Sorrell Construction for the 2019 Concrete Street repair project.

Date: April 15, 2019

From: David Hoelewyn, Director of Streets and Drainage

Staff Recommendation:

Staff recommends approval of the Change orders.

Item Summary:

At the March 18 Council meeting Council approved a \$993,000 contract with Sorrell Construction for the 2019 Concrete street reconstruction project. Included on the list of streets to be reconstructed were parts of Victoria Street, Yaupon Street, Skinner Street, Pecan Street, and Yellowstone & North Avenue

Change order #1 is for adding Sidewalks and ADA ramps on the east side of Pecan Street from 8th to 11th street where currently no sidewalks exist. The total cost of the change order is \$35,770

Change order #2 is for the replacement of existing water and sanitary sewer infrastructure beneath the proposed new concrete streets in the 2019 concrete street repair project. The cost of this change order is \$46,495. Piping materials necessary for this change order will be supplied by Viola Water from materials they have on hand that the city has already paid for.

Background Information:

According to Viola Water, all water and sewer lines under the proposed streets are 50+ years old. Staff recommends that all those lines be replaced before the new concrete streets are installed. We do not want to have to cut into a new concrete street to repair a water or sewer leak! Having Sorrell Construction construct the replacement is recommended from both a scheduling standpoint and also so that there is only one party to hold accountable if there are any issues down the road.

It was requested at the time that the project was awarded to make sure sidewalks were included. This is the only section where sidewalks were missing and needed to be added.

Financial Impact: the total cost of change orders number 1 & 2 is \$82,229

Board or 3rd Party recommendation: None

Supporting Documentation: Change order quotes from Sorrel construction

change order #1



April 12, 2019

City of Freeport
200 W. 2nd Street
Freeport Texas 77541

Attention: Mr. Tim Kelty, City Manager

Subject: Freeport 2019 Street Repair Project – Pecan Street sidewalk add

Tim,

Sorrell will supply labor, equipment, supervision install concrete sidewalks on the East side of Pecan where no sidewalks are currently at the bid unit price of \$5.75 per square foot. The takeoff for the west side is 5400 square feet. This is a total of \$31,050.00 for the requested sidewalk add.

If 4 Ada ramps are required on the east the same as the west side the unit cost is \$1,180.00 for a total add of \$4,720.00

Respectfully,

Sorrell Construction Equipment & Materials, LLC

Don Barrett *Don Barrett*

Don Barrett, Chief Estimator and Senior Project Manager
Cell, 979-299-8668, office 979-233-6655, email don@sorrelltx.com

change order #2



April 12, 2019

City of Freeport
200 W. 2nd Street
Freeport Texas 77541

Attention: Mr. Tim Kelty, City Manager

Subject: Freeport 2019 Street Repair Project – utility relocations

Tim,

Sorrell will supply labor, equipment, supervision to locate and replace existing water and sanitary lines that are under the proposed new concrete pavement on Victoria, Yaupon, Skinner and Pecan Street for the lump sum of \$29,750.00. all material to be supplied by the City of Freeport through Viola Water Services.

If the city desires for Sorrell to co-ordinate and supply the cement stabilized sand backfill for the street crossings and pipe wraps that cost will be \$16,709.00.

Sorrell has material testing included in the concrete package for lime and concrete. We can include the cost of the cement sand backfill testing under that scope without an additional charge to the City.

Respectfully,

Sorrell Construction Equipment & Materials, LLC

Don Barrett *Don Barrett*

Don Barrett, Chief Estimator and Senior Project Manager
Cell, 979-299-8668, office 979-233-6655, email don@sorrelltx.com



City Council Agenda Item #6

Title: Consideration of request from a property owner for reimbursement of a \$405 bill for plumbing services on their private property, and subsequent request for a \$174 leak adjustment to their water and sewer bill.

Date: April 15, 2019

From: Tim Kelty, City Manager

Staff Recommendation:

Staff recommends Council DENY the request for reimbursement and request for leak adjustment to customers bill.

Item Summary: On March 11 Vijay Patel, owner of Freeport RV Park, contacted Luycx Plumbing and requested that they come to his property to determine the cause of a sewer back-up and fix the problem. Upon inspection by Luycx plumbing it was determined that the city sewer main was backed-up and was the cause of his issue. Luycx Plumbing subsequently issued a \$405 bill to Mr. Patel for their service call, which he requested the city to pay. The City Manager denied the payment of Mr. Patel's plumbing bill.

When he was told that the city would not pay him for the plumbing bill he asked if he could just get a credit on this water and sewer bill for the amount. He was told that the city policy will only credit a customer's water and sewer bill if they had a water leak, in which case they are credited the sewer portion of the bill which their water consumption is used to calculate.

Mr. Patel contacted the utility billing office and said he was told he could receive a credit for a water leak. He was asked to provide documentation of the a leak and something showing that it had been repaired. He simply stated that all his bib attachments to the mobile homes drip and leak to some degree. Looking at his history for the previous 12 months, he selected the month which had the highest bill and said he wanted to use that month as the month to apply for leak adjustment.

The leak adjustment was denied.

Background Information:

Luycx Plumbing bill: Mr. Patel contacted the city manager on Friday afternoon March 15th and explained his problem. His sewer had backed up and after 5:00p.m. on the 11th, he contacted dispatch and reported the problem. About an hour later he said he called Jerry Meeks directly and left a voice mail. After waiting and not receiving a call back, he called a plumber and requested the service. Mr. Patel came into city hall on March 18th and spoke in person to the City Manager.

Mr. Patel said that the problem was not new, it had occurred many times in the past, and he should have known it was a city issue.

I apologized again for the issue and explained why I (the City) could not accept responsibility for paying his plumbers bill. I assured him that we were aware of the overall problem and were working to develop a long-term solution. I gave him my card and encouraged him to call me on my cell phone if he ever had problems in the future, that when he did, I would make sure that he received prompt updates on the status of correcting any problem identifies.

Sewer Bill Credit adjustment: When his request for his plumbing bill be paid by the city was rejected, He said that in the past, the previous city manager had always taken care of him when he had any problem like this, that sometimes he would be given a credit on his water and sewer bill. I told him we did not operate like that anymore. I told him that he could only apply for an credit adjustment to his utility bill if he had a leak and was able to show that it was fixed and that the water did not go down the sewer.

Special Considerations : The city of Freeport has numerous issues with its sewer utility. I have been told that many parts of the city can not flush their toilets whenever it rains. If residents started independently calling plumbers whenever this happens and then expecting the city to pay the bill, the city would face a huge financial liability. That is why **the City is immune** to cases like this. I offered to submit his claim to TML or insurance carrier, but he declined the offer.

IT WOULD HAVE BEEN MUCH EASIER FOR ME TO JUST PAY HIM OFF TO TRY TO MAKE HIM GO AWAY.

Financial Impact: The financial impact to the city in the short term is miniscule!! Either the \$405 sewer bill or \$174 utility bill adjustment. The long-term impact of giving in to his bullying tactics is immeasurable because it sets a precedent.

Board or 3rd Party recommendation: None

Supporting Documentation: Invoice from Luycx Plumbing

Luycx Plumbing Co., Inc.
 603 S. Lazy Lane
 Clute, TX 77531

Invoice

Date	Invoice #
3/13/2019	205189

Bill To
Freeport RV Park 2002 Jones Rd Freeport, TX 77541

Ship To
2002 Jones Rd Freeport, TX 77541

P.O. No.	Terms
281-563-1050	Due on receipt

Quantity	Description	Rate	Amount
2	3-11-19 Was called out for one trailer clogged. Upon arrival found the whole side clogged. Checked back row and that clean out was clear. Ran sewer cable and couldn't clear. Checked middle and it was clogged. Looked for the man hole and found the city was clogged. Gerald OTP	202.50	405.00
		Subtotal	\$405.00
		Sales Tax (8.25%)	\$0.00
		Total	\$405.00

Regulated By: Texas State Board of Plumbing Examiners P.O. Box 4200 Austin, TX 78765
 (512) 936-5200 MPL # M-10930

Phone #	Fax #
979-265-5938	979-265-9913



City Council Agenda Item #7

Title: Consideration and possible action regarding a resolution Authorizing the Texas Coast Utilities Coalition to intervene in the Centerpoint Energy rate case

Date: April 15, 2019

From: Tim Kelty, City Manager

Staff Recommendation:

Staff recommends approval of this resolution to suspend the effective date proposed by Centerpoint Energy, to increase rates under the gas reliability infrastructure program for 45 days and authorize the city’s continued participation in a coalition of cities known as the “Texas Coast Utilities Coalition (“TCUC”) of Cities.

Item Summary:

ALLIANCE OF CENTERPOINT MUNICIPALITIES

The City of Freeport has been an inactive member of member of the Texas Coast Utilities Coalition (“TCUC”) of cities. TCUC was organized by a number of municipalities served by CenterPoint Energy Resources Corp., Texas Coast Division (“CenterPoint”) and has been represented by the law firm of Herrera Law & Associates, PLLC (through Mr. Alfred R. Herrera) to assist in reviewing applications to change rates submitted by CenterPoint.

“GRIP” RATE APPLICATION

Under section 104.301 of the Gas Utility Regulatory Act (GURA), a gas utility is allowed to request increases in its rates to recover a return on investments it makes between rate cases. This section of GURA is commonly referred to as the “GRIP” statute, that is, the “Gas Reliability Infrastructure Program.”

The Supreme Court of Texas concluded that a filing made under the GRIP statute permitted gas utilities the opportunity to recover return on capital expenditures made during the interim period between rate cases by applying for interim rate adjustment and that proceedings under the GRIP statute did not contemplate either adjudicative hearings or substantive review of utilities’ filings for interim rate adjustments. Instead, the Court concluded, the GRIP statute provides for a *ministerial* review of the utility’s filings to ensure compliance with the GRIP statute and the Railroad Commission’s rules, and that it is within the Railroad Commission’s authority to preclude cities from intervening and obtaining a

hearing before the Railroad Commission. The Court’s opinion has severely limited a city’s ability to perform a meaningful review of a gas-utility’s GRIP filing.

CENTERPOINT’S “GRIP” APPLICATION

On about March 28, 2019 CenterPoint Energy Resources Corp., Texas Coast Division (“CenterPoint”) filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (“GRIP”). CenterPoint’s application if approved by the Commission will result in an increase in the monthly customer charges as shown below:

Rate Schedules	Current Customer Charge	Proposed 2018 Interim Adjustment	Proposed Customer Charge	Increase to Each Bill
R-2096-I-GRIP 2018; R-2096-U-GRIP 2018 Residential	\$15.96 Per customer per month	\$1.15 per customer per month	\$17.11 per customer per month	\$1.15 per customer per month
GSS-2096-I-GRIP 2018; GSS-2096-U-GRIP 2018 General Service Small	\$18.77 Per customer per month	\$1.75 per customer per month	\$20.52 per customer per month	\$1.75 per customer per month
GSLV-627-I-GRIP 2018; GSLV-627-I-GRIP 2018 General Service Large Volume	\$197.27 per customer per month	\$43.10 per customer per month	\$240.37 per customer per month	\$43.10 per customer per month

CenterPoint’s proposed increases in its customer charges represent an increase in annual revenue of about \$2.83 million. Also, CenterPoint’s proposed increase in revenue results in the following percentage increases in a customer’s base rate bills. Base rates recover CenterPoint’s costs excluding the cost of gas and are the costs that are directly within CenterPoint’s control:

Residential Customer:	7.21% increase in average customer’s bill
Commercial Customer:	9.32% increase in average customer’s bill
General Service – Large Volume:	21.85% increase in average customer’s bill

REVIEW AND ACTION RECOMMENDED

Although the City's ability to review and effectuate a change in CenterPoint's requested increase is limited, the City should exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries, including increases requested under the GRIP statute to ensure compliance with the requirements of that law. This includes whether CenterPoint's current rates produce a rate of return in excess of its authorized rate of return.

To exercise its due diligence, it is necessary to suspend CenterPoint's proposed effective date of May 27, 2019 for forty-five days, so that the City can evaluate whether the data and calculations in CenterPoint's rate application are correctly done.

Therefore, TCUC's Special Counsel, the law firm of Herrera Law & Associates, PLLC (through Alfred R. Herrera) recommends that the City adopt a resolution suspending CenterPoint's proposed effective date for 45 days. Assuming a proposed effective date of May 27, 2019, CenterPoint's proposed effective date is suspended until July 11, 2019.

Financial Impact: There is no cost to the city to participate in this action. The financial impact to rate payers of no intervention by TCUC is outline above.

Board or 3rd Party recommendation: The TCUC of Cities in this region is recommending approval of this resolution by each of its member cities.

Supporting Documentation: Resolution.

RESOLUTION NO.2019-2576

A RESOLUTION BY THE CITY OF FREEPORT, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., TEXAS COAST DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING CENTERPOINT'S PROPOSED EFFECTIVE DATE FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "TEXAS COAST UTILITIES COALITION" OF CITIES; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS: on or about March 28, 2019 CenterPoint Energy Resources Corp., Texas Coast Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"), resulting in a requested increase in the monthly customer charges as shown in the table below:

Rate Schedules	Current Customer Charge	Proposed 2018 Interim Adjustment	Proposed Customer Charge	Increase to Each Bill
R-2096-I-GRIP 2019; R-2096-U-GRIP 2019 Residential	\$15.96 Per customer per month	\$1.15 per customer per month	\$17.11 per customer per month	\$1.15 per customer per month
GSS-2096-I-GRIP 2019; GSS-2096-U-GRIP 2019 General Service Small	\$18.77 Per customer per month	\$1.75 per customer per month	\$20.52 per customer per month	\$1.75 per customer per month
GSLV-627-I-GRIP 2019; GSLV-627-I-GRIP 2019 General Service Large Volume	\$197.27 per customer per month	\$43.10 per customer per month	\$240.37 per customer per month	\$43.10 per customer per month

and

WHEREAS: the City of Freeport has a responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS: the application to increase rates by CenterPoint is complex; and

WHEREAS: it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in CenterPoint's rate application are in accordance with the Section 104.301 of the Gas Utility Regulatory Act; and

WHEREAS: the effective date proposed by CenterPoint is May 27, 2019 but a suspension by the City will mean that the rate increase cannot go into effect prior to July 11, 2019.

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

Section 1. That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City suspends the requested effective date by CenterPoint for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations that provide the basis for the rate increase application.

Section 3. The City shall continue to act jointly with other cities that are part of a coalition of cities known as the Texas Coast Utilities Coalition ("TCUC") of cities.

Section 4. The City authorizes the law firm of Herrera Law & Associates, PLLC, to act (through Alfred R. Herrera) on its behalf in connection with CenterPoint's application to increase rates.

Section 5. To the extent allowed by law, CenterPoint is ordered to pay the City's reasonable rate case expenses incurred in response to CenterPoint's rate increase application within 30 days of receipt of invoices for such expenses to the extent allowed by law.

Section 6. The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 7. This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this _____ day of _____ 2019.

Troy T. Brimage
MAYOR

ATTEST:

Laura Tolar
Interim CITY SECRETARY



City Council Agenda Item # 8

Title: Consideration of approval of revising Sections 8.02, Appendix A A8.02, A8.03, A12.03, 3.07, 5.06 of the City of Freeport Personnel Policy Handbook.

Date: April 15, 2019

From: Lei Loni Kershaw, Human Resources Director

Staff Recommendation:

Staff Recommends revising Sections 8.02 of Chapter Eight, Appendix “A”- Fire/EMS Department and 53 Hour Fire/EMS Employees, Section A8.02- Vacation, Section A8.03-Holidays, Section A12.03-Department Policies, 3.07 of Chapter Three and Section 5.06 of Chapter Five of the Personnel Policy handbook.

Item Summary:

Sections of the city’s personnel policy handbook are proposed to be amended:

Chapter Three- Employee Appointments

Section 3.07- Transfers policy updated to be in compliance with the resent policy revisions.

Chapter Five – Standards of Conduct

Section 5.06- The policy regarding Outside Interest is being revised to provide clear expectations in having secondary employment.

Chapter Eight – Attendance and Leave

Section 8.02- Vacation

Appendix “A”- Fire/EMS Department and 53 Hour Fire/EMS Employees, Section A8.02- Vacation, Section A8.03-Holidays, Section A12.03-Department Policies

The Vacation policy and Fire/EMS Policies are being revised to allow employees to be able to accumulate their vacation time throughout the year and not wait until their anniversary hire date to arrive and get the accrued vacation time in one lump sum. We are also requesting to increase the year to year roll over amount.

Background Information:

Most sections of the City of Freeport's Personnel Policy Handbook had not been update since 2003.

Special Considerations: None

Financial Impact: None

Board or 3rd Party recommendation: None

Supporting Documentation:

Chapter Eight – Attendance and Leave

Section 8.02- Vacation

Appendix "A"- Fire/EMS Department and 53 Hour Fire/EMS Employees

Section A8.02- Vacation

Section A8.03-Holidays

Section A12.03-Department Policies

Chapter Five- Standards of Conduct

Section 5.06-Outside Interest

Chapter Three - Employee Appointments

Section 3.07 - Transfers

3.07 Transfers

The Department Director may transfer employees from one position to another within their department. Employees may also be transferred from one department to another with the consent of both Department Directors. The City Manager may also transfer an employee between departments to facilitate an efficient use of City personnel. All transfers must be reported to and approved by the City Manager before becoming effective.

A report of Disciplinary Action must be completed when a transfer is made for disciplinary reasons.

Employees requesting to be transferred within ~~interested in transferring to a vacant position within~~ the ~~City~~ City, to a vacant position, should submit a letter of interest to the ~~Department Director and forward a copy to~~ the Human Resource Department.

5.06 Outside Interest

~~An employee of the City of Freeport is not permitted to engage in outside employment where such employment would bring the City into disrepute, reflect discredit upon the employee as an employee of the City, interfere with the performance of the employee's City duties, present a conflict of interest, result in misuse of City property or funds, or result in use of the City position for personal gain.~~

Outside employment, which does not constitute a conflict of interest, interfere in the performance of their normal duties, nor involve the use of City time or equipment, may be permitted with the written approval of the City Manager.

Request for approval of outside employment must be submitted in writing to the employee's department head in advance of accepting outside employment, and in each case, approval by the City Manager must be received before the employee accepts outside employment. A copy of any written approval for outside employment will be placed in the employee's personnel file.

An employee of the City of Freeport is not permitted to engage in outside employment where such employment would, interfere with the performance of the employee's City duties, present a conflict of interest, result in misuse of City property or funds, or result in use of the City position for personal gain.

8.02 Vacation

All probationary or regular status personnel shall acquire vacation credits according to the following schedule and are entitled to take vacation with pay after reaching regular status and a minimum of six (6) months of employment with the City of Freeport. An Employee may not use any accrued vacation until successfully completing the initial employment probationary period unless approved by the City Manager.

<u>Year of Employment</u>	<u>Hours Per-Per Year</u>	<u>Per Pay Period</u>
<u>6 months</u>	<u>40 hrs</u>	
<u>1st</u>	<u>40 hrs</u>	
<u>2nd/4th-0/4th</u>	<u>80 hrs</u>	<u>3.08</u>
<u>5th/14th</u>	<u>120 hrs</u>	<u>4.62</u>
<u>15th/over</u>	<u>160 hrs</u>	<u>6.15</u>

Maximum Rollover Per Year: 120 hours

On their anniversary date any accrued hours in excess of the maximum rollover amount will be reduced to the maximum rollover amount. Any variance from this must be approved in written by the City Manager. More than the allowable maximum will be lost.

No employee shall receive additional compensation for working through his/her vacation without the written approval of the City Manager. Vacation time must be scheduled with the Department Director, who shall consider the needs of the City, the number of personnel needed to effectively operate his/her department, and the schedule and desires of the employee. All vacation scheduled must be approved by the Department Director prior to being taken.

~~Employees may elect to carry over a maximum of 40 hours past his/her yearly anniversary date. More than the allowable maximum will be lost. Employees will not be allowed to accumulate the carry over hours without the City Manager's approval.~~

Personnel with regular status, who leave employment with the City, shall be paid for vacation time. The payment will be made in their final check.

An employee, who the city demotes, promotes, or laterally transfers will retain accrued vacation leave.

Employees on unpaid leave will not accrue vacation time.

Exception to this policy are Fire Fighters/EMS on a 53 hours' work schedule see the Fire Fighter/EMS combined vacation/holiday accrual policy Appendix A.

COMBINED VACATION/HOLIDAY

<u>Accrual Policy - 53 Hour VAC/HOL</u>				
<u>Completed Years of Service</u>	<u>Annual Hours</u>	<u>Annual Limit</u>	<u>Life to Date Limit</u>	<u>Roll Over Limit</u>
<u>0</u>	<u>268.06</u>	<u>268.06</u>	<u>321.10</u>	<u>159.12</u>
<u>1</u>	<u>268.06</u>	<u>268.06</u>	<u>321.10</u>	<u>159.12</u>
<u>4</u>	<u>321.10</u>	<u>321.10</u>	<u>321.10</u>	<u>159.12</u>
<u>14</u>	<u>374.14</u>	<u>374.14</u>	<u>321.10</u>	<u>159.12</u>

<u>Award Hours Per Pay-Period (Bi-Weekly)</u>		
<u>Completed Years of Service</u>	<u>Pay Period Amount</u>	<u>Pay Period Limit</u>
<u>0</u>	<u>10.31</u>	<u>10.31</u>
<u>1</u>	<u>10.31</u>	<u>10.31</u>
<u>4</u>	<u>12.35</u>	<u>12.35</u>
<u>14</u>	<u>14.39</u>	<u>14.39</u>

APPENDIX A

**FIRE/EMS DEPARTMENT AND
53 HOUR FIRE/EMS EMPLOYEES**

A5.19 Use of City Owned Vehicles

For the purposes of section 5.19, City employee shall include reserves, volunteers, and other members associated with the department who may operate a city owned vehicle from time to time for operational purposes. In addition, Section 5.19 does not preclude the operation of a city owned vehicle by mutual aid agencies during an emergency or when assistance in moving or shuttling a city owned vehicle is operationally necessary.

A5.22 Use of Telephone/Cellular Phones

In order to maintain direct communication with medical control, the emergency department physician, or poison control; personal communication devices may be allowed while on duty, at the discretion of the Fire Chief.

A8.02 Vacation

53 hour Fire/EMS employees will accumulate vacation at the rate of 53 hours per week and will acquire a week of vacation equivalent to that of a 40 hour employee, according to the following schedule:

<u>Years of Employment</u>	<u>Weeks per Year</u>	<u>Hours per Year</u>
0 to 4	2	106.08 ppd 4.08
5 to 14	3	159.12 ppd 6.12
15 and Above	4	212.16 ppd 8.16

The annual carry over for 53 hour Fire/EMS employees shall be [159 hours](#) ~~53 hours~~. [See attached chart.](#)

A8.03 Holidays

The Fire/EMS Department shall observe a holiday on Patriot Day (September 11) in accordance with the Local Government Code. Patriot Day shall replace the [Birthday floating](#) holiday, for a total of ~~11~~ [13.5](#) holidays, and shall not result in an additional holiday.

Holiday hours for 53 hour employees shall be calculated at a rate of 12 hours per holiday for a total of ~~162~~ [132](#) hours per year. [Holiday hours will be awarded at 6.23 hours per pay period and will not roll over from year to year. See attached chart.](#)

A 53 hour employee that works on a regularly scheduled holiday will be paid their overtime rate for the hours worked on that holiday, up to 12 hours. New years Eve holiday is only up to 6 hours. The overtime rate shall apply to the shift working 7:00 am to 7:00 pm on any specific city observed holiday oncoming shift and shall not apply to the shift going off at 7:00 a.m.

A8.05 Sick Leave

For the purposes of Section 8.05, the city accrual of 15 days per year shall be considered 3 weeks, the maximum accrual of 720 hours shall be considered 18 weeks, and the maximum final payment of 80 hours shall be considered 2 weeks.

The sick leave accrual for 53 hour employees shall be 3 weeks per year, or 159 hours. Credit shall accumulate at the rate of 6.12 hours for each bi-weekly pay period. The maximum accumulation of sick leave shall be 18 weeks, or 954 hours.

~~53 hour employees who qualify for final payment of unused sick leave shall be allowed up to a maximum of 2 weeks, or 106 hours on their final paycheck.~~

A8.09 Bereavement Leave

For the purposes of Section 8.09, up to 53 hours of leave with pay may be granted to a 53 hour employee for bereavement leave.

A12.03 Department Policies

Based on the unique nature of the 24 hour shift and 53 hour work week of the Fire/EMS Department; the administration of hours, leave, and payroll accounting may be modified to accommodate the operational needs of the Department, at the discretion of the Fire Chief with the approval of the Human Resources DirectorCity Manager.

City of Freeport
Accrual Policies for 53 hour Employees

SICK

Accrual Policy - 53 Hour Sick				
Completed Years of Service	Annual Hours	Annual Limit	Life to Date Limit	Roll Over Limit
0	159.00	159.00	685.00	159.00
1	159.00	159.00	954.00	159.00

Award Hours Per Pay-Period (Bi-Weekly)		
Completed Years of Service	Pay Period Amount	Pay Period Limit
0	6.12	6.12
1	6.12	6.12

BEREAVEMENT

Accrual Policy - 53 Hour Bereavement				
Completed Years of Service	Annual Hours	Annual Limit	Life to Date Limit	Roll Over Limit
0	53.00	53.00	53.00	0.00
1	53.00	53.00	53.00	0.00

COMBINED VACATION/HOLIDAY

Accrual Policy - 53 Hour VAC/HOL				
Completed Years of Service	Annual Hours	Annual Limit	Life to Date Limit	Roll Over Limit
0	268.06	268.06	321.10	159.12
1	268.06	268.06	321.10	159.12
4	321.10	321.10	400.66321.10	238.68159.12
14	374.14	374.14	480.22321.10	318.24159.12

Award Hours Per Pay-Period (Bi-Weekly)		
Completed Years of Service	Pay Period Amount	Pay Period Limit
0	10.31	10.31
1	10.31	10.31
4	12.35	12.35
14	14.39	14.39

8.05 Sick Leave

All personnel, who have probationary or regular status, shall be eligible to earn up to fifteen days of sick leave per year. Credit shall accumulate at the rate of 4.6~~21~~ hours for each bi-weekly pay period. Unused sick leave can accumulate to a maximum of 720 hours.

~~Personnel who have achieved regular status and have been employed with the City of Freeport for five (5) years will be paid, when they leave employment with the City, for unused sick leave up to a maximum of 80 hours, on their final paycheck.~~

Sick leave will be charged by the hour and used for employee or family illness where the employee is too ill to be able to work safely, or an ill family member requires their presence. Family is defined as the employee's spouse, children, parents, spouse's parents, brother, sister, grandparents, or grandchildren.

Employees shall notify their supervisors of their intent to take sick leave prior to, or within two (2) hours before, the time they are scheduled to begin their duties. Failure to give such notification will require the absence to be charged as leave without pay, except in cases of an emergency or an unusual event.

To discourage the abuse of sick leave, employees that call in sick will limit their presence away from their residences, to the doctor's office and pharmacy. Employees, who are out sick for three (3) consecutive days, may be required to provide ~~will need~~ a doctor's full release before returning to work. The City of Freeport does not typically offer light duty in any of its departments. Personnel who violate the provisions of the sick leave policy shall be subject to disciplinary action up to termination.



City Council Agenda Item #9

Title: Consideration and possible action on authorizing the City Manager to seek proposals from Attorneys for the provision of municipal legal services.

Date: April 15, 2019

From: Tim Kelty, City Manager

Staff Recommendation:

Staff request that Council act to provide direction to staff to send out request for proposals to various legal firms for the provision of general municipal legal services to the city.

Item Summary: The Freeport city charter requires that the city engage a properly licensed individual or firm to serve in the official capacity of City Attorney to provided legal advice and counsel to the city, and act as Prosecutor in the City's court.

Since 1992, Wallace Shaw and his associate have served in that capacity. At the time of his appointment, the minutes reference terms identified in an agreement, however no written agreement has been able to be identified in recent months.

In January, Council requested the city manager to negotiate the terms of a formal written contract with Mr. Shaw. Since that time no formal action has been taken by Council.

At the regular meeting on March 18th, it was suggested that we seek proposals for legal services, but the matter was never acted upon in open session.

Staff is now requesting formal authorization before soliciting for those proposals.

Special Consideration:

Although Mr. Shaw has acted in the official capacity of City attorney, for many years the city has also sought legal counsel from the law firm of Olson and Olson.

Financial Impact: In the last fiscal year (2017/2018) the city spent more than \$76,000 for legal services from Mr. Shaw. In the current fiscal year to date, Mr. Shaw has been paid about \$32,000. The Law firm of Olson and Olson was paid approximately \$19,000 last fiscal year and \$9,200 year to date.

Monthly Departmental Reports

STREET DEPARTMENT
MONTHLY REPORT--- March 2019

Drainage Set culverts

1117 S. Ave D -----40 ft

Cut drainage and jetted out culvert pipe

Archer Street-----400 ft

1906 Zapata -----300 ft

1925 North Avenue H---- -1000 ft

Alley of 17 South Ave D --800 ft

Concrete report:

1. Set forms for sidewalk@ 1600 block of 5th.
- 2.Pour sidewalk@ 1600 block of 5th.
3. Remove forms and backfill sidewalk
- 4-Form petistle bases for solar lights for Parks Department
5. Broke and removed concrete at FIS School for wheel chair ramps.
6. Form and place rebar at wheel chair ramps at FIS

Pothole repair:

Completed 25+ work orders for QPR asphalt
23 alley Blocks with Crushed concrete repairs

Rainy Day Schedules-- Total 4 days:

Total 7 tons of trash/debris collected

Mowing Report:

City owned lots completed 100 % of lots and
10 % of ROW /drainage ditches

Sweeper operations:

Began sweeping in Quarrant A

Also worked on Streets Strategic Plan , Council packets,
street condition report for 5-Year Plan. Also replacement
of water and sewer lines in this years street plan.
Beach entrance repair

Projected work for April 2019

Drainage---800 N. Ave.- 1311 N. Ave. Q --1600 lin.ft.

4-culverts--80 lin. ft.

Golf course sidewalk and driveway

Parks Monthly Progress Report

March 2019

1. * Working on Windstorm coverage on rooftops
2. * Quotes on Mystery Boat
3. 7 new park benches at FMP
4. Painted Crosswalk & Parking lot stripes at Library and FMP
5. 8 loads of sand for outdoor exercise unit.
6. Street Department did the concrete for base of 7 solar lights
7. Mulch in pocket park & 2 new park benches
8. 2 New basketball back boards at FMP Maintenance
9. New Basketball Nets at all parks Maintenance
10. Painted yellow stripes on basketball court in Arrington Park
11. Mowed all parks that have been too wet
12. New roofs in softball dugouts at SFA Maintenance
13. Flowers planted at FMP
14. * New HVAC for City Hall
15. Painted shelter over bench at FCH Pavilion (2nd Street) boat ramp
16. Mow soccer and football fields
17. Cut down dead tree at VCH
18. Installed LED lights at library in meeting room Maintenance
19. Fixed lights on walking trail Maintenance
20. * Working on A/C for River Place - 30 ton York units
21. Back hoe to fix ruts in FMP Park
22. Painted ticket booth at FMP Park
23. Painted FMP Kitchen
24. * Preparing site for new benches on walking trail.
25. Sprayed FMP for worms in trees and park.

*Denotes Work in Progress

Maintenance Report for March 2019

1. Dug out trench behind the VIC to try to eliminate water intrusion in rear of building during heavy rains.
2. Installed a new towel dispenser in first floor restroom at City Hall
3. Relocated utilities at Fire Station 1 for expansion of emergency vehicle parking bays
4. Installed new hasps and locks on storage rooms, concession stand, and press box entries at Pee Wee ball field
5. Repaired leaks and checked operation of water heater for Pee Wee concession stand
6. Replaced broken windows at Pee Wee field concession stand and press box
7. Replaced light fixture in women's restroom at Little League ball field
8. Installed new towel and soap dispensers in FMP restrooms
9. Checked electrical systems at FMP
10. Replaced bad selector switch on warmer at River Place
11. Repaired electrical and replaced bad lights on walking trail
12. *Marked walking trail locations for new benches and set up locate for utilities to do excavation to install them
13. Repaired rope handrail on playground equipment at Lincoln Park
14. Replaced all basketball nets at Arrington, Lincoln, and SFA Parks
15. Repaired tankless water heater at River Place
16. Replaced all lamp post bulbs at River place with LED's and new LED's above all exterior doors
17. Repaired 2nd floor urinal plumbing at PD
18. *Attempted to unplug lounge sink drain at PD, but could not get it cleared. Luycx plumbing was called and came out to clear line and it was so corroded that the clean out tool caused it to leak. A request has been made for a quote to replace the line and we are waiting to hear back from them.
19. Ran Cat-5 cable in old bank area and added a Cat-5 cable from the EDC office through the ceiling to room 228 for the consulate meeting
20. Cleaned up utility and storage closets on 2nd floor at City Hall and installed breaker panel doors
21. Repaired leak in water fountain at the Recreation Center
22. Adjusted door closer on parking lot side at City Hall
23. Repaired light in employee restroom at the library
24. Installed a new bench at Pocket Park
25. Replaced HVAC filters at Pixie House
26. Replaced bad light bulbs at FMP kitchen
27. Cleaned out boiler room at City Hall
28. Installed and tested new magnetic door lock equipment at City Hall on 3/29. Checked locks at end of day and all doors locked on time and remained locked with no issues. All doors unlocked on time the morning of the next business day

29. Replaced fluorescent lights in library community room with new 2'x 2' LED panels.

30. *Continuing to monitor City Hall chiller performance and building temperatures. Operation has been stable for the last few weeks since the Hunton Services tech repaired the second stage temperature sensor. This will continue as we wait for it to be replaced.

Museum Repairs:

31. Repaired hole in artifact room rear wall

32. Replaced all bad lighting

33. Changed out all HVAC filters

34. Repaired utility room door

35. Replaced electric motor, installed timer, and adjusted limit settings on railroad bridge display

36. Replaced all missing tiles in artifact room

37. Worked on train in children's room

38. Repaired sign on front door

39. Changed batteries in lobby thermostat

40. Disabled unused building alarm controller to stop it from beeping

41. Installed projector in event room for facial reconstruction exhibit

*Denotes Work in Progress

Rec Center March Report 2019

1. Landscaping replaced in front of building.
2. New plants, mulch and rock.
3. Plants were put in pots around the back building in the pool enclosure.
4. Pool serviced for a cleaning by a pool company.
5. Bought all Easter Supplies.
6. Easter Baskets are being finished currently for the Easter Extravaganza.
7. Bella and Haley planned and finishing River Fest with Kim.
8. We ordered new shirts for the Rec Staff so we all have the new logos with the city.
9. Waiting on an estimate for the Rec to have some much needed work done to floors and different things in the building.
10. Basketball goals are going to be replaced inside the gym.
11. Bought a speaker and iPod for Weight room.
12. Weight room now has music going daily for the Patrons to have a workout with motivation and not in quiet.
13. Chlorine feeder machine has been called on to get fixed so chlorine will be fed back into the pool since it is not currently working.



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 March, my officers responded to 2419 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:

A subject was arrested and charged with Deadly Conduct after he discharged a firearm in the parking lot of the Twisters Bar, after the bar closed. There were several patrons in the parking lot at the time of the incident.

Community Events:

Circle of Wagons Cancer Fundraiser Event

McDonalds "Freeport Police Day" Event

Freeport Museum Spring Break Event

Police vs Fire Softball Event

Employee of the Month:

Our honorary cancer fighting officer Abigail Arias was selected as the Employee of the Month for her continued inspiration to others as she continues to battle the "bad guys inside of her" referring to her cancer.



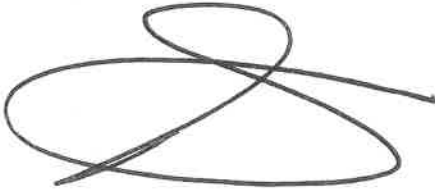
To Protect, Serve, Model Integrity and Demonstrate Professionalism

Open Positions:

In March, we filled two Dispatcher positions and are now fully staffed in Dispatch. We have no police or civilian positions open at this time.

We do currently have one school crossing guard position available.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Chief Raymond Garivey

Freeport Police Department

(979) 415-4187



CITY OF FREEPORT
FREEPORT FIRE & EMS DEPARTMENT

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

Christopher Motley
Chief / EMC

Mike Praslicka
EMS Coordinator

To: Mr. Kelty
City Manager

From: Christopher D. Motley
Fire Chief

Date: April 9, 2019

Re: March Report

In March, the department responded to 157 alarms. Calls of service consisted of 143 EMS calls and fourteen fire responses.

Significant Events: One residential fire
Recreational vehicle and pick-up truck fire in the Rv Park
Four Motor Vehicle Accidents
Traumatic Air transports to UTMB Galveston and Memorial Herman
Received Mutual aid assist for two EMS responses. Three EMS calls working.

Emergency Management is process paperwork with FEMA on Hurricane Harvey. Submitted to FEMA reimbursement is Cat B: Protective Measures. Pending review for approval.

Texas General land Office (GLO) CDBG-DR funds approved grant writer (Grant Works, Inc.). Currently, writing an RFQ for Engineering Services

Personnel: FF Kristopher Vierra upgraded: Basic EMT to Advance EMT
Firefighter Phillips went on shift last month and has completed his orientation and Class B license for driving.
Firefighter/EMT-B vacancy (1), testing April 12th
Fire Marshal vacancy.

Public Relations:

Freeport Museum Spring Break Program
Freeport Police Officer Abigail Arias at McDonalds with Sparky
Freeport Police and Fire Softball Game
Daddy Daughter Dance with Sparky.

Visit us online at www.freeport.tx.us
facebook.com/FreeportFire
fire@freeport.tx.us

Freeport Historical Museum
Monthly Summary Report
March 2019

Special Events/Exhibits

Downtown Market Day

This month's market brought a total of ten vendors out to set up in downtown Freeport. There was an increase in traffic this month, notably due to a nice weather day and the new addition of Pinky's Crawfish to our list of vendors. April will mark our first year of hosting Downtown Market Days and hope that, if our history serves us correctly, April and May will bring more visitors out to enjoy the Spring-like weather.

Spring Fling

This was our second year to host the Spring Fling during the BISD Spring Break. This year we were fortunate to partner with Communities in Schools to add a STEM exhibit in the temporary exhibit hall, allowing an estimated 250 children to interact with hands on activities and experiments. Businesses and organizations that participated in this event included BASF, Sorrell Construction, Boys & Girls Club and Brazoria County Library System. Sponsorships from Robin Rape, Kim Townsend, Kristy Mercado, Tom & Desiree Pearson, Sandra Barbree and Home Depot allowed us to supply bicycles, tablets, ear buds, workshop kits, etc. for door prizes. A special thanks to Freeport PD, Fire & EMS for their support at this event, wowing children of all ages with their heavy equipment tours.

Facial Reconstruction Exhibit

The museum hosted *The Face of Brazosport's Past* live interactive exhibit featuring renowned forensic sculptor Amanda Danning as she recreated the face of a young woman whose skull was found in Oyster Creek, tests proving that she lived 3,500 years ago. Attendance was disappointing overall, though the visitors that came were extremely interested and often returned on multiple days. Social media marketing proved to be our most reliable asset as we boosted to a 50 mile radius of Houston. We also had the support of local publications including The Facts and the Bulletin with feature stories. With Ms. Danning's reputation preceding her as a phenomenal guest speaker and artist, we were pleased to have interested visitors willing to travel to Freeport for this exhibit and that it gained some momentum through the duration.

Building Maintenance

The Parks/Maintenance Dept. has been working diligently to make much needed repairs at the Museum, which included lighting, patching the storage room wall, replacing ceiling tiles, repairs to secret passage door, replacing swing bridge motor and other items that needed attention. Additionally, they were instrumental in setting up the temp hall for the skull exhibit, securing AV equipment, deep cleaning and grounds keeping to have us ready to open.

I have still been unable to secure three quotes for needed repairs at the Heritage House to replace the damaged window sills and properly seal the windows from the outside. The one quote I have received is from a Houston based company, Restoration Services, Inc. and is for \$15,863.00. The challenge in this repair project is the atrium on the south side of the building, as it blocks access to the second floor windows. It is likely that the screen will have to be removed prior to and reinstalled after the repairs are made.

Old City Hall demolition will result in many museum items having no home. While there will be much that can be disposed of due to damage or irrelevance, there are props we use for annual events and valuable artifacts that should be preserved in a climate controlled environment. We need an action plan to move forward on responsible care for these items.

Statistical Data

Rentals

Heritage House	2
Exhibit Hall	0
Little Theater	0

Revenues (includes rentals, gift shop, market vendors)

January	\$3,257.00
February	\$4,144.99
March	\$7,622.42

Museum Attendance

January	68
February	44
March	439 (est. 200+ attended Spring Fling)



Finance Department

Title: Monthly Report

Date: April 15, 2019

From: Stephanie Russell, Finance Director

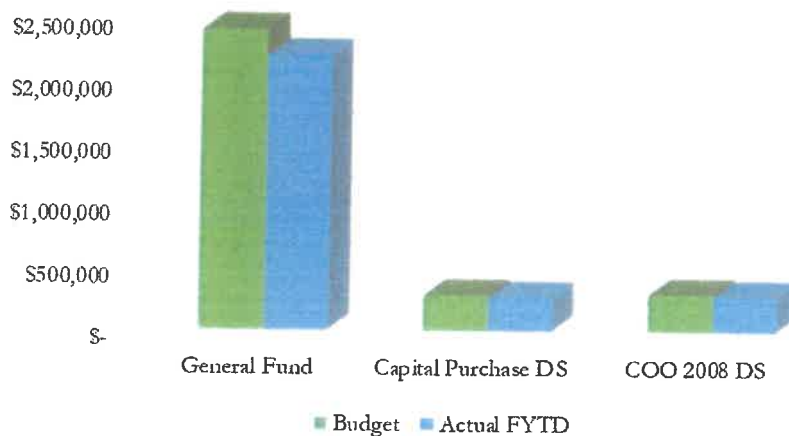
Major Revenue

Property Tax

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

Fund	Budget	Actual FYTD	% Rcvd FYTD
General Fund	\$ 2,412,833	\$ 2,209,583	92%
Capital Purchase DS	\$ 279,907	\$ 265,955	95%
COO 2008 DS	\$ 295,518	\$ 280,828	95%
Total	\$ 2,988,258	\$ 2,756,366	92%

Property Tax Budget vs. Actual



Industrial District Contracts

As of the end of March, the City had received 62% of its Industrial District Revenue.

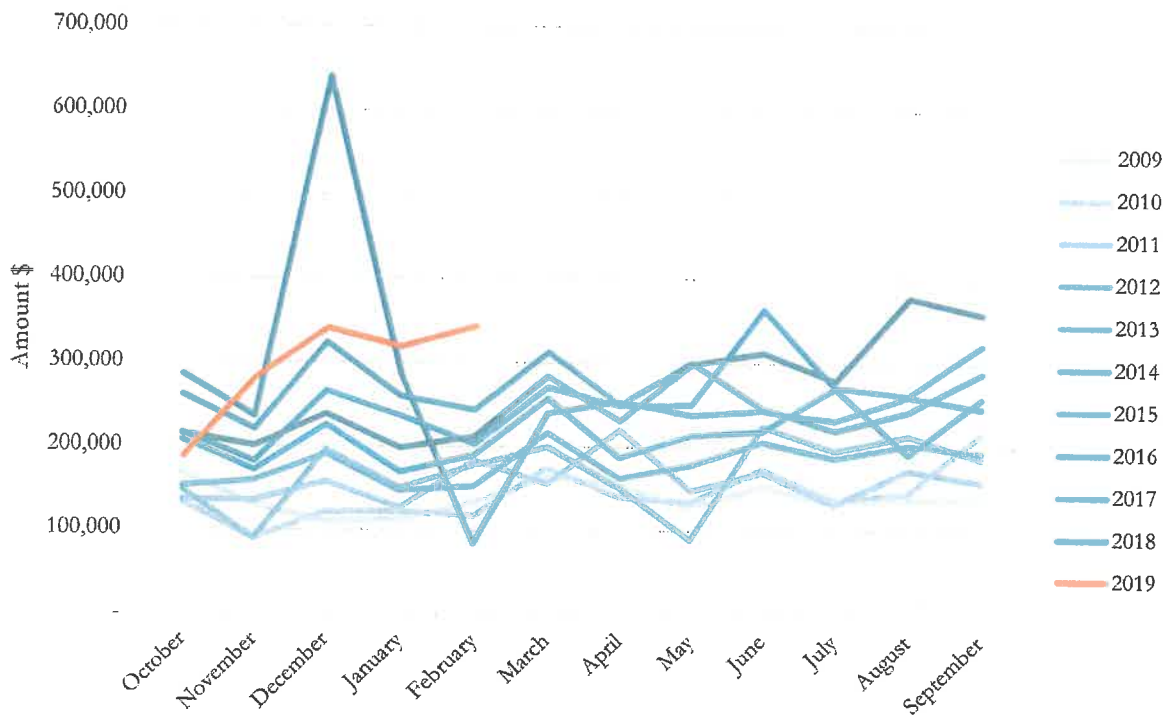
Agreement	Amended Budget	Actual YTD	% Rcvd FYTD
Brazosport IDA	4,273,311	2,136,655.48	50%
Freeport IDA	1,484,553	742,276.35	50%
Freeport LNG	1,775,000	1,775,000	100%
Total	\$ 7,532,864	\$ 4,653,932	62%

Sales Tax

Sales Tax Revenue is up about 38% from this time last fiscal year (February) and trending over budget – 65.65% has been received for only 42% of the year. Please note that there is a two-month lag from when Sales Tax is collected and actually received by the City; thus, February's Sales Tax was received in April.

Actual Sales Tax	FY2018	FY2019	% Change
October	215,308	187,361	-13%
November	200,806	281,761	40%
December	239,165	341,499	43%
January	198,873	319,310	61%
February	212,567	343,893	62%
March	284,577	-	
April	231,594	-	
May	298,921	-	
June	312,884	-	
July	280,065	-	
August	378,933	-	
September	359,563	-	
Grand Total	3,213,257	1,473,823	
Total Budget	2,437,000	2,250,000	-8%
% of Budget YTD	131.9%	65.5%	

Comparison of Sales Tax Revenue by Year



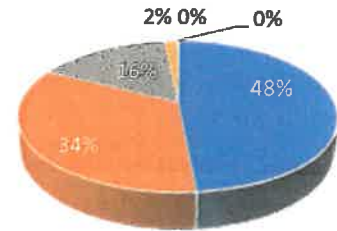
Utilities

	FY2018	FY2019 YTD
Service Categories		
Water	\$ 2,790,757	\$ 1,354,110
Sewer	\$ 1,910,245	\$ 949,055
Garbage	\$ 877,392	\$ 444,359
Ambulance	\$ 92,044	\$ 46,564
Surcharges	\$ 3,048	\$ 144
Miscellaneous	\$ 9,456	\$ 5,427
Total	\$ 5,682,942	\$ 2,799,659

Water Consumptions (Gallons)		
Billed Consumption	418,205,000	193,566,000
Unbilled Consumption	1,991,000	523,000
Total	420,196,000	194,089,000

Sewer Consumptions (Gallons)		
Billed Consumption	314,830,377	149,246,791
Unbilled Consumption	0	0
Total	314,830,377	149,246,791

Services by Category



- Water
- Sewer
- Garbage
- Ambulance
- Surcharges
- Miscellaneous

Municipal Court

	Total FY2018	FY2019 YTD
Violations		
Filed	4,195	1,914
Completed	2,892	1,227
Outstanding Violations	1,303	687
Warrants		
Issued	1,189	327
Cleared	1,301	465
Change in Total Warrants	-112	-138
Other Paid Cases	86	207
Total Fees/Fines Paid*	\$ 647,702	\$ 286,130
* Includes Regulatory, State & Other Agency Fees		
Municipal Court Revenue	\$ 473,531	\$ 149,917
Budget	\$ 418,000	\$ 425,000
% Completed	113%	35%



Accounts Payable

Purchase Orders	FY2018	FY2019 YTD
Outstanding	11	27
Partial	20	37
Completed	870	330
Total	901	394

Ongoing Initiatives

FY2017-2018 Audit

The Auditors will be onsite to conduct the FY2017-2018 audit the week of April 15th. Staff has been compiling files and reports in preparation of their arrival.

Banking RFP

Staff has received a proposal from a consultant to assist with the development and evaluation of the Request for Proposals for a Primary Depository. Staff anticipates the RFP will be advertised by May.

Budget

Staff is currently evaluating the City's current fund and account structure for compliance with statutory requirements for regulated revenues and transparency. Proposed adjustments will be made following input from the City's new auditors.

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.

Policies

Staff is reviewing current policies and procedures to determine updates and new policies moving forward. Staff is currently working on a draft Purchasing Policy and implementing the recently updated the Investment Policy.

Purchasing Cards

Initial forms have been submitted to the State for both the purchase and fuel cards. Staff expects the implementation process to be complete early Summer.

Records

Staff has been diligently working to sort and organize the massive volume of paper records left by the previous Director for ease of reference and compliance with records retention.



Human Resource Monthly Report

Date: April 1st, 2019

Reference: March 2019

Department: Human Resource

Department Director: Lei Loni Kershaw

Data Information:

Position Vacated: <u>4</u>	YTD: _____
Position Filled: <u>2</u>	YTD: _____
Positions being processed to be filled: <u>4</u>	YTD: _____
Worker Compensation New -Claims Processed: <u>1</u>	YTD: _____
Worker Compensation On-Going -Claims Processed: <u>1</u>	YTD: _____
TWC New -Claims Processed: <u>1</u>	YTD: _____
TWC On-Going-Claims Processed: <u>0</u>	YTD: _____
Property/Accident Claims Processed: <u>1</u>	YTD: _____
Property/Accident On-Going Claims Processed: <u>0</u>	YTD: _____
Employee Consultations: <u>9</u>	YTD: _____
Director Consultations: <u>6</u>	YTD: _____
Past Employee Consultations: <u>1</u>	YTD: _____
Disciplinary Action Consultations: <u>1</u>	YTD: _____
Exit Interviews: <u>1</u>	YTD: _____
Verification of Employment: <u>5</u>	YTD: _____
Open Records Requests: <u>0</u>	YTD: _____
Consulting with Legal: <u>0</u>	YTD: _____

On Going Special Projects:

- Employee Lunches with the City Manager
- Windstorm Insurance Review
- Fixed Assets Audit for Insurance Coverage Review.
- Policy Revisions Review- Vacation, Outside Interests
- Budget Review for Positions and Salaries
- HR Regional Meeting in Lake Jackson Topic "Health Insurance Clinics"
- Employee of the Month Program

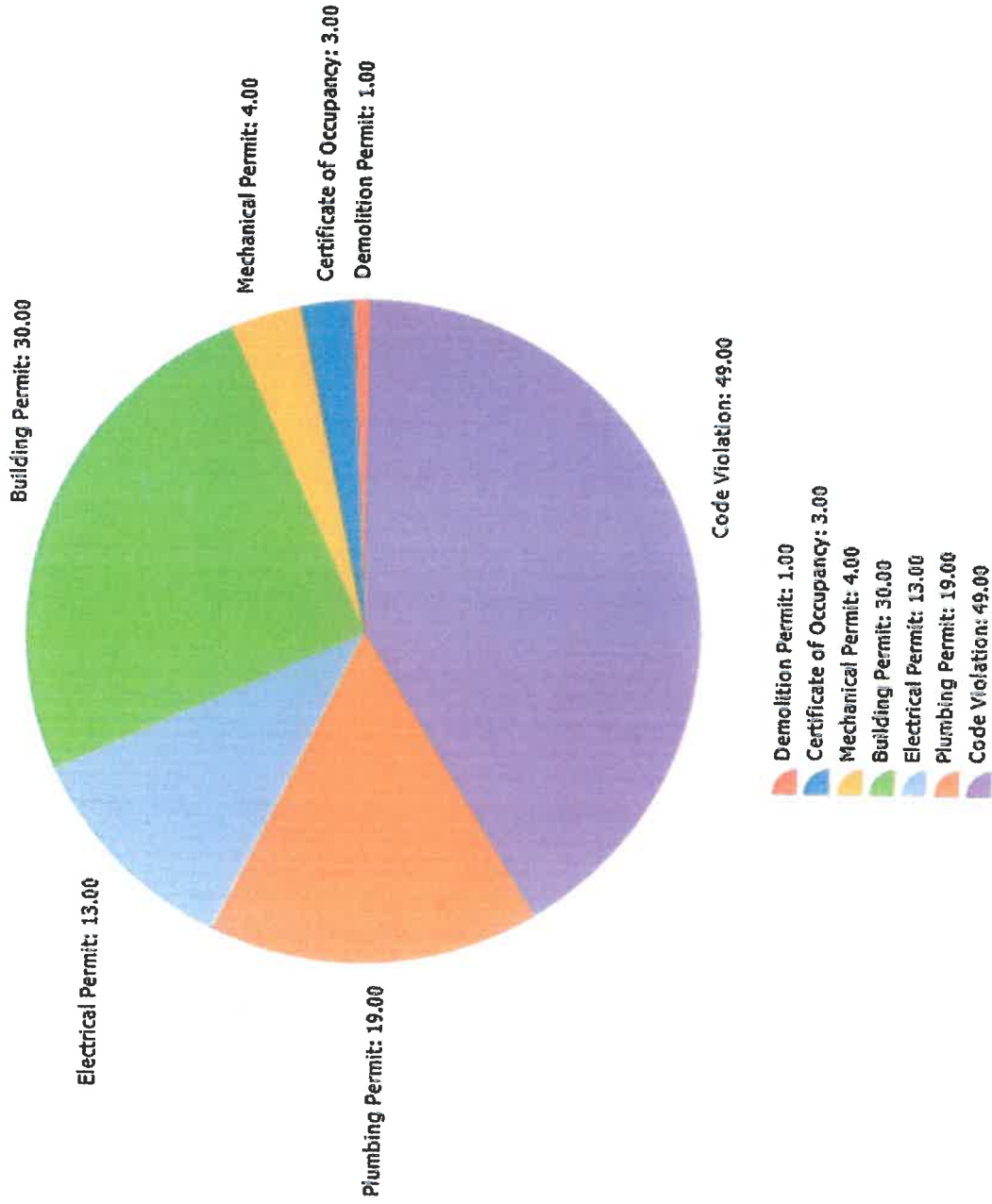
General Operations Tasks:

TML Billing Review- Monthly, TMRS-Monthly/457/Pre Paid Legal- Bi-Weekly Reports, Payroll Bi-Weekly prep/processing, Generate required communications via emails and phone calls, continuing to address on-going claims/issues, Attendance of scheduled and unscheduled meetings, Assist Accounts Payable, Misc Filing Documents-Daily

COUNCIL REPORT

Run Date: 04/12/2019 11:02 AM

Monthly Report



COUNCIL REPORT

Run Date: 04/12/2019 11:02 AM

Case Type	Close Date	Create Date	Current Task	Disposition	Parent Summary	Address 1
Demolition Permit		3/28/2019		Open		1014 W BROAD ST
Certificate of Occupancy		3/1/2019		Open		114 S AVE F
Certificate of Occupancy		3/21/2019		Open		1605 NORTH S
Certificate of Occupancy		3/26/2019		Open		217 N GULF BLVD
Mechanical Permit		3/8/2019		Open		1127 W 9TH ST
Mechanical Permit		3/15/2019		Open		1331 W 8TH ST
Mechanical Permit		3/25/2019		Open		1607 E. Highway 332
Mechanical Permit		3/25/2019		Open		1627 W 8TH ST
Building Permit		3/1/2019		Open		1404 N AVE J
Building Permit		3/4/2019		Open		1701 N AVE Q
Building Permit		3/7/2019		Open		606 W 6TH ST
Building Permit		3/7/2019		Open		1214 W BROAD ST
Building Permit		3/11/2019		Open		230 W 2ND ST
Building Permit		3/12/2019		Open		1426 W 6TH ST
Building Permit		3/13/2019		Open		1510 W 7TH ST
Building Permit		3/13/2019		Open		514 W 8TH ST
Building Permit		3/14/2019		Open		2001 BRAZOSPORT BLVD #276
Building Permit		3/14/2019		Open		1501 YELLOWSTONE ST
Building Permit		3/15/2019		Open		1414 N AVER
Building Permit		3/18/2019		Open		905 N AVE B
Building Permit		3/18/2019		Open		1302 W 9TH ST
Building Permit		3/19/2019		Open		627 W 2ND ST
Building Permit		3/19/2019		Open		320 N AVE D
Building Permit		3/20/2019		Open		810 W BROAD ST (MECH)
Building Permit		3/21/2019		Open		1833 W 8TH ST
Building Permit		3/25/2019		Open		1811 N BRAZOSPORT BLVD
Building Permit		3/25/2019		Open		1801 N AVE T
Building Permit		3/26/2019		Open		1501 YELLOWSTONE ST
Building Permit		3/26/2019		Open		110 S AVE F
Building Permit		3/26/2019		Open		1119 W 5TH ST
Building Permit		3/26/2019		Open		1022 W 10TH ST
Building Permit		3/27/2019		Open		314 S FRONT
Building Permit		3/27/2019		Open		502 1/2 W 8TH
Building Permit		3/27/2019		Open		611 N AVE C

Case Type	Close Date	Create Date	Current Task	Disposition	Parent Summary	Address 1
Building Permit		3/27/2019		Open		200 SWEENEY ST
Building Permit		3/27/2019		Open		918 W 6TH ST
Building Permit		3/28/2019		Open		219 N AVE C
Building Permit		3/28/2019		Open		714 N AVE C
Electrical Permit		3/1/2019		Open		1611 N AVE O
Electrical Permit		3/1/2019		Open		1301 N AVE M
Electrical Permit		3/4/2019		Open		1202 W 8TH ST
Electrical Permit		3/5/2019		Open		1903 N AVE G
Electrical Permit		3/8/2019		Open		1701 N AVE Q
Electrical Permit		3/11/2019		Open		707 W 5TH ST
Electrical Permit		3/14/2019		Open		2001 N BRAZOSPORT BLVD-117
Electrical Permit		3/15/2019		Open		811 W BROAD ST
Electrical Permit		3/18/2019		Open		135 SNAPPER LN
Electrical Permit		3/18/2019		Open		2001 BRAZOSPORT BLVD #276
Electrical Permit		3/25/2019		Open		810 W BROAD ST
Electrical Permit		3/25/2019		Open		110 S AVE F
Electrical Permit		3/28/2019		Open		1914 ZAPATA
Plumbing Permit		3/4/2019		Open		118 W 7 #2
Plumbing Permit		3/4/2019		Open		1315 W 4TH ST
Plumbing Permit		3/7/2019		Open		415 VELASCO
Plumbing Permit		3/8/2019		Open		1802 ACACIA CIR
Plumbing Permit		3/8/2019		Open		214 E 7TH ST
Plumbing Permit		3/13/2019		Open		1714 N AVE H
Plumbing Permit		3/13/2019		Open		11 N GULF BLVD
Plumbing Permit		3/13/2019		Open		703 W 8TH ST
Plumbing Permit		3/13/2019		Open		902 N AVE J
Plumbing Permit		3/21/2019		Open		1818 W 8TH ST
Plumbing Permit		3/21/2019		Open		1501 YELLOWSTONE ST
Plumbing Permit		3/22/2019		Open		2001 N BRAZOSPORT BLVD #276
Plumbing Permit		3/25/2019		Open		702 W 4TH ST
Plumbing Permit		3/25/2019		Open		1219 N BRAZOSPORT BLVD
Plumbing Permit		3/25/2019		Open		711 W 7TH ST

Case Type	Close Date	Create Date	Current Task	Disposition	Parent Summary	Address 1
Plumbing Permit		3/27/2019		Open		427 E 8TH ST
Plumbing Permit		3/27/2019		Open		86 DOLPHIN LN
Plumbing Permit		3/28/2019		Open		1414 W 9TH ST ~
Plumbing Permit		3/28/2019		Open		1501 YELLOWSTONE ST
Code Violation		3/1/2019	Reinspection	Open		518 W 8TH ST
Code Violation		3/1/2019	Court Date	Open		W BROAD
Code Violation		3/4/2019	Reinspection	Open		308 S AVE A
Code Violation		3/5/2019	Reinspection	Open		302 S AVE A
Code Violation		3/5/2019	Court Date	Open		1201 N AVER
Code Violation		3/5/2019	Reinspection	Open		401 TO 411 S AVE D
Code Violation		3/6/2019	Reinspection	Open		1102 -1114 WEST BROAD
Code Violation		3/6/2019	Court Date	Open		1616 N AVEN
Code Violation		3/6/2019	Court Date	Open		1617 N AVEN
Code Violation		3/6/2019	Court Date	Open		101 W BROAD ST
Code Violation		3/6/2019	Court Date	Open		318 W PARK ST
Code Violation		3/7/2019	Court Date	Open		215 E PARK AVE/NAT HICKEY LN
Code Violation		3/7/2019	Court Date	Open		204 W PARK AVE
Code Violation		3/7/2019	Reinspection	Open		715 N AVE D
Code Violation		3/7/2019	Court Date	Open		206 W PARK AVE
Code Violation		3/7/2019	Court Date	Open		112 W BROAD ST
Code Violation		3/7/2019	Court Date	Open		118 W BROAD ST
Code Violation		3/7/2019		Open		120 W BROAD ST
Code Violation		3/7/2019	Reinspection	Open		909 N AVE D
Code Violation		3/7/2019		Open		126 W BROAD ST
Code Violation		3/11/2019	Reinspection	Open		815 N AVE D
Code Violation		3/11/2019	Reinspection	Open		720 N GULF BLVD
Code Violation		3/11/2019	Reinspection	Open		612 N AVE B
Code Violation		3/12/2019	Reinspection	Open		717 N AVE B
Code Violation		3/12/2019		Open		719 N AVE B
Code Violation		3/12/2019	Reinspection	Open		100 N GULF BLVD
Code Violation		3/13/2019		Open		806 N AVE B
Code Violation		3/13/2019		Open		901 N AVE B
Code Violation		3/14/2019	Reinspection	Open		919 W 11TH ST
Code Violation		3/14/2019		Open		515 N AVE B

Case Type	Close Date	Create Date	Current Task	Disposition	Parent Summary	Address 1
Code Violation		3/14/2019	Reinspection	Open		617 N AVE B
Code Violation		3/14/2019		Open		623 N AVE B
Code Violation		3/14/2019	Reinspection	Open		630 W 5TH ST
Code Violation		3/14/2019		Open		927 W 11TH ST
Code Violation		3/19/2019	Reinspection	Open		411 N AVE B
Code Violation		3/19/2019	Reinspection	Open		219 N AVE B
Code Violation		3/19/2019	Reinspection	Open		314 S FRONT ST
Code Violation		3/20/2019	Reinspection	Open		1524 N AVEN
Code Violation		3/21/2019		Open		402 N AVE A
Code Violation		3/21/2019	Reinspection	Open		123 N AVE C
Code Violation		3/21/2019	Reinspection	Open		324 N AVE B
Code Violation		3/21/2019	Reinspection	Open		1700-1702 W 5TH
Code Violation		3/22/2019		Open		923 N AVE D
Code Violation		3/22/2019	Reinspection	Open		802 N AVE B
Code Violation		3/25/2019	Reinspection	Open		1712 W 5TH
Code Violation		3/25/2019	Reinspection	Open		1716-1718 W 5TH
Code Violation		3/26/2019	Reinspection	Open		222 N GULF BLVD
Code Violation		3/26/2019	Reinspection	Open		518 SLAUGHTER RD
Code Violation		3/27/2019	Reinspection	Open		1227 GULFVIEW