



**AGENDA
REGULAR MEETING
FREEPORT CITY COUNCIL
MONDAY, NOVEMBER 7, 2022 at 6:00 P.M.**

Mayor:

Brooks Bass

Council Members:

Jeff Pena

Jerry Cain

Mario Muraira

City Manager:

Timothy Kelty

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, THE 7th DAY OF NOVEMBER, 2022, AT 6:00 P.M., AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS

This meeting will be live streamed via Facebook Live and may be accessed on the City of Freeport Facebook page: <https://www.facebook.com/freeporttexas>

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

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

INVOCATION AND PLEDGE OF ALLEGIANCE: (Council Member)

CITIZENS' COMMENTS:

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

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

1. Presentation of the Quarterly Investment Report, for the 4th Quarter. **(Ezell)**
2. Presentation on Ambulance Billing. **(Motley)**

CONSENT AGENDA:

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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.

3. Consideration and possible action on the approval of City Council meeting minutes from October 17, and October 26, 2022. **(Wells)**
4. Consideration and possible action appointing Olson and Olson as City attorney and Julian “Pat” Taylor as Deputy City Attorney for Prosecution **(Kelty)**

COUNCIL BUSINESS – REGULAR SESSION:

5. Consideration and possible action approving Ordinance No. 2022-2678, calling a special election to elect a person to Council Member Ward D to fill the vacancy created by the resignation for the remainder of the unexpired term for such ward; and ordering a runoff election on April 1st if necessary. **(Kelty)**
6. Consideration and possible action approving Resolution No. 2022-2763, for the revision of the Purchasing Policy. **(Ezell)**
7. Consideration and possible action approving Resolution No. 2022-2764, amending the Master Fees Schedule for Golf Course Greens fees, and Membership rates. **(Dybala)**
8. Consideration and Possible action approving Ordinance No. 2022-2679, amending 113.07 of Title XI of the Code of Ordinances of the city of Freeport Texas, by revising Section 113.07(B)(1) to except certain off-premise signs as prohibited within the corporate limits of the city. **(Kelty)**
9. Discussion and possible appointment of a Citizens Advisory committee for the overhaul of the City of Freeport Sign regulations. **(Kelty)**
10. Consideration and possible action for the designation of streets for Interlocal with County. **(Petty)**
11. Consideration and possible action by City Council approving sale of Trust Property located in the 200 Block of South Avenue I (Velasco, Block 71, Lot 1). **(Cramer)**
12. Consideration and possible action by City Council approving sale of the alley between East 5th & East 6th Street in the 100 Block and approve the city attorney to prepare the deed and the mayor to sign **(Cramer)**

13. Consideration and possible action by City Council approving sale of city owned 25' parcel located in the 100 Block of North Avenue B (Velasco, block 529, Lot 10) and the city attorney prepare the deed and the mayor to sign. **(Cramer)**
14. Discussion and Update from Councilman Pena regarding Freeport MUD #1**(Kelty)**
15. Consideration and possible action approving Resolution No. 2022-2765, appointing member to the Planning and Zoning Commission. **(Kelty)**

WORK SESSION:

16. **The City Council may deliberate and make inquiry into any item listed in the Work Session.**
 - A. Mayor Brooks Bass announcements and comments.
 - B. Councilman Pena Ward A announcements and comments.
 - C. Councilman Cain Ward B announcements and comments.
 - D. Councilman Muraira Ward C announcements and comments.
 - E. City Manager Tim Kelty announcements and comments.
 - F. Updates on current infrastructure.
 - G. Update on reports / concerns from Department heads.

CLOSED SESSION:

17. Executive Session regarding a.) (Deliberations about Real Property) East End, b.) (Consultation with Attorney) potential litigation: Pending litigation Pena vs. Board of Adjustments for City of Freeport; Legal issues update on special investigation by Special Counsel regarding purchase of Boys and Girls Club by Councilman Pena; update legal matters regarding BrazTex LLP, et al, in accordance with Texas Government Code Annotated, Chapter 551, Sections 551.071, 551.072 and 551.074.

COUNCIL BUSINESS – REGULAR SESSION:

18. Take any action resulting from Executive Session.

ADJOURNMENT:


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

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

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

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


Betty Wells, City Secretary,
City of Freeport, Texas



City Council Agenda Item # 1

Title: Presentation of the Investment Report for the Quarter Ending September 30, 2022

Date: November 7, 2022

From: Cathy Ezell, Finance Director

Staff Recommendation:

This report is presented for informational purposes. No Council Action is required.

Item Summary:

This report reflects that on September 30, 2022, the City's total portfolio of \$19,556 million was managed in compliance with the PFIA and the City's investment policies.

Background Information:

The Public Funds Investment Act (PFIA), Texas Government Code, Chapter 2256 states that no less than quarterly, the Investment Officer(s) shall prepare and submit to the governing body a written report of investment transactions for all funds covered by the Act for the preceding reporting period. Presentation of this report fulfills that requirement.

Special Considerations: N/A

Financial Impact: N/A

Board or 3rd Party recommendation: N/A

Supporting Documentation:

Quarterly Investment Report



Quarterly Investment Report
July 1, 2022 - September 30, 2022

G/L Account	Description	Book Value	Current Interest Rate	Yield to Maturity	Maturity Date	Days to Maturity	Beginning Market Value for Period	Changes to Market Value	Ending Market Value for Period	Interest Paid YTD
Cash in Demand Accounts										
99-101-000	Operating Account	\$ 7,075,452	2.31%	2.31%	Demand	1	\$ 9,291,144	\$ (2,215,693)	\$ 7,075,452	\$ 83,597
Total Cash in Demand Accounts		\$ 7,075,452					\$ 9,291,144	\$ (2,215,693)	\$ 7,075,452	\$ 83,597
Invested in Government Pools										
99-105-020	Texas Class	\$ 3,017,220	2.60%	2.60%	Demand	1	\$ 3,004,425	\$ 12,796	\$ 3,017,220	\$ 17,220
99-105-010	TexPool	12,479,158	2.35%	2.35%	Demand	1	12,405,723	73,435	12,479,158	96,935
Total Invested in Pools		\$ 12,479,158					\$ 12,405,723	\$ 73,435	\$ 12,479,158	\$ 96,935
TOTAL ALL INVESTMENTS		\$ 22,571,830					\$ 24,701,292	\$ (2,129,462)	\$ 22,571,830	\$ 197,751

Investment Category	Book Value	Percentage	Weighted Average Maturity (Days)
Cash in Demand Accounts	\$ 7,075,452	31.35%	1.00
Government Pools	\$ 12,479,158	55.29%	1.00
Certificates of Deposit	\$ -	0.00%	0.00
TOTAL	\$ 19,554,610	86.63%	1.00

Investment schedules presented per the provisions of the Texas Code Chapter 2256 (Public Funds Investment Act) and the City's Investment Policy.

The City requires its depository banks to provide collateral for all deposits in excess of Federal Deposit Insurance. At the end of the quarter, the market value of collateral pledged by Baker Bond Accounting to the City was \$15.77M, 220% of deposits.

Unrealized gain/loss is the difference between the market value of the City's securities and what it paid for them. Gains and losses are realized only when a security is sold prior to maturity. Since it is the City's practice to hold all securities to maturity, it is unlikely that unrealized gains and losses will be realized. As of the end of the quarter, the City had no unrealized gains or losses.

Prepared By: *Cathy Ezell* 10/25/2022
 Cathy Ezell, Investment Officer Date

Verified By: *Giselle Hernandez* 10/25/22
 Giselle Hernandez, Investment Officer Date



City Council Agenda Item # 2

Title: Presentation on EMS revenue.

Date: November 7, 2022

From: Christopher D. Motley, Fire Chief / EMC

Staff Recommendation: Freeport Fire & EMS is presenting an operational change in EMS billing procedures.

Item Summary: Freeport Fire & EMS prepares an annual strategic plan and presents it to Mayor and council. Freeport Fire & EMS Strategic Planning #7 – Revenue, Bad Debt and Contractual Agreements has been addressed in evaluating best practices in balance billing, prompt pay services, and eligible charity programs ASSP (Ambulance Service Supplemental Program).

The Department is funded from several sources of revenue including grants, donations, EMS billing services and ad valorem tax. These funds are shown in budget 10-530 Fire and 10-535 Ambulance / EMS Fund.

Reviewing the department operations, the revenue streams of the department were evaluated. The primary revenue stream evaluated based on the Freeport Code of Ordinance § 92.43 Fees for Services Rendered: Collections.

Current Billing Practices:

EMS revenue collection was discussed with our billing agency, Emergicon. Several items were evaluated in invoicing patient for services rendered. The department discussed current billing contract fees and Emergicon commission rates. Emergicon lowered their commission rate and identified negotiable EMS costs that may be reduced to our patients within federal guidelines. Emergicon has now implemented a prompt pay incentive allowing for discounts on service levels provided up to 45 percent as well as BLS/ALS consumables, supplies, and oxygen rate charges being made negotiable.

Currently, residents that are treated and transported are not balance billed while non-residents are. Our billing agency (Emergicon) receives the patient records for invoicing EMS services. Emergicon invoices non-residents by sending three letters over a 90-day period. They then follow up with two phone calls. This is the extent of their “soft” collections. Once a run has been dormant for 180-days it is written off as bad debt. This is based on past administrative practices.

In reading over the City Ordinance, residents are allowed the opportunity to voluntarily donate on the water bill to assist in financing EMS services. If a resident voluntarily contributes to the department, then their co-pay is waived.

Proposed Billing Practices:

The new billing procedure for Emergicon will remain the same except; Emergicon will balance bill all patients. Emergicon will continue to contact patients through the three invoices and two phone calls. They will now be able to provide prompt pay discounts and negotiate disposables and oxygen charges to obtain potential revenue as well as offer payment plans.

No co-pay will be collected as referenced in the ordinance. The generated bad debt will be written off or documented as charity care which may be eligible for state reimbursement. No debt will be sent to collections.

Background Information

EMS revenue stream was created by City of Freeport ordinance Order 1850, passed January 4, 1999, with an amendment ordinance 2001-1919, passed January 8, 2001. EMS invoicing for services render was started in 1999. This revenue stream established a firefighter/EMT employee to address decline in volunteers responding to fire/EMS alarms. This addition provided two firefighters on duty twenty-four hours since 1991. In 1991/92, the City of Freeport had experienced a citywide layoff of employees impacting police/fire personnel. Fire/EMS staff was reduced from nine employees to three employees.

Towards the end of 2018, Deputy Chief Michael Praslicka was tasked to conduct a survey on EMS revenue streams in Brazoria County and similar agencies. This survey of information was utilized to address current Emergicon commission rates and the department fee schedule. The EMS fee schedule has been updated and included in the master fee schedule. This has initiated an internal review of EMS fee schedules to maintain current rates.

Freeport Fire & EMS has a contractual agreement with Emergicon since November 2014 for EMS billing services. Emergicon introduced the department to an ambulance charity program administrated from the State of Texas for Medicaid/Medicare patients. This program helped the department receive a significant return on the program, but the current billing practice we have become ineligible by not having the data reflecting the charity care provided. This grant program is an annual application based on call volume and operational expenses.

Special Considerations: None

Financial Impact: An increase in EMS revenue with Emergicon Commission fees negotiated from 11% to 8.5 %. This change based on last year collection fees would result in an increase of approximately \$10,000.00 in EMS revenue automatically.

Changes in billing procedures will impact the \$600,000 in outstanding invoices (bad debt). As an estimate of 10% from bad debt may provide a return of \$60,000.00 directly from services provided.

The State of Texas Charity program results is unknown. The past grant revenue payments ranged from \$30,000.00 to \$125,000.00. ASSP (Ambulance Service Supplemental Program).

Board or 3rd Party recommendation: None

Supporting Documentation: Freeport Code of Ordinance § 92.43 Fees for Services Renders; Collections.

City of Freeport Code Ordinance

§ 92.42 VOLUNTARY CONTRIBUTIONS; SPECIAL FUND

(A) An opportunity shall be afforded to each customer of the city's water, sanitary sewer or solid waste services to make, when paying the monthly utility bill, a voluntary monthly contribution to the city to assist in financing the Department. The minimum requested amount of such contribution shall be set by resolution adopted by the City Council from time to time. (B) All such contributions, as well as the revenue of the Department from fees charged for services rendered as authorized by § 92.43 of this code, shall be deposited in a special revenue fund which may only be used to make purchases for the Department. (C) Anyone may make a voluntary contribution to an association established as authorized by § 92.39(C) this code but such contribution shall be paid directly to the treasurer of such association and shall not be considered funds of the city or be subject to the control of the City Council, the City Manager or the Fire Chief. (Ord. 2001-1919, passed 1-8-01)

§ 92.43 FEES FOR SERVICES RENDERED; COLLECTION.

(A) Except as otherwise provided in this section, fees shall be charged for services rendered by the Department according to the fee schedule to be adopted and which may be amended from time to time by resolution of the City Council.

(B) No fee shall be charged for firefighting services rendered on behalf of the owner or occupant of any structure located within the corporate limits of the city. (C) No co-payment shall be required of any E.M.S. patient for whom primary coverage is provided by an insurance policy, Medicare, Medicaid or other health plan and no payment shall be required of any E.M.S. patient for whom primary coverage is not provided by an insurance policy, Medicare, Medicaid or other health plan if, in either case, such patient is:

- (1) An occupant of any single-family conventional or duplex dwelling or of any manufactured home separately connected to the water and sanitary sewer systems of the city if the minimum requested contribution to the Department is made each month when the city's utility bill for such single-family conventional or manufactured home or the portion such duplex dwelling of which such patient is an occupant is paid; or,
- (2) An occupant of a unit in a multi-family dwelling and such unit is separately connected to the water and sanitary systems of the city if the minimum requested contribution to the Department is made each month when the city's utility bill for such unit is paid; or
- (3) An occupant of a unit in a multi-family dwelling which unit is not separately connected to the water and sanitary sewer systems of the city if the minimum requested contribution to the Department is made each month for each of the occupied units in such multi-family dwelling when the city's utility bill for such dwelling is paid; or
- (4) An occupant of any structure located in the unincorporated environs of the city which is not connected to the water and sanitary sewer systems of the city if such occupant or the owner of such structure contributes each month to the Department in an amount equal to the minimum

contribution requested of the occupants of the single-family structures which are connected to such systems but excluding any occupant of a structure located in the extraterritorial jurisdiction of another municipality with which the city has entered into a separate written agreement to furnish emergency medical service to all of the residents of the extraterritorial jurisdiction of such other municipality for an annual fee; or,

(5) An occupant of any structure located within the incorporated limits of any other municipality for whom such services are not regularly provided by such other municipality or other entity located therein if such other municipality has entered into an agreement with the Department whereby monthly contributions in an amount equivalent to the minimum contribution requested of the occupants of single-family structures which are connected to the water and sewer system of the city is made by such other municipality on behalf of each of the residential structures located therein but excluding any occupant of a structure located within the corporate limits of another municipality with which the city has entered into a separate written agreement to furnish emergency medical service to all of the residents of such municipality for an annual fee; or

(6) Not within categories (1) through (5) above but is determined by the Fire Chief according to written standards adopted by the Fire Chief to be without sufficient funds to pay for such services.

(D) The City Council may by resolution authorize an agreement with a third party to seek and collect, for a fee, compensation, reimbursement or insurance coverage for the fees for services owed to the Department.

(E) All such fees, when collected, shall be deposited in the special revenue fund established by § 92.42 of this code and may only be used as provided therein. (Ord. 1850, passed 1-4-99; Am. Ord. 2001-1919, passed 1-8-01; Am. Ord. 2004-2066, passed 9-24-04)

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, October 17, 2022 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council:

- Mayor Brooks Bass
- Councilman Jeff Pena
- Councilman Jerry Cain
- Councilman Mario Muraira
- Councilman Troy Brimage

Staff:

- Tim Kelty, City Manager
- Lance Petty, Assistant City Manager
- Betty Wells, City Secretary
- David Olson, Interim City Attorney
- Cathy Ezell, Finance Director
- Clarisa Molina, Assistant City Secretary/Administrative Assistant
- Chris Motley, Freeport Fire Chief
- Toby Cohen, IT Manager
- Danny Gillchriest Interim Police Chief
- Donna Fisher, Human Resource Director
- Staff from Freeport Police Department
- Staff from Freeport Fire Department
- Robert Cramer, Code Enforcement Officer
- Haley Wall, Water Department Billing Clerk
- Yvette Ruiz,

Visitors:

George Matamoros	Bob Casale
Karla Clark	Kenneth Hayes
Nicole Mireles	Sam Reyna
Con and Diane McCleester	Manning Rollerson
Joseph Penfield	Pamela Dancy
Melanie Oldham	Sidney Falk (Bickerstaff)
Jared Barber (Freese & Nichols)	Bonnie Zimmerle
Shonda Marshall	Ruby Marshall
Sabrina Brimage	

Call to order.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

CITIZENS' COMMENTS:

Jeff Pena spoke of the DWI. He said he is not proud of this moment. He said that he regrets this happened, and he will learn from this mistake.

Bonnie Zimmerele thanked Council and all involved for the bulk trash pickup that was held at O. A. Fleming.

Manning Rollerson thanked Council for the bulk trash pickup. He also spoke of the harassment by Freeport Officer Mosley. He said this Officer needs to be looked into.

Pam Dancy said the City is not a City, without trust from the citizens. She spoke of the money that is owed to the City.

George Matamoros 1702 N. Ave O, spoke to council of the possible change into the Citizen Comments, and comments on agenda items. He said he does not support this, and he hopes council will not institute this policy.

Karla Clark thanked Council and Mayor for following up with the items she had concern with. She said slander in this forum, is not how it should be run. Ms. Clark spoke about the search engine on the website.

John Gray, Brazoria County Scanner spoke of Officer Mosley. He said, this officer needs to be taken off of the force.

Kenny Hayes, commended the PD on the Blue Santa Golf Tournament. He also said the City of Freeport team received a trophy, for last place.

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

Presentation of Employee of the Month, for the month of September.

City Manager Tim Kelty presented the Employee of the Month to Haley Wall and Robert Cramer, for the month of September 2022.

Presentation by Bickerstaff for redistricting of Wards.

Sidney Falk gave a presentation of the process for redistricting of Wards, for the City of Freeport.

Administer Oath of Office to newly appointed Police Chief of the City of Freeport.

City Secretary Betty Wells, administered the Oath of Office to newly appointed Police Chief of the City of Freeport, Jennifer Howell.

Texas Billfish classic video presentation.

A video was played for the upcoming Billfish Classic.

CONSENT AGENDA

Consideration and possible action on the approval of City Council meeting minutes from October 3, 2022.

Consideration and possible action to approve the Brazoria County Firefighter's Association Fire Protection Agreement with Brazoria County.

Consideration and possible action to approve the purchase of a 1-ton dump truck for public works in accordance with the approved budget.

A motion was made to approve the consent agenda by Councilman Brimage, seconded by Councilman Cain. With all present voting "Aye" 5-0 council unanimously approved the Consent Agenda.

COUNCIL REGULAR AGENDA

Consideration and possible action of approving the final TIRZ #1 project and financing plan.

City Manager presented to council the possible action of approving the final TIRZ #1 project and financing plan. He said the preliminary plan was approved about two years ago prior to the County and College joining. He said this was presented to the TIRZ Board and was approved on October 11, 2022.

Travis James with, TXP said a TIRZ is a Tax Increment Reinvestment Zone. He said the TIRZ Board approved this final project and finance plan, and the last thing is the approval of this plan by council. Once this is done, the TIRZ can start spending money on Economic Development Projects within the Zone, all with Council approval.

A motion was made by Councilman Cain to approve the final TIRZ #1 project and financing plan, seconded by Councilman Pena. With all present voting, 5-0 council unanimously approved the final TIRZ #1 project and financing plan.

Consideration and possible action regarding appointment by Council of Representative Ward to serve on Citizens Advisory Committee, for Redistricting effort.

Bob Casale, Bridge Harbor spoke of consideration for proper representation for Ward D.

Karla Clark, 411 Sailfish asked if this is for all Wards? Mayor Bass said yes.

City Manager, Tim Keltly presented to council possible action regarding appointment by Council and Mayor of Representative Ward to serve on Citizens Advisory Committee, for Redistricting effort. He said staff recommends the Mayor and each council member appoint a citizen from their Ward to sit on an advisory committee for the Redistricting of the Wards.

Councilman Pena appointed Bill Leach. Councilman Cain appointed Eric Hayes. Councilman Brimage appointed Kenny Hayes. Councilman Muraira appointed, Raul Ramirez. And, Mayor Bass appointed Ed Garcia.

Consideration and possible action approving Resolution No. 2022-2759 amending the City Personnel Policy regarding the designated holidays of Juneteenth, Caesar Chavez, Fiesta Patrias and Cinco de Mayo.

Human Resource Director, Donna Fisher presented to council Resolution No. 2022-2759 amending the City Personnel Policy regarding the designated holidays of Juneteenth, Caesar Chavez, Fiesta Patrias and Cinco de Mayo. She said staff recommends council to discuss and make a recommendation regarding the City Personnel Policy. She said Citizen and Council has voiced their concern of Juneteenth not being observed as a Federal Holiday.

Councilman Pena said he would like to have a City-wide celebration for Cinco de Mayo, and Hispanic Heritage Month.

Councilman Cain said he is in support of Juneteenth Holiday. And he supports the proclamation adoption for Hispanic Heritage Month.

A motion was made by Councilman Brimage to approve Resolution No. 2022-2759 amending the City Personnel Policy regarding the designated holiday of Juneteenth as a paid holiday, and recognizing that a proclamation will be approved prior to Hispanic Heritage Month. Seconded by Councilman Pena, with a 5-0 vote council approved Resolution No. 2022-2759 amending the City Personnel Policy with those changes.

Consideration and possible action approving Resolution No. 2022-2760 for the addition and amendment to the City Personnel Policy Handbook for the Internet, Password, Remote Use policies.

IT Manager, Toby Cohen presented to council Resolution No. 2022-2760 for the addition and amendment to the City Personnel Policy Handbook for the Internet, Password, Remote Use policies.

A motion was made by Councilman Cain to approve Resolution No. 2022-2760 for the addition and amendment to the City Personnel Policy Handbook for the Internet, Password, Remote Use policies. Seconded by Councilman Muraira, with a 5-0 vote council approved Resolution No. 2022-2760 amending the City Personnel Policy.

Notice of Vacancy on the Planning and Zoning Commission Board.

City Manager Tim Kelty presented to council the vacancy on the Planning and Zoning Commission. He said if a member misses three consecutive meetings they can be removed from the board. Mr. Kelty said member Daniela Bailey has indicated that her work schedule is going to prevent her to participate on this board.

Consideration and possible action to approve Architectural Design proposals for City Hall renovations.

City Manager Tim Kelty presented to council the possible action to approve Architectural Design proposals for City Hall renovations. He said IAD prepared bids and specs for the renovation for City Hall. He said the bids far exceeded the funding for the renovations. Mr. Kelty said staff recommends council to approve the Architectural Design proposals for City Hall Renovations. The cost for this will be \$36,100, this is a fixed fee.

There was discussion by council on the reduced scope, and what it will include. And there was discussion on the elimination in this scope.

A motion was made by Councilman Cain to approve Architectural Design proposals for City Hall renovations. Seconded by Councilman Muraira, with a 5-0 vote council approved Architectural Design proposals for City Hall renovations. Councilman Pena said he would like there to be landscaping done.

WORK SESSION:

Mayor Bass said the Golf Course Club House was brought up by a council member. He said to enhance the Golf Course, and increase the revenue. He said this was just a thought, by a Councilman. Mayor Bass said the bulk pickup was part of the contract with AmeriWaste. They will do this twice a year, during the Spring and the Fall. He thanked Mr. Petty for getting the 1-ton dump truck for \$78,000.

Councilman Pena said Freeport best days are ahead. He discussed citizens comments. Councilman Pena spoke on the two city-wide cleanups. He asked John Gray, if he would share the video he has on the accusations made against the Police Officer? Councilman Pena asked what the status is with AmeriWaste, in regards to the roll off dumpsters? Councilman Pena asked about the alley at Park Street, he said that Centerpoint messed this up and wants to know when it will be repaired. Mr. Petty said Centerpoint will be responsible to repair this alley. Mr. Petty said he also had the Engineers come down and look at the drainage in the Alley. Councilman Pena said he wants all Public Meetings to be live video. He said he wants videos for all meetings. He asked if the Charter Review Meeting will be recorded? Mr. Olson said there is no legal obligation for this. Councilman Pena said then we may need to pass an ordinance.

Councilman Cain thanked AmeriWaste and the City Employees for the city-wide cleanup. He announced Fright Night on October 27, 2022, it will be at Riverplace. He said there will also be a Trunk or Treat, and we are looking for businesses or people who just want to come out and participate. Councilman Cain also announced, Wade Dillon with the Freeport Museum, will have a Ghost Walk on October 29, 2022 in Downtown Freeport. He said donation of candy is welcome for the Fright Night.

Councilman Muraira asked if the approved Budget in online? Mr. Kelty said the final approved Budget will be online by the end of this week, Ms. Ezell has been out.

City Manager Tim Kelty said the sanitary sewer project, the \$6 Million grant, is at about 90% engineering, and estimate that we will be going out for bids November or December. He also spoke about the \$6 Million Waste Water Treatment Plant project. He said this engineering is progressing also. He said we estimate bids will be going out in March of 2023. He said the Grant Project through the County for the sewer line between Ave G & H has been done, and now they are doing pavement repairs. There is delay in pumps stations 3, 4, and 14. He said we ordered the pumps months ago, we have an anticipated start date of these three pumps on November 14, 2022 and completion in March of 2023.

Update on reports / concerns from Department heads

CLOSED SESSION:

Open Session was closed at 8:10 PM.

Executive Session was closed at 9:30 PM.

Pam Dancy said a lot of people felt intimidated by Councilman Brimage. She said she likes Mr. Brimage, she just feels that no one does business like this. She said she feels like the city and the citizens were taken advantage of.

Kenny Hayes said nothing was done wrong by Councilman Brimage. He said you can blame Mayor Norma Garcia, Jeff Pynes, City Manager, Assistant City Manager and a Finance Director who all signed

off on this agreement. He spoke on the property with Mr. Wong, and it was approved by the same group of people.

Discuss and Take Possible Action to investigate and collect the unpaid \$45,000 by Braztex LLC to the City of Freeport for property located at Caldwell Street under Ordinance 2013-2034.

A motion was made by Councilman Pena to authorize our City Attorney to investigate the collection of the unpaid \$45,000 by Braztex, LLC, for the property located at Caldwell Street, seconded by Councilman Cain. With a 3-1 vote, motion passes. Mayor Bass voted "Nay"

Discuss and Take Possible Action regarding Demand for RePayment of \$200k+ AND legal fees from Braztex LLC pursuant to the Zeck and Navarro Investigation.

A motion was made by Councilman Pena to authorize Special Counsel, to file a lawsuit to pursue the \$203,000 as per the demand letter, from Braztex LLC. Seconded by Councilman Muraira. With a 3-1 vote motion passes. Mayor Bass voted "Nay".

Adjourn

On a motion by Councilman Pena, seconded by Councilman Muraira, with 5-0 vote, Mayor Bass adjourned the meeting at 9:37 P.M.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Wednesday October 26, 2022 at 5:30 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Brooks Bass
Councilman Jeff Pena
Councilman Jerry Cain
Councilman Mario Muraira
Councilman Troy Brimage Not Present

Staff: Tim Kelty, City Manager
Betty Wells, City Secretary
David Olson, City Attorney
Laura Cramer, GIS
Jennifer Howell, Police Chief
Clarisa Molina, Assistant City Secretary/Administrative Assistant

Visitors: Pam Dancy
Joseph Penfield
Kenny Hayes
Shonda Marshall
Eric Hayes
George Matamoros
Manning Rollerson
Syd Falk
Ruby Marshall
Raul Ramirez

Call to order.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

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

CITIZENS' COMMENTS:

Joseph Penfield spoke on the downtown zoning ordinance that has been adopted. He said he is surprised this went through Code, Planning and Council, and no one caught this ordinance would throw people from their homes. He said no one has asked the hard questions. He thinks council jumped the gun on this. He said this needs to be looked at again.

Manning Rollerson spoke to council of the article that was in the Facts newspaper. He spoke of the tax dollars being wasted on the investigations. He said the owners in Downtown are not doing anything to

fix up their buildings. Mr. Rollerson said there is a problem with the representation of the residents in the East End by Council. He spoke on Councilman of Ward D missing the City Council meetings.

Pam Dancy spoke to council about her Councilman in Ward D missing meetings. She said he needs to be removed from council. She also spoke of the importance of the ordinance in item #4. She spoke of the article in the paper of Troy Brimage selling his business. She said she feels like council just wants to sweep the accusations against Mr. Brimage under the rug

COUNCIL REGULAR AGENDA

Discuss and take possible action for a Joint Public Hearing and take action on an ordinance to amend the zoning ordinance to permit residential development on the 1st floor in the Downtown District.

Councilman Pena presented to council the possible action for a Joint Public Hearing and take action on an ordinance to amend the zoning ordinance to permit residential development on the 1st floor in the Downtown District.

A motion to approve ordinance as written with the amendment of adding a ten-day mailer notice to all property owners in the Downtown District, within 200 feet of the Downtown District boundary lines. Seconded by Councilman Muraira. There was discussion that followed.

Mayor Bass called the motion for a vote. With all present voting 3-1 motion failed. Councilmen Cain, Muraira, and Mayor Bass voted "Ney"

Consideration and possible action on Resolution, establishing guidelines for persons submitting specific redistricting proposals and providing comments.

Syd Falk with Bickerstaff, presented to council a Resolution, establishing guidelines for persons submitting specific redistricting proposals and providing comments.

A motion was made by Councilman Cain to approve Resolution, establishing guidelines for persons submitting specific redistricting proposals and providing comments, seconded by Mayor Bass. With all present voting "Aye" 4-0 council unanimously approved Resolution establishing guidelines for persons submitting specific redistricting proposals and providing comments

Consideration and possible action on Resolution adopting criteria for use in 2022 Redistricting Process.

Syd Falk presented to council, a Resolution adopting criteria for use in 2022 Redistricting Process.

A motion was made by Councilman Cain to approve Resolution adopting criteria for use in 2022 Redistricting Process, seconded by Councilman Muraira. With all presenting voting "Aye" 4-0 council unanimously approved Resolution adopting criteria for use in 2022 Redistricting Process.

Drawing Session by Bickerstaff for the Redistricting of Wards in the City of Freeport

Syd Falk and Sherry with Bickerstaff, presented to council a drawing session for the Redistricting of Wards in the City of Freeport. Mr. Falk said the city is 16% out of balance between the population of the largest and smallest Ward. The Federal Standard is that you must be less than 10%. He said Ward A is the least populated at 10.5 % below the ideal, and Ward B being the most populated at 5.84 % over the ideal size. Bickerstaff suggested to council an example plan to get started with.

There was discussion by council and Mr. Falk on the Wards and the red line boundary for the Census blocks.

It was pointed out that the Redistricting Citizens Advisory Committee had met

George Matamoros asked about his Ward, and how would he vote? He said he now votes in Ward C. Mr. Falk said it will be Ward D, if the proposed redistricting is approved.

Councilman Pena Proposed a desire to have Velasco be the dividing line between Ward A and Ward B. Mr. Falk explained that takes too much population from Ward B and leaves the City out of Balance. Councilman Pena proposed leaving the line along Velasco but extending long strip into now Ward A between the North Side of 12th street and the South side of 11th street extending from Velasco to Magnolia. When modeled, it showed that this option did provide balance amongst the Wards. It was pointed out however that this left a long strip on 2 streets with half the residents in Ward A and half in Ward B, and both moved voters from Ward A into B and from Ward B into Ward A.

It was agreed that this would become option 2, with Bickerstaff's original recommendation as option #1

There was discussion on getting the plan complete. Then a Public Hearing can be scheduled. The goal to adopt the new Ward Map, is by December 2022.

Adjourn

On a motion by Councilman Muraira, seconded by Councilman Cain, with a 4-0 vote, Mayor Bass adjourned the meeting at 7:24 P.M.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas



City Council Agenda Items # 4

Title: Consideration and possible action on the appointment of Interim Deputy City Attorney for Prosecution

Date: Nov. 7, 2022

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends City Council appoint David Olson representing his firm Olson and Olson as City Attorney and accept their recommendation of Pat Taylor as Deputy City Attorney for Prosecution.

Item Summary:

The Freeport City Charter states, 'The City Council shall appoint a duly licensed attorney practicing law, who shall become the City Attorney. The city Attorney or such other attorneys selected by him, with the approval of the City Council, shall represent the City in all litigation. Olson & Olson have recommended Julian "Pat" Taylor to act as Deputy City attorney to prosecute all cases that come before the City Court during the time they serve as City Attorney.

It is critical that the city have in place adequate legal counsel at all times to represent the city in all litigation, act as legal advisor of and attorney and council for the city and all officers and departments of the City.

The law firm of Olson and Olson has provided legal counsel to the city of Freeport in the past, and attorneys from the firm currently act in the capacity of City Attorney for numerous cities in the Houston Metro area and are well versed in all aspects of municipal law.

In August the City solicited proposals from at least 8 different firms and attorneys with expertise in Municipal Law. At that time only Olson and Olson and Rampage Law submitted proposals. During previous discussion Council directed staff to secure a letter of engagement for Olson and Olson.

Attached is a letter of engagement proposed by Olson and Olson to act as City Attorney. It provides for them to serve "At Will". The terms proposed are the same as those proposed in the interim letter of engagement.

Background Information: None

Special Considerations: Mr. Taylor similarly works in tandem with Olson and Olson, in the City of Danbury. He previously worked in this same capacity while Wallace Shaw was City Attorney.

Financial Impact: The terms proposed by Olson & Olson are the same as those proposed in the interim letter of engagement. Mr. Taylor has proposed a cost of \$600 per month for the first 4 hours, and a rate of \$200 per hour for time over 4 hours.

Board or 3rd Party recommendation: None

Supporting Documentation: Letter of Engagement from Olson & Olson.



November 3, 2022

Via email: tkelty@freeport.tx.us

Tim Kelty
City Manager
200 W. 2nd Street
Freeport Texas, 77541

Re: Engagement of Olson & Olson, L.L.P. by the City of Freeport,
Texas for General Legal Services

Dear Mr. Kelty:

We appreciate the opportunity to submit an offer for our law firm, Olson & Olson, LLP to provide legal services to the City of Freeport, Texas (the "City").

If accepted, this letter agreement confirms our Firm's engagement and sets out the scope of legal services that we will provide to the City. With this understanding in mind, our Firm agrees to advise and represent the City in all legal matters.

We will bill monthly as the services are performed. The City will also be responsible for reimbursing the actual cost of any reasonable and necessary expenses we incur on the City's behalf, such as fees for copying services or mailing expenses. We will provide you with a monthly invoice detailing the services performed and any expenses incurred. We will also provide you with any additional information concerning our fees and charges that you deem necessary.

The City may terminate this engagement at any time, by giving us written notice of its intention to do so and payment will only be required for services and expenses incurred prior to termination. We will always immediately make our files on this matter available to you or any other person you may designate.

The Firm agrees to provide legal services under the following general conditions which shall be applicable to any services the Firm provides to the City during the term of this Engagement Letter.

1. Fees for the Firm's Services.

The fees for the Firm's services will be determined by the actual time expended by our lawyers and other professional staff in providing such services. We will bill the City for such on an hourly basis at rates consistent with rates charged to other clients for similar services.

The hourly rates shall be as provided in Exhibit "A" attached, except to the extent different hourly rates are specified for a particular assignment in a separate assignment letter or a modification of the rates shown in Exhibit "A" is approved, in writing, by the City.

The Firm will bill the City monthly as the services are performed. The City will also be responsible for reimbursing the Firm for all reasonable and necessary expenses incurred by the Firm on the City's behalf, including fees for the services of court reporters, court filing fees, copying services, and similar expenses. The Firm will provide the City with a monthly invoice detailing the services performed and the expenses incurred. The City will be responsible for paying those invoices within 30 days of receipt.

The Firm will maintain contemporaneous records of the time devoted to the City's work, including conferences (both in person and over the telephone), negotiations, factual and legal research and analysis, document preparation and revision, travel on the City's behalf, and other related matters. The Firm will record and bill time in units of one-tenth of an hour.

2. Professional Liability Insurance.

The Firm agrees to maintain professional liability insurance coverage, at all times, for the services it provides to the City under this Engagement Letter.

3. Termination.

The City may terminate this engagement at any time, and payment will only be required for services performed and expenses incurred prior to the date of termination. Provided, however, if the Firm is representing the City in litigation that is ongoing at the time of termination, termination shall not be effective until the City has designated another lawyer or law firm to replace the Firm, in representing the City's interests. Upon termination, the Firm will immediately make its files on such matter available to the City or any other person that the City may designate.

4. Choice of law.

All rights and obligations arising under this Engagement Letter shall be governed by the laws of the State of Texas, with venue in Brazoria County, Texas.

5. Cooperation and communication.

The Firm agrees it will keep the City fully advised of all significant developments and will provide the City such written reports on the status of the matters it is handling as may be requested by the City. The City agrees to cooperate fully with the Firm in connection with the Firm's provision of legal services, and to promptly provide all material information known or available to the City that is necessary to the Firm's legal representation of the City. The City agrees to keep the Firm informed on a timely basis of all developments relating to the representation that are or might be important. The City agrees to attend meetings, conferences and proceedings when it is reasonable to do so.

6. File retention policy.

The Firm will maintain its own files, including lawyer work product, pertaining to the representation of the City but it will remain the City's responsibility to maintain such originals or copies of documents as are necessary to meet the City's legal obligations and management needs. The Firm will, at the City's reasonable request, provide copies of any documents that it retains, to the extent such documents have not been discarded in accordance with the Firm's document retention policies.

7. Potential conflicts of interest.

The Firm is committed to the representation of the interests of local governmental entities and their officers and officials and does not believe conflicts are likely to arise. However, when considering whether to accept an assignment under this Engagement Letter, the Firm will undertake reasonable efforts to determine whether there are any potential conflicts of interest that would bar its lawyers from representing the City and will decline the assignment if any conflicts are discovered.

8. Texas Lawyer's Creed and Attorney Complaint Information.

Attached as Exhibit "C" is a copy of the Texas Lawyer's Creed. The Firm encourages its lawyers to practice law in a professional and responsible manner as outlined in the Creed.

EXHIBIT A

OLSON & OLSON, L.L.P. BILLING RATES

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Andrea Chan	\$240/hr
David W. Olson	\$240/hr
Art L. Pertile, III	\$240/hr
Charles Williams	\$240/hr
Mary Ann Powell	\$240/hr
Allison Killian	\$225/hr
Justin Pruitt	\$185/hr
Bridgette Begle	\$180/hr
Paralegals	\$100/hr

EXHIBIT B

INSURANCE REQUIREMENTS

The Firm shall procure and maintain, with respect to the subject matter of this Agreement, appropriate insurance coverage with limits to cover the Firm's liability as may arise directly or indirectly, from work performed under the terms of this Agreement.

A current certificate of liability insurance will be submitted to the Purchasing Office.

Policy Requirements

The Firm and all subcontractors performing work for it under this Agreement shall furnish a completed insurance certificate to the City prior to the event, which shall be completed by an agent authorized to bind the named underwriter(s) for coverage, limits, and termination provisions shown thereon, and which shall contain the following:

Professional Liability (Errors and Omissions): Coverage Amount \$1,000,000 per occurrence and \$1,000,000 annual aggregate.

The City shall be entitled, upon request and without expense, to receive copies of the certificate of insurance and the required policies and endorsements.

- (a) The Firm shall notify the City of any change in the required coverage or cancellation and shall give such notices not less than 30 days prior to the change or cancellation. The Firm shall provide a replacement Certificate of Insurance prior to such change or cancellation;
- (b) Provide for notice to the City at the address shown in this Agreement;
and
- (c) The Firm agrees to waive all its officers, employees, agents, assigns, and successors' rights of subrogation against the City, its officers, employees, and elected representatives for injuries, death, property damage, or other loss covered by insurance and the Firm will provide a waiver of subrogation endorsement against the City.

COVERAGES SHALL BE WITH A COMPANY (WITH AT LEAST AN A- BEST RATING) ACCEPTABLE TO THE CITY PURCHASING AND RISK MANAGEMENT DEPARTMENT AND A COPY OF THE CERTIFICATE OF COVERAGE SHALL BE DELIVERED TO THE CITY ON OR BEFORE THE DATE OF THIS AGREEMENT.

EXHIBIT C

The Texas Lawyer's Creed

I am a lawyer. I am entrusted by the People of Texas to preserve and improve our legal system. I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this creed for no other reason than it is right.

Our Legal System

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

1. I am passionately proud of my profession. Therefore, "My word is my bond."
2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.
3. I commit myself to an adequate and effective pro bono program.
4. I am obligated to educate my clients, the public, and other lawyers regarding the spirit and letter of this Creed.
5. I will always be conscious of my duty to the judicial system.

Lawyer to Client

A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

1. I will advise my client of the contents of this Creed when undertaking representation.
2. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.
3. I will be loyal and committed to my client's lawful objectives, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice.
4. I will advise my client that civility and courtesy are expected and are not a sign of weakness.

EXHIBIT C

5. I will advise my client of proper and expected behavior.
6. I will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that I abuse anyone or indulge in any offensive conduct.
7. I will advise my client that we will not pursue conduct which is intended primarily to harass or drain the financial resources of the opposing party.
8. I will advise my client that we will not pursue tactics which are intended primarily for delay.
9. I will advise my client that we will not pursue any course of action which is without merit.
10. I will advise my client that I reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect my client's lawful objectives. A client has no right to instruct me to refuse reasonable requests made by other counsel.
11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.

Lawyer to Lawyer

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

1. I will be courteous, civil, and prompt in oral and written communications.
2. I will not quarrel over matters of form or style, but I will concentrate on matters of substance.
3. I will identify for other counsel or parties all changes I have made in documents submitted for review.
4. I will attempt to prepare documents which correctly reflect the agreement of the parties. I will not include provisions which have not been agreed upon or omit provisions which are necessary to reflect the agreement of the parties.

EXHIBIT C

5. I will notify opposing counsel, and, if appropriate, the Court or other persons, as soon as practicable, when hearings, depositions, meetings, conferences or closings are canceled.

6. I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided legitimate objectives of my client will not be adversely affected.

7. I will not serve motions or pleadings in any manner that unfairly limits another party's opportunity to respond.

8. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.

9. I can disagree without being disagreeable. I recognize that effective representation does not require antagonistic or obnoxious behavior. I will neither encourage nor knowingly permit my client or anyone under my control to do anything which would be unethical or improper if done by me.

10. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties and witnesses. I will not be influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.

11. I will not take advantage, by causing any default or dismissal to be rendered, when I know the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.

12. I will promptly submit orders to the Court. I will deliver copies to opposing counsel before or contemporaneously with submission to the Court. I will promptly approve the form of orders which accurately reflect the substance of the rulings of the Court.

13. I will not attempt to gain an unfair advantage by sending the Court or its staff correspondence or copies of correspondence.

14. I will not arbitrarily schedule a deposition, court appearance, or hearing until a good faith effort has been made to schedule it by agreement.

15. I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.

16. I will refrain from excessive and abusive discovery.

EXHIBIT C

17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections nor give instructions to a witness for the purpose of delaying or obstructing the discovery process. I will encourage witnesses to respond to all deposition questions which are reasonably understandable. I will neither encourage nor permit my witness to quibble about words where their meaning is reasonably clear.

18. I will not seek Court intervention to obtain discovery which is clearly improper and not discoverable.

19. I will not seek sanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.

Lawyer and Judge

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and administration of justice. I will refrain from conduct that degrades this symbol.

2. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.

3. I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.

4. I will be punctual.

5. I will not engage in any conduct which offends the dignity and decorum of proceedings.

6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.

7. I will respect the rulings of the Court.

8. I will give the issues in controversy deliberate, impartial and studied analysis and consideration.

9. I will be considerate of the time constraints and pressures imposed upon the Court, Court staff and counsel in efforts to administer justice and resolve disputes.



November 3, 2022

Via email: tkelty@freeport.tx.us

Tim Kelty
City Manager
200 W. 2nd Street
Freeport Texas, 77541

Re: Engagement of Olson & Olson, L.L.P. by the City of Freeport,
Texas for General Legal Services

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and
- (c) The Firm agrees to waive all its officers, employees, agents, assigns, and successors' rights of subrogation against the City, its officers, employees, and elected representatives for injuries, death, property damage, or other loss covered by insurance and the Firm will provide a waiver of subrogation endorsement against the City.

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Our Legal System

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

1. I am passionately proud of my profession. Therefore, "My word is my bond."
2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.
3. I commit myself to an adequate and effective pro bono program.
4. I am obligated to educate my clients, the public, and other lawyers regarding the spirit and letter of this Creed.
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Lawyer to Client

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EXHIBIT C

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11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.

Lawyer to Lawyer

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

1. I will be courteous, civil, and prompt in oral and written communications.
2. I will not quarrel over matters of form or style, but I will concentrate on matters of substance.
3. I will identify for other counsel or parties all changes I have made in documents submitted for review.
4. I will attempt to prepare documents which correctly reflect the agreement of the parties. I will not include provisions which have not been agreed upon or omit provisions which are necessary to reflect the agreement of the parties.

EXHIBIT C

5. I will notify opposing counsel, and, if appropriate, the Court or other persons, as soon as practicable, when hearings, depositions, meetings, conferences or closings are canceled.

6. I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided legitimate objectives of my client will not be adversely affected.

7. I will not serve motions or pleadings in any manner that unfairly limits another party's opportunity to respond.

8. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.

9. I can disagree without being disagreeable. I recognize that effective representation does not require antagonistic or obnoxious behavior. I will neither encourage nor knowingly permit my client or anyone under my control to do anything which would be unethical or improper if done by me.

10. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties and witnesses. I will not be influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.

11. I will not take advantage, by causing any default or dismissal to be rendered, when I know the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.

12. I will promptly submit orders to the Court. I will deliver copies to opposing counsel before or contemporaneously with submission to the Court. I will promptly approve the form of orders which accurately reflect the substance of the rulings of the Court.

13. I will not attempt to gain an unfair advantage by sending the Court or its staff correspondence or copies of correspondence.

14. I will not arbitrarily schedule a deposition, court appearance, or hearing until a good faith effort has been made to schedule it by agreement.

15. I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.

16. I will refrain from excessive and abusive discovery.

EXHIBIT C

17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections nor give instructions to a witness for the purpose of delaying or obstructing the discovery process. I will encourage witnesses to respond to all deposition questions which are reasonably understandable. I will neither encourage nor permit my witness to quibble about words where their meaning is reasonably clear.

18. I will not seek Court intervention to obtain discovery which is clearly improper and not discoverable.

19. I will not seek sanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.

Lawyer and Judge

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and administration of justice. I will refrain from conduct that degrades this symbol.

2. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.

3. I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.

4. I will be punctual.

5. I will not engage in any conduct which offends the dignity and decorum of proceedings.

6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.

7. I will respect the rulings of the Court.

8. I will give the issues in controversy deliberate, impartial and studied analysis and consideration.

9. I will be considerate of the time constraints and pressures imposed upon the Court, Court staff and counsel in efforts to administer justice and resolve disputes.



City Council Agenda Item # 5

Title: Consideration and possible action on an Ordinance calling a special election for filling the vacancy in Ward D for the remainder of the unexpired term, and ordering a runoff if necessary.

Date: Nov 7, 2022

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends adoption of this ordinance.

Item Summary: With the vacancy in the Ward D Council seat created by the resignation of Councilman Brimage, the seat must be filled via a special election. City attorney David Olson has created the proposed ordinance in accordance with State law requirements in holding the election. It sets the date for the election for Saturday February 25th.

Background Information A special election to fill this particular vacancy must be held within 120 days of the day the resignation became effective (November 3rd). The 120th day after the effective date of the resignation is March 3rd, 2023, which is a Friday. Since municipal elections are typically held on a Saturday, the February 25th date provided is the first Saturday before the expiration of the 120th day.

The general rule for the earliest day an election can be held is found in Section 3.005 of the Election Code, which states "... an election ordered ... shall be ordered not later than the 62nd day before election day." This has been interpreted to mean that law requires a minimum of 62 days from the date an election is ordered before the election can lawfully occur.

Applying the 62-day minimum period before an election can occur, the earliest date the City could hold the election (if the election order is approved on Monday, November 7th) would be January 8th, 2023, which is a Sunday. The next earliest available Saturday for the special election would be January 14th.

Special Considerations: None

Financial Impact: The cost of holding the election will be an estimated \$15,000. If a runoff is required the cost would be double. We will work with Brazoria County to get a contract to provide the equipment and programming, and run the early and election day voting and tabulation, and present it to council at an upcoming meeting.

Board or 3rd Party recommendation: None

Supporting Documentation: Ordinance

ORDINANCE NO.2022-2678

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS ("CITY") CALLING A SPECIAL ELECTION TO ELECT A PERSON TO COUNCIL MEMBER WARD D TO FILL THE VACANCY CREATED BY RESIGNATION FOR THE REMAINDER OF THE UNEXPIRED TERM FOR SUCH WARD; AND ORDERING A RUNOFF ELECTION ON APRIL 1, 2023, IF NECESSARY.

WHEREAS, the Section 201.023 of the Texas Election Code provides that if a councilmember submits a resignation, whether it's effective immediately or at a future date, a vacancy occurs on 1) the date the resignation is formally accepted by the City Council or 2) on the eighth day after the date of its receipt by the authority, whichever is earlier; and

WHEREAS, the Texas Constitution, Article XI, Section 11(b) and Section 11(c) provide that any vacancy in a municipality with terms exceeding two (2) years but not exceeding four (4) years must be filled by majority vote of the qualified voters at a special election called for such purpose within 120 days after such vacancy occurs; and

WHEREAS, the Texas Constitution, Article XI, Section 5(a) provides that no home-rule city charter shall contain any provision inconsistent with the Texas Constitution; therefore, the constitutional requirement provided for in Article XI, Section 11 of the Texas Constitution prevails over Section 3.06 of the City's Charter; and

WHEREAS, on October 26th, 2022 Council Member Brimage formally announced his resignation, which became effective on November 3rd, 2022, the eighth day after the receipt of his resignation by the City of Freeport; and

WHEREAS, the City Council wishes to proceed with the ordering of such special election for the purpose of electing a person to the position of Council for Ward D on February 25th, 2023, and

WHEREAS, the laws of the State of Texas and Section 5.05 of the City Charter, as amended, provide for a Runoff Election as hereinafter described; and

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

Section 1. The facts and opinions in the preamble to this Ordinance are true and correct.

Section 2. The Election Order (attached as Exhibit "A") is herein adopted, which declares and orders that a special election (the "Election") be held in the City of Freeport, Texas on Saturday, February 25, 2023, and a Runoff Election be held on April 1, 2023, if necessary, to elect a person to the position of Council Ward D for the unexpired term of such position.

Section 3. All ordinances and parts of ordinances in conflict herewith are herein repealed to the extent of the conflict only.

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

PASSED and ADOPTED the 7th day of November, 2023.

Brooks Bass, Mayor

ATTEST:

Betty Wells, City Secretary

APPROVED AS TO FORM:

David W. Olson, Interim City Attorney

EXHIBIT "A"

ELECTION ORDER

WHEREAS, Section 11 of Article XI of the Constitution of the State of Texas requires the City to hold a special election in the City to fill a vacancy within 120 days from the time of such vacancy; and

WHEREAS, on October 26, 2022 Council Member Brimage formally announced his resignation, which became effective on November 3, 2022, the eighth day after the receipt of his resignation by the City of Freeport; and

WHEREAS, the 120-day deadline to call the special election from the date that Council Member Brimage's resignation became effective on November 3, 2022, the proposed date to conduct a special election is Saturday, February 25, 2023, which date is 114 days from the date of vacancy, and there is therefore required to be elected, the following official for the City:

Council Position Ward D, for an unexpired term ending May 2024

WHEREAS, the laws of the State of Texas and Section 5.05 of Article II of the City Charter, as amended, provide for a Runoff Election as hereinafter described; and

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

Section 1. The City Secretary is hereby authorized and directed to prepare the election ballots to conduct a Special Election and, if necessary, the Runoff Election, in accordance with the provisions of the City Charter, the Texas Constitution and Texas Election Code. On such election ballot, the voters shall select from properly filed candidate, Council Position Ward D.

Section 2. All independent candidates at the election to be held on February 25, 2023 (the "Special Election"), for Council Position Ward D shall file their applications to become candidates with the City Secretary at City Hall, 200 West 2nd Street, Freeport, Texas 77541, not earlier than November 8, 2022 and not later than 5:00 p.m. on December 22, 2022.

All such applications shall be on a form as prescribed by Section 141.031 of the Texas Election Code (the "Code"). All candidates shall file with such application the loyalty affidavit required by Section 141.031 of the Code.

Section 3. Persons wishing to run as write-in candidates shall declare their intent with the City Secretary in order to be entitled to have their votes counted, not later than 5:00 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed for this Special Election, as denoted in Section 146.054 of the Code, to-wit: December 27, 2022. Only the votes for those write-in candidates that appear on the City Secretary's certified list of write-in candidates shall be counted. Gag votes and/or protest votes shall not be tallied on election night, as stipulated in Sections 146.051 through 146.055 of the Code.

Section 4. If no candidate for any office shall receive a majority of all votes cast for such office at the Special Election as required by the City's home-rule Charter, a runoff election between the two (2) highest vote-getters for such office shall be held on April 1, 2023 (the "Runoff Election").

Section 5. The order in which the names of the candidates for Council Position Ward D are to be printed on the ballot for the Special Election or for the Runoff Election, if required, shall be determined by drawings by the City Secretary as provided by Section 52.094 of the Code. The City Secretary shall provide notice of such drawings as provided by Section 52.094 of the Code.

Section 6. The Special Election and the Runoff Election, if required (collectively, the "Elections"), shall be held under the provisions of the Texas Constitution, the laws of the State of Texas, the Charter of the City (when not otherwise preempted by the Texas Constitution), and of this Ordinance. All qualified and registered voters residing in the City shall be allowed to vote at the Elections.

Section 7. The County of Brazoria has been approved to conduct the Special Election on Election Day on behalf of the City of Freeport. The voting location for purposes of this Special Election will be held at the following:

Freeport Public Library, 410 Brazosport Blvd., Freeport Texas 77541.

Section 8. This voting location shall be open from 7:00 a.m. to 7:00 p.m. on Election Day.

Section 9. The City will enter into a contract with the County of Brazoria to conduct this Special Election, and Runoff Election, if necessary, for those voters residing within Ward D of the City of Freeport. Therefore, officers and clerks for the Elections shall be appointed by Brazoria County.

Section 10. Tabulation of all votes cast within Freeport Ward D, Brazoria County will be done at the Brazoria County Election Office, which is the Brazoria County Courthouse, County Clerk's Office, 111 East Locust Street, Suite 200, Angleton Texas 77515.

Section 11. Joyce Hudman, Brazoria County Clerk is hereby appointed Counting Station Manager at the Brazoria County Clerk's Office. Betty Wells is hereby appointed as general custodian of election records for the City of Freeport. Such officers and their designees shall have all the authority, duties and responsibilities as denoted in the Code.

Section 12. The City, in accordance with Section 32.002 of the Texas Election Code, may appoint one member of the Signature Verification Committee, the Early Voting Ballot Board, and the Ballot Resolution Board (BRB). The BRB is a non-statutory board that assists the Central Counting Station with the duplication of damaged ballots and email ballots submitted by members of the U.S. armed forces overseas and, where necessary, assists the Presiding Judge of

the Central Counting Station in determining the intent of the voter in cases of over votes on mail ballots.

Section 13. The early voting location within the City for the Special Election shall be at the Freeport Public Library, 410 Brazosport Blvd., Freeport Texas 77541. Such place of voting shall remain open between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, February 8, 2023 through February 21, 2023, between the hours of 7:00 a.m. and 7:00 p.m. on Saturday, February 11, 2023 and Saturday, February 18, 2023; between the hours of 11:00 a.m. and 5:00 p.m. on Sunday, February 12, 2023 and Sunday, February 19, 2023.

Section 14. Early voting for a Runoff election will be held at the Freeport Public Library, 410 Brazosport Blvd., Freeport Texas 77541. Such place of voting shall remain open between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, March 20, 2023 through March 28, 2023; between the hours of 7:00 a.m. and 7:00 p.m. on Saturday, February 25, 2023; between the hours of 11:00 a.m. and 5:00 p.m. on Sunday, February 26, 2023.

Section 15. Early voting by personal appearance shall comply with Section 61.012 of the Texas Election Code.

Section 16. The early voting clerk's address to which ballot applications and ballots voted by mail for Freeport Ward D residents in Brazoria County may be sent to Joyce Hudman, Brazoria County Clerk, Brazoria County Courthouse, 111 East Locust Street, Suite 200, Angleton Texas 77515. Applications for ballots by mail must be received no later than close of business on February 14, 2023.

Section 17. The Mayor shall give notices of the Elections in accordance with the terms and provisions of Section 4.002, et seq., of the Code. Such notices shall state the nature and the date of the Elections, the location of the polling places for each precinct, the hours that the polls will be open and other information required by law. The Mayor shall issue all necessary orders and writs for such Elections, and returns of such Elections shall be made to the City Council and City Secretary immediately after the closing of the polls.

Section 18. The City Attorney shall take such actions as required to have the City in compliance with the Federal Voting Rights Act.

Section 19. It is further found and determined that in accordance with the order of this governing body, the City Secretary posted written notice of the date, place, and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and such notice having been so posted and remaining posted, continuously for at least seventy-two (72) hours preceding the scheduled time of such meeting. A copy of the return of such posting shall be attached to the minutes of this meeting and shall be made a part thereof for all intents and purposes.

SIGNED on this the 7th day of November, 2022.

Brooks Bass, Mayor

ATTEST:

Betty Wells, City Secretary

APPROVED AS TO FORM:

David W. Olson, Interim City Attorney



City Council Agenda Item # 6

Title: Consider Adopting a Resolution to Amend the City's existing Purchasing Policy Accordingly

Date: November 7, 2022

From: Cathy Ezell, Finance Director

Staff Recommendation:

Staff recommends the adoption of the Resolution to amend the City's Purchasing Policy accordingly.

Item Summary:

The proposed amendments to the City's Purchasing Policy are as follows:

- Change the amount required to obtain a purchase order from \$1,000 to \$3,000
- That purchases from \$3,000 to \$4,999.99 require verbal quotes
- That purchases from \$5,000 to 49,999.99 require written bids/quotes.

Background Information:

With the increase of goods and service costs, it has become inefficient to issue purchase orders for all purchases over \$1,000. It also slows down the repairs of equipment/vehicles and the purchase of needed supplies. This will help the City with timelier payments to vendors. Currently, if a purchase is made that exceeds \$1,000, purchase order has to be issued before the invoice is paid even though we may already have the invoice to in accordance with the Purchasing Policy. This process slows down the payments to vendors. The City needs to ensure that we maintain a good working relationship with our vendors and this change will help facilitate this.

Special Considerations:

N/A

Financial Impact:

N/A

Board or 3rd Party recommendation:

N/A

Supporting Documentation:

Amendments to the City's Purchasing Policy – Redlined version
Resolution with Exhibit

RESOLUTION NUMBER 2022-2763

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, APPROVING AND ADOPTING AMENDMENTS TO THE PURCHASING POLICY FOR THE CITY OF FREEPORT; PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Resolution Number 2019-2588 on June 3, 2019, establishing a Purchasing Policy that clearly defines authority, responsibility, and established procurement guidelines for the organization; and

WHEREAS, the City Council adopted Resolution Number 2020-2660 on October 5, 2020 amending the Purchasing Policy; and

WHEREAS such Purchasing Policy needs to be amended; a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the City Council hereby finds that the amended Purchasing Policy should be approved.

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

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

Section 2. The Purchasing Policy attached hereto as "Exhibit A" is hereby amended and adopted as the Purchasing Policy of the City of Freeport.

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

DULY PASSED, APPROVED AND ADOPTED on this the ____ day of October 2020.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Betty Wells, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM AND CONTENT:

Christopher Duncan, City Attorney
City of Freeport, Texas

Exhibit "A"
City of Freeport
Purchasing Policy



City of Freeport Purchasing Policy

Approved June 3, 2019 Draft

Resolution No. 2019-2588 November 7, 2022

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Section 1: Purchasing Policies, Objectives, and Ethics

A. Purchasing Policy

The procedures listed below provide an outline of the overall purchasing process.

It is the policy of the City to assure fair competitive access to governmental procurement by responsible vendors/contractors and to conduct business activities in such a manner as to foster public confidence in the integrity of the City.

Therefore, regardless of the expenditure it is the policy of the City to garner competition that produces the highest quality goods at the lowest possible price regardless of whether the item or service is subject to bid.

B. Purchasing Objectives

These policies are intended to:

- Ensure that the City acquires, stores, disburses, utilizes and disposes of goods and services uniformly and economically
- Provide the City with quality products and services at the best possible price
- Ensure that the City abides by the City's Charter and its adopted annual budget
- Help all departments understand and use established purchasing procedures and abide by applicable state and federal laws
- Help all departments in meeting the procurement needs of the City
- Encourage participation of small and minority businesses, women's business enterprises, and labor surplus area firms.

C. Legal Authority

The City has attempted to incorporate local, state and federal laws into this manual. The City, however, does not warrant that these policies include all such laws. Local, state and federal laws will prevail over these rules where applicable.

Texas Local Government Code 252.002 (Municipal Charter controls in case of conflict)

Legal requirements which affect the acquisition of goods and services include the following:

- *Texas Local Government Code, Chapter 252* requires that before a municipality may enter into a contract, except for those items exempted under *Chapter 252.022* or other law, that requires an expenditure of more than **\$50,000.00** from one or more municipal funds, the municipality must comply with the procedure prescribed as appropriate therein for competitive sealed bidding or competitive sealed proposals.
- *Texas Local Government Code, Chapter 171* requires local government officials to disclose conflicts of interest and sets forth rules that require officials to abstain where they are in a position to vote or make a decision on any matter involving a business entity or real property for which they have an interest in.

- *Texas Government Code Title 10, Chapter 2254*, also known as the Professional Services Act, governs the local government procurement of various professional services. *Chapter 2254* prohibits the procurement selection of architects or engineers based on bid price and requires government entities to first select the most qualified provider based on demonstrated competence and qualifications, and then attempt to negotiate with that provider a contract at a fair and reasonable price.
- *The State of Texas Engineering Practice Act, Chapter 1001, Texas Occupations Code*, states that a registered professional engineer must be hired to prepare plans, specifications, and estimates for any public works activities in accordance with this Act. The engineer must directly supervise the project in order to ensure the public health, safety, and welfare.

D. Disclosure of Certain Relationships

The Texas Local Government Code, Chapter 176 requires a vendor that wishes to conduct business or be considered for business with the City of Freeport, Texas to file a conflict of interest questionnaire. The Disclosure Act applies to all persons or businesses who conduct business with the City, including those who submit bids on city contracts, make purchases of surplus city property, or participate in any other purchase or sales transactions with a city.

Vendors or respondents who meet the following criteria must fill out a conflict of interest questionnaire no later than the 7th day after the person begins contract discussions or negotiations with the City or submits to the City an application, response to a request for proposals or bids, correspondence, or another writing related to a potential agreement with the City:

A vendor or respondent that:

- contracts or seeks to contract for the sale or purchase of property, goods, or services with a local governmental entity; or
- Is an agent of a person described in Subdivision (1) in the person's business with a local governmental entity. Any person who meets the criteria, as for enforcement to ensure the veracity of the vendors, the statute makes it a Class C Misdemeanor to violate the vendor disclosure provisions.

E. Certificate of Interested Parties (Form 1295)

Section 2252.908 of the Texas Government Code states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million.

A business entity must enter the required information on Form 1295 online at <https://www.ethics.state.tx.us/File/> and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the business entity must sign the printed copy of the form and have the form notarized. The completed Form 1295 with the certification of filing must be filed with City.

F. Purchasing Ethics

The City wants to promote and protect its governmental integrity. The purpose of this section is to provide guidance to all City employees involved in the procurement process so that they may conduct

themselves in a manner that is compatible with the best interest of the City. For more guidance regarding the City's Code of Ethics, please refer to the City's Ethics Policy found under Title IX of the Code of Ordinances, Chapter 100.

The employees of the City responsible for purchasing shall:

- Purchase the proper goods or services to address the City's needs
- Get the best possible price for goods or services
- Have goods or services available when and where the City needs it
- Assure a continuing supply of needed goods and services
- Guard against misappropriation of City funds
- Facilitate cooperation with other governmental units
- Maximize competition from responsible bidders
- Safeguard public funds and receive the best value for the public dollar
- Never use public spending to enrich elected officials or City employees
- Never make purchases for personal use in the City's name
- Ensure all procurement transactions will be conducted in a manner providing full and open competition:
 - o No unreasonable requirements are placed on firms in order for them to qualify.
 - o No unnecessary experience or excessive bonding required.
 - o Noncompetitive pricing practices between firms or between affiliated companies is disallowed.
 - o Noncompetitive contracts are disallowed except for when there is an approved exception.
 - o No organizational conflicts of interest.
 - o If a "brand name" product is specified, an equal or like product is acceptable.
 - o A vendor that intends to respond to the Request for Proposals, Request for Qualifications and/or Invitation for Bid may not participate in the development or drafting of specifications, requirements, statements of work, or invitations for bids or requests for proposals, including, but not limited to, the development of the scoring criteria, the final selection of firms to be contacted, or the scoring of proposals.
- Ensure all procurement transactions shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.
- Ensure all procurement transactions shall identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals
- If a prequalified list when acquiring goods or services is used, the City will ensure the list is updated regularly, provides enough qualified sources to ensure maximum open and free competition.
- Ensure all procurement transactions must conform to applicable local, state, and federal laws and regulations.

Perception is Everything. Even if a procurement decision is sound, the method determination should be documented and will be open to public inspection. If a decision is perceived to be less than fair to all competitors, then the perception becomes the reality to the unsuccessful bidders. And, if the opinion is that the City has "favorite companies we always do business with", our job is to set the record straight

with all who may have this complaint. It is important that awards are made based on competition and/or best value for the City, that the reason(s) for those awards are documented and defensible, and that a decision is based on fact and in the best interest of the City.

G. Participating in Procurements with Family or Friends

It shall be a breach of ethics for any employee of the City of Freeport to participate directly or indirectly in procurement for the City of Freeport when the employee knows that:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement.
- A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

H. Gratuities

It shall be a violation of city employment to offer, give or agree to give any employee of the City of Freeport, or for any employee of the City of Freeport to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or sub-contract, or to any solicitation or proposal therefore pending before the City of Freeport.

I. Kickbacks

It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a vendor/subcontractor under a contract to the prime vendor/contractor or higher tier subcontractor for any contract for the City of Freeport, or any person associated therewith, as an inducement for the award of a sub-contract or order.

J. Confidential Information

It shall be a violation of City policy for any employee of the City of Freeport knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person.

K. Purchase of Materials, Equipment, And Supplies for Personal Use

No employee may purchase City property for his/her own personal use unless it is purchased through the City's public auction or through the sealed bid procedures of the City. This includes new and used equipment, materials or supplies.

L. Private Purchases Through City Facilities

No employee may use the purchasing power of the City of Freeport to make a private purchase. In addition, employees should not have private purchases sent to the City to be paid for by the employee.

M. Tax Exempt Status

The City of Freeport is exempt from Federal, State, and Local taxes except in certain prescribed cases. An exemption certificate is available from the Finance Department and will be furnished to any of the City's suppliers upon request. Employees making purchases for the City out of personal funds will not be reimbursed for sales tax paid.

N. Tax Exempt Status for Purchase of Personal Property

Employees may not use the City's tax-exempt status for purchases of personal property. Anyone avoiding payment of sales tax by using this exemption may be liable for prosecution under Texas Penal Code, Chapter 39.

O. Definitions

The following definitions are intended to assist you in understanding the language used throughout this manual. When using this manual, if you find a word or words that you may not clearly understand and if it is not defined in this section, please do not hesitate to contact someone in Finance for clarification and/or interpretation.

Appropriated – The City Council appropriates funds through the adoption of the annual budget and subsequent amendments. Appropriated funds are funds that are able to be used for the purchase of goods and services, another way of saying this would be to say funds are budgeted and authorized for the intended purchase.

Award - Approval by the City Council, City Manager, Financial Director or their designee, under whose authority a purchase order is issued.

Best Value - If the sealed competitive bidding requirement applies to the contract for goods or services, the contract may be awarded to the lowest, Responsible Bidder or to bidder who provides goods or services at the best value for the City. In determining the best value for the City, we may consider:

- the purchase price;
- the reputation of the bidder and of the bidder's goods or services;
- the quality of the bidder's goods or services;
- the extent to which the goods or services meet the City's needs;
- the bidder's past relationship with the City;
- the impact on the ability of the City to comply with laws and rules relating to contracting with;
- historically underutilized businesses and non-profit organizations employing persons with disabilities;
- the total long-term cost to the City to acquire the bidder's goods or services, and
- any relevant criteria specifically listed in the request for bids or proposals.

Bid advertisement - A public notice put in a newspaper of general circulation, containing information about an Invitation for Bid or a Request for Proposal.

Bid list - A list of vendors who have indicated in writing an interest in submitting bids for particular categories of goods and services. This list is a compilation of recommended vendors from the department and a database of vendors maintained by Purchasing.

Blanket Purchase Order – A blanket purchase order is an open purchasing agreement between the City and a vendor to provide multiple purchases under a single Purchase Order number when the exact quantities are unknown.

Bonds:

- **Bid Bond** - A bond required of a contractor that ensures that the contractor will enter into the contract for which he has submitted a formal written bid and/or proposal.
- **Payment Bond** - A bond required of the contractor that ensures that all suppliers and subcontractors of the contractor will be paid for work and/or material supplied in the course of the contract.
- **Performance Bond** - A bond required of the contractor that guarantees vendor performance during the execution of the contract.

Capital equipment – Property with a useful life of at least two years and a purchase cost of at least \$5,000.

Check Request – Prescribed stamp/form for requesting payment to a vendor for purchase of less than \$3,000. The Department Head and/or their designee must sign this form.

Commodity code - A specific group of goods or services categorized into distinct classes that have been assigned a numerical reference number within the purchasing and inventory system.

Competitive bidding - The process wherein a vendor openly competes with other vendors, through a formal or informal process, for the City's business.

Component purchases – Purchases of component parts that in normal purchasing practices would be purchased in one purchase.

Consulting Services - The service of studying or advising the City under a contract that does not involve the traditional relationship of employer and employee.

Contract - An agreement between the City and a Supplier to furnish supplies and/or services over a designated period of time, during which purchases are made of the commodity specified.

Contractor - The successful vendor(s) awarded a contract by the City.

Delivery date – The date by which goods or services are needed.

Emergency – Purchases that are made to meet a critical, unforeseen need of the City, where the City's ability to serve the public would be impaired if purchase is not made immediately. Emergency purchases are exempt from standard purchasing procedures and must qualify for exemption as outlined in *Texas Local Government Code 252.022*.

Encumbrance - The process wherein the City reserves funds for the purchase of supplies, goods, services, and equipment in one budgetary-accounting period, and pays for the purchase in another budgetary-accounting period.

Expedite – When the purchasing process is accelerated through normal procedures in order to prevent work stoppage or loss of government's money.

FOB destination point – Free on Board (FOB); the vendor pays freight charges to the destination; title to goods passes to buyer at his receiving dock; freight claims must be filed and handled by the seller.

FOB shipping point – Free on Board (FOB); shipment becomes 'collect' from seller's shipping dock; freight charges may be prepaid and added to the invoice; City pays freight charges; title to goods passes to buyer at the shipping dock of seller; freight claims must be filed and handled by buyer.

Goods - A generic term that includes all types of property to be purchased by the City; equipment, supplies, materials, components and repair parts.

Invitation to Bid – This is a formal written document that requests from bidders a firm price and delivery details for specified merchandise listed on a purchase requisition. An Invitation to Bid is always required when the anticipated level of expenditure will be greater than \$50,000.

Lowest Responsible Bidder – This is the vendor who offers the lowest bid which meets all the specifications, requirements, terms and conditions of the Invitation to Bid. It is expressly understood that the lowest responsible bid includes any related costs to the City, using a total cost concept. The term "responsible" refers to the financial and practical ability of the bidder to perform the contract. The term is also used to refer to the experience or safety record of the vendor.

Personal Services - Services provided to the City personally by a particular individual. Any contribution of machinery and equipment compared to total cost must be substantially less than the contribution of wages.

Planning Services - Services primarily intended to guide the City to ensure the orderly and coordinated development of land areas.

Professional Services – services as defined by state law: accounting; architecture; landscape architecture; land surveying; medicine; optometry; professional engineering; real estate appraising; professional nursing; or services provided in connection with the professional employment or practice of a person who is licensed or registered as: a certified public accountant; an architect; a landscape architect; a land surveyor; a physician, including a surgeon; an optometrist; a professional engineer; a state certified or state licensed real estate appraiser; or a registered nurse.

Purchase - An act that includes the acquisition of goods or services, to include the act of leasing personal or real property. Separate, sequential, and component purchases shall be treated as a single purchase.

Purchasing - The act, function, and responsibility for the acquisition of goods and services.

Purchase order - A formal, binding, legal agreement issued by the City's Purchasing Coordinator. A purchase order is requested by a departmental requisition that details the merchandise or services required. When accepted by a vendor without qualifications within a specified time period, the agreement becomes a contract. A Purchase Order grants the vendor the authority to deliver the goods or services and invoice for the same. It is the City's commitment to accept the goods or services and pay for them at the agreed price.

Purchase Requisition Form – Prescribed form filled out by departments at the same time the purchase order is entered into the financial software for approval. This form must be signed by the Department Head and submitted to the Finance Department as backup for the purchase order.

Request for Proposal - A formal written document requesting that potential vendors make an offer for services to the City. The Request for Proposal method of procurement may be used for goods or services including high technology and insurance when it is determined that the proposal process provides the best value to the City. When the RFP is used for the selection of professional services as allowed in the Local Government Code 252.022(a)(4), the City shall comply with Local Government Code 256.003 in the procurement of these services. The City shall not award a contract for these

services based on competitive bids but shall make the selection and award on the basis of demonstrated competence and qualifications for a fair and reasonable price. Fees must be consistent with and not higher than the recommended practices and fees published by the applicable professional associations and may not exceed any maximum(s) provided by law.

Request for Qualifications - a formal written document used when soliciting providers of architectural, engineering or land surveying services. The City shall comply with Local Government Code 2254.004 in the procurement of these services. The City must first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications. After a firm has been selected based on qualifications and experience, then a fair and reasonable fee shall be negotiated. If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the City shall formally end negotiations with that firm and select the next most highly qualified firm and begin negotiations with that provider for a fair and reasonable price.

Reverse Auction - Single or multiple-item, open, descending-price auction. The initiator specifies the opening bid price and bid decrement. Each bidder submits a successively lower bid and at the end of the auction, bidders with the lowest bid win. Each winning bidder sells at a price equal to the bid he/she made.

Separate purchases - Purchases made separately of items that in normal purchasing practices would be purchased in one purchase.

Sequential purchases - Purchases made over a period of time of items that in normal purchasing practices would be purchased in one purchase.

Services - A generic term to include all work or labor performed for the City on an independent contractor basis, including maintenance, construction, manual, clerical or professional services.

Sole source - Purchases of goods or services that are available from only one supplier. There may be just one vendor because of patents or copyrights, or simply because the vendor is the only one that supplies the good or service. These purchases are exempt from the standard bidding requirement and must qualify as outlined in *Local Government Code 252.022*.

Specifications - Statements containing a detailed description of the terms of the contract, as well as specific details for the goods and/or services. The details or specifications should be descriptive, but not restrictive.

Surplus - Item(s) no longer needed by a department, regardless of its value or condition.

Vendor - A generic term applied to individuals and companies alike, who provide goods and services to the City.

Section 2: Purchasing Process

A. Delegation of Purchasing Authority

The City Manager as authorized by the City Council of the City of Freeport has delegated to Department Heads and their designees the authority to procure materials and services for the City that are within the guidelines set-forth by this procurement policy. Department purchasing authority is limited to a single purchase of less than \$1,000.

A City Contract is always required when an on-site service is to be rendered to the City. Retroactive (after the fact) contracts are not acceptable. Only the City Council, the City Manager and Finance Director (within his/her purchasing limitations) are vested with authority to contract for the City of Freeport. The Finance Director may approve the purchase of goods or services that have been budgeted and are valued at less than \$10,000, without prior approval of the City Council or City Manager.

The City Manager may approve the purchase of goods or services that have been budgeted and are valued at less than \$50,000 without prior City Council approval. No contract or purchase order will be binding upon the City unless authorized by the City Council, City Manager, or Finance Director, as applicable, and unless the City Manager and/or Finance Director certifies that there is to the credit of the City office or department a sufficient appropriation and unencumbered balance to pay for the goods and/or services for which the contract or purchase order is to be issued. The City's purchase of goods and services shall be made according to a requisition from the Department Head whose budget or other approved appropriation source will be charged for the purchase. Any City personnel who authorize or attempt to authorize a purchase order without proper approvals will be subject to disciplinary action.

The Finance Department is designated as the Purchasing Office for the City within certain limitations. The primary responsibility of the Purchasing Office is to procure the best goods and services in a timely manner at the lowest possible cost to the City and to ensure that purchasing is conducted with strict adherence to applicable federal, state and local laws as well as this manual. This purpose is accomplished through updating of purchasing data, training/education of personnel and responsiveness to new techniques. The Finance Department will coordinate purchasing activities with the user department. The Finance Director will conduct random internal audits of departmental purchasing.

B. Total Dollar Limits/Approval Requirements

The purchasing limits stated herein assume that prior to purchase or request to purchase, the Department Head and/or their designee has verified sufficient funds are available in the budget line item affected. This is verified through the purchase order (encumbrance) process approved by the Finance Department. Purchase orders must be issued before purchase of goods or services.

The following standard approval route applies to All City Departments.

Total Amount of Request*	Type of Form Required	Type of Bid/Quotes Required	Department Head or Designee Approval Required	Finance Director Approval Required	City Manager Approval Required	City Council Approval Required
< 1,000 \$2,999	Check Request	Not Required	◆			
\$1,000 to \$2,999 \$3,000 to \$4,999 \$4,999.99	Purchase* Order	Not Required 3 Quotes <u>Written Bids/Quotes</u>	◆	◆	◆ *If not low bid	
\$3,000 \$5,000 to \$9,999 \$9,999.99	Purchase* Order	3 Quotes <u>Written Bids/Quotes</u>	◆	◆	◆	◆ *if not low bid
\$50,000 and above	Purchase* Order	Sealed Bids	◆	◆	◆	◆

* A Purchase Order is not required for recurring payments on annual contracts, that have already been procured in accordance with this policy, in which the quantities are unknown. Examples include but are not limited to utilities, phone, insurance premiums, fuel, etc. These payments should be paid following verification of quantity and contract compliance. If applicable, a Blanket Purchase Order may be set up for these vendors. A Purchase Order is required for recurring payments on annual contracts in which the exact amount is known (ex. janitorial services).

C. Purchases of Less Than \$3,000

Purchases of less than \$3,000 do not require competitive bidding. ~~The requesting department shall solicit at least one quotation from a competent vendor. Telephone, fax, and e-mail quotations are acceptable.~~ Department Heads or their approved designees may, without prior approval of the Finance Director or City Manager make purchases of less than \$3,000.

Department Head shall authorize an invoice for payment and forward a check request to the Finance Department.

D. Purchases of \$3,000 to \$4,999.99

~~Purchases between the amounts of \$3,000 and \$4,999.99 will require a purchase order form with at least three verbal quotes. The requesting department shall solicit at least one quotation from a competent vendor. Telephone, fax, and e-mail quotations are acceptable.~~

Purchases of \$35,000 to Less Than \$50,000

Purchases of \$35,000 to less than \$50,000 will require a purchase order form with at least three quotes unless and interlocal contract or cooperative purchasing is utilized. The Department Head

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must **contact** at least two (2) Historically Underutilized Businesses (HUB) on a rotating basis based on information provided by the comptroller pursuant to Chapter 2161, Government Code unless the list fails to identify a HUB that provides similar goods or services in Brazoria County, as authorized by the *Texas Local Government Code, Chapter 252.0215*. If the Department Head proposes to award the contract to a person or entity other than the apparent lowest quote, the Department Head shall obtain the prior written approval of the City Manager.

If a purchase is \$3,000 or greater, the Department Head must submit approval prior to purchase in the form of a purchase requisition/purchase order to the Finance Department. Department Heads or their approved designees may authorize the invoice for payment once the City receives the items.

Purchases of \$50,000 or More

City Council shall approve in advance all expenditures for \$50,000 or more. Except as provided in the *General Exemptions Section 252.022 of the Texas Local Government Code*, the City must issue a competitive sealed bid or competitive sealed proposal as authorized by *Texas Local Government Code Chapter 252* and award the bid to the lowest responsible bidder.

The user department shall be responsible for the preparation of specifications for any formal bids for goods, services, or contractual needs. Formal bids shall include legal advertising, invitations to bids, pre-bid conferences (as necessary), documented bid openings and official bid tabulations. All bids must be awarded by City Council. The goods and/or services may be acquired by the issuance of a purchase order or execution of a contract.

Bid notices shall indicate when and where bids will be opened; be published in the official newspaper of the City once a week for two consecutive weeks beginning at least fourteen days before the bid opening; shall be published in a form approved by the City Secretary.

General Purchasing Provisions

General Rules Applicable to All Contracts

- a. Each Department Head is responsible for:
 - Coordinating with the Finance Department to establish and maintain a list of vendors
 - Establishing clear, nonrestrictive bid specifications
 - Receiving and inspecting all deliveries to ensure that the goods and/or services comply with the bid or proposal specifications.
- b. The City Secretary is responsible for maintaining bids or proposals and related information according to the City's Records Management Program. Unless otherwise specified by state law, records related to bids or proposals (including purchase orders, invitations to bid, and bid tally sheets) are public records.
- c. The Department Head shall charge a purchase to the appropriate account number regardless if the account contains available budgeted funds. Overrun line items shall require a budget amendment.

Prompt Payment Act

Texas Government Code, Chapter 2251, commonly known as the Texas Prompt Payment Act, generally **requires** that the City pay bills not later than 30 days after the goods and services are

received, or the date the invoice is received, whichever is later. Each Department Head shall submit to the Finance Department any bill or invoice within 15 calendar days of receipt.

Consideration of The Location of a Bidder's Principal Place of Business

In purchasing under this title any real or personal property that is not affixed to real property, if a local government receives one or more bids from a bidder whose principal place of business is in the local government area and whose bid is within 3% of the lowest bid price received by the local government from a bidder who is not a resident of the local government area, the local government may enter into a contract with:

the lowest bidder; or the bidder whose principal place of business is in the local government area if the governing body of the local government determines, in writing, that the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government area created by the contract award, including the employment of residents of the local government area and increased tax revenues to the local government. This does not prohibit a Council from rejecting all bids.

Texas Local Government Code 271.905

Preference for Recycled Products

The City encourages the use of recycled products and products that may be recycled or reused. The City will give preference to products made of recycled materials if the products meet applicable specifications as to quantity and quality. *Texas Health and Safety Code 361.426*

The Finance Director may review procurements for the purchase of goods, supplies, equipment, and materials to:

- Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials
- Encourage the use of products made of recycled materials
- Ensure to the most economically feasible extent that the City purchases products that may be recycled when they have served their intended use

Municipal Contracts

Annual Contracts - The City may use an annual fixed price contract to obtain required goods or services from a chosen vendor for a specified time period. These contracts eliminate the necessity of bidding commodities each time they are needed. Annual contracts in which the quantities are pre-determined require a purchase order.

Contracts Requiring Issuance of Debt, Certificates of Obligation or Lease-Purchase Agreements

If the City Manager, or a Department Head intends to finance a contract for goods or services through issuance of bonds, debt, certificates of obligation (CO), certificates of participation, tax anticipation notes, lease-purchase agreements, or any other means, then the City Manager or Department Head must, before soliciting bids, receive approval from the City Attorney and City Council for such financial arrangements.

Texas Local Government Code Chapter 271

Procedures for Federal Grants

Procurement Cycle Steps

- Need Defined— The City of Freeport, TX submits request and specifications. Purchaser reviews request and specifications for unnecessary or duplicative items in accordance with 2 CFR 200.318 (d).
- Procurement Method Selected—Based on type and estimated cost of good/service as well as purchasing authority, purchaser determines the procurement method that will result in a best value acquisition for the City of Freeport.
- Solicitation—City of Freeport creates the appropriate solicitation document, with terms and conditions and evaluation criteria clearly defined, and notifies vendor sources for an informal or formal bid process.
- Receipt of Bids and Responses to Solicitation—Vendors submit their response to the solicitation.
- Evaluation and Awards—City of Freeport review the responses from vendors, determine compliance with the solicitation and make an award recommendation based on the pre-defined best value criteria.

The City of Freeport will use one of the following five methods of procurement described at 2 CFR Section 200.320: (1) procurement by micro-purchases, (2) procurement by small purchase procedures, (3) procurement by sealed bids, (4) procurement by competitive proposals, or (5) procurement by noncompetitive proposals.

1. Simplified Acquisition Procedures for Purchases Below Micro-Purchase Threshold

For purposes of this section, the micro-purchase threshold is \$3,000.

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (\$200.67 Micro-purchase). To the extent practicable, the City of Freeport must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

2. Small Purchase

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

For service contracts that are under the small purchase threshold and do not fall under professional services as defined in Section 2254.002(2) of Local Government Code, the City of Freeport may receive quotes and award the contract to any reasonable and responsible bidder. The local governing body has the final authority to award contracts.

3. Construction and Materials Contracts

In order for sealed bidding to be feasible, the following conditions should be present:

- A complete, adequate, and realistic specification or purchase description is available;

- b. Two or more responsible bidders are willing and able to compete effectively for the business; and
- c. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

- a. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
- b. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- c. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
- d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- e. Any or all bids may be rejected if there is a sound documented reason.

4. Professional Services Contracts

This method is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- b. Proposals must be solicited from an adequate number of qualified sources;
- c. The City of Freeport must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
- d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- e. The City of Freeport may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

5. Noncompetitive Proposals

This method may be used only when one or more of the following circumstances apply:

- a. The item is available only from a single source;
- b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request; or
- d. After solicitation of a number of sources, competition is determined inadequate.

6. Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

The City will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps include:

- a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- f. If the awarded vendor is a prime contractor and may use subcontractors, the following affirmative steps are required of the prime contractor:
 - Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

Construction Projects

If the contract is for the construction of public works, the following is required for bidding:

- a. Prepare plans and specifications in conjunction with bidding and contract documents:
 - The proposed specifications shall include workers' compensation requirements. *Texas Labor Code 406.036*
 - If the proposed project includes excavation work, then the proposed specifications shall include excavation requirements and pay items. *Texas Health and Safety Code 756.023*
 - The proposed specifications shall include bonding requirements. *Texas Local Government Code Chapter 252.044; also, Texas Government Code Chapter 2253*
 - The proposed specifications shall include prevailing wage rate schedules. *Texas Government Code Chapter 2258*
- b. Sealed plans and specifications.

- c. Line Items with estimated quantities and price estimate.

Texas Local Government Code Chapter 252.044; also, Texas Government Code Chapter 2253

Section 3: Exemptions to Competitive Bidding

Chapter 252.022 of the State of Texas Local Government Code allows certain exemptions to the Competitive Bids process. The following are the exemptions allowed:

1. A procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;
2. A procurement necessary to preserve or protect the public health or safety of the municipality's residents;
3. A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
4. A procurement for personal, professional or planning services;
5. A procurement for work that is performed and paid for by the day as the work progresses;
6. A purchase of land or a right-of-way;
7. A procurement of items that are available from only one source, including:
 - a. items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
 - b. films, manuscripts, or books;
 - c. gas, water, and other utility services;
 - d. captive replacement parts or components for equipment;
 - e. books, papers and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
 - f. management services provided by a non-profit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;
8. A purchase of rare book, papers, and other library materials for a public library;
9. Paving drainage, street widening, and other public improvements, or related matters if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
10. A public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
11. A payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
12. Personal property sold:
 - a. at an auction by a state licensed auctioneer;

- b. at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;
 - c. by a political subdivision of this state, a state agency of this state, or an entity of the federal government;
 - d. under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;
13. Services performed by blind or severely disable person;
14. Goods purchased by a municipality for subsequent retail sale by the municipality;
15. Electricity; or
16. Advertising, other than legal notices.

A. High Technology Procurement

High technology procurement means the procurement of equipment, goods, or services of a highly technical nature including:

- a. data processing equipment and software and firmware used in conjunction with data processing equipment;
- b. telecommunications equipment and radio and microwave systems;
- c. electronic distributed control systems, including building energy management systems; and
- d. technical services related to those items.

The City may utilize a request for proposals to procure high technology products and services. Requests for proposals are similar to competitive bids. Prior to utilizing a request for proposal, a Departmental Director must receive approval from the City Manager. The Department shall write specifications using performance standards rather than a written description of the good or service. The specifications shall also list the factors by which the City will judge the proposal, and the weight assigned to each factor.

- 1. Vendors must submit proposals of their own design for a system to satisfy the requirement set forth in the proposal. Proposals may incorporate entirely different hardware or services to accomplish the same performance.
- 2. After the City receives the proposals, the Department Head may enter into negotiations with as many vendors as have submitted feasible proposals to arrive at the best possible proposal.

Texas Local Government Code 252.001(4); 252.021(c)

B. Emergency Services

An emergency is an unforeseen situation that adversely and unduly affects the life, health, or convenience of the citizens of the City, or a circumstance that would cause a loss to the City (such as an inordinate amount of down time).

Texas Local Government Code 252.022 (1), (2) & (3)

In an emergency, the Department Head may proceed with an emergency acquisition. If the cost is \$3,000 or more, the Department Head shall send a confirming requisition (including a brief

explanation of the purchase) and invoices to the Finance Department and City Manager as soon as possible. The Finance Department will then assign a purchase order number and advise the user department to forward that number to the appropriate vendor.

C. Professional Services

Professional services mean services within the scope of the practice, as defined by state law, of accounting, architecture, land surveying, medicine, optometry, professional engineering, or real estate appraisers. The City may not select a provider of professional services or a group or association of providers or award a contract for services based on competitive bids submitted for a contract or services, but shall make the selection and award:

- a. based on demonstrated competence and qualifications to perform the services; and
- b. a fair and reasonable price.

Professional contract fees:

- a. must be consistent with and not higher than the recommended practices and fees published by the applicable professional associations; and
- b. may not exceed any maximum provided by law.

Texas Government Code §2254.002, §2254.003

The City shall first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications and negotiate with that contract provider a fair and reasonable price.

If the City cannot negotiate a satisfactory contract with the most highly qualified provider, then the City shall formally end negotiations with that provider, select the next most highly qualified provider and to negotiate a contract at a fair and reasonable price.

The City will continue contract selection and negotiations with providers until the City enters into a contract. The City Manager and/or the appropriate Department Head will execute contracts for the City.

D. Work That Is Performed and Paid for By the Day as The Work Progresses

If the City hires a contractor for a project on a daily basis and pays for work daily as the work progresses, the procurement of services is exempt from competitive bidding requirements.

E. Purchase of Rare Books, Papers, And Other Library Materials for A Public Library

Competitive bidding provisions do not apply to the purchase of rare books, however, books available from more than one jobber or source must be purchased using the regular purchasing process.

F. Developer Participation Contracts

The City Council must approve Developer Participation Contracts over \$3,000 in advance. *Texas Local Government Code 212.071*

G. Interlocal Contracts and Cooperative Purchasing

The City Council must **approve** interlocal contracts or agreements with other political subdivisions of this state, a state agency of this state or an entity of the federal government administered by a regional planning commission.

The Department Heads will prepare appropriate documentation for purchase orders as needed or required by a particular COOP. The department will receive related paperwork supporting the purchase. The authorization for payment shall include the appropriate signatures and include **contract numbers**.

The City of Freeport may satisfy the competitive bid requirement of state law by purchasing goods and services through any of the following, including but not limited to:

- a. The Texas Building and Procurement Commission
- b. The Houston-Galveston Area Council Cooperative Purchasing Program (H-GAC Buy)
- c. The Texas Local Government Purchasing Cooperative (BuyBoard)
- d. The National Intergovernmental Purchasing Alliance Company, a Delaware corporation d/b/a OMNIA Partners, Public Sector and/or Communities Program Management, LLC, a California limited liability company d/b/a U.S. Communities (collectively, "OMNIA Partners, Public Sector")
- e. An interlocal agreement with another governmental entity that has complied with state law purchasing requirements
- f. Texas Procurement Center
- g. Any other agency or entity that state law provides will satisfy the competitive bid requirements

Texas Local Government Code Chapter 271; also, Texas Government Code Chapter 791

H. Media Advertising

A purchase order or quotation form is not required for advertising in the City Official Public Newspaper. The invoice shall be authorized for payment by the Department Head and forwarded to the Finance Department. *Texas Government Code 2051.041*

Section 4: Credit Card/Procurement Card Purchases

The Procurement Card (hereinafter "P-Card") is a purchasing tool which offers an alternative to the traditional purchase order process. Additionally, the timelines established by this policy allow the City to take full advantage of the cash rebate incentive offered by the issuing financial institution on P-Card purchases.

The City of Freeport established the P-Card Program as part of an effort to extend trust downward into the organization and to increase operational efficiency. As such, employees have a responsibility to adhere to this policy. Having a City of Freeport P-Card is a privilege, not a right.

The P-Card is issued to individual employees only. No other person is permitted to use another employee's P-Card. As a Cardholder, the employee is responsible for the appropriate use of City funds and is responsible for all charges made with the card. Although the P-Card is issued to the employee, it remains City property and may be rescinded at any time.

Personal charges shall not be made on the card. Improper use of the card may be considered misappropriation of City funds, which may result in disciplinary action, up to and including termination and criminal prosecution.

Cardholders must comply with internal control procedures in order to protect the City's assets. These procedures include, but are not limited to keeping itemized receipts, reconciling transactions, reviewing monthly statements and following proper security measures. A Cardholder must surrender his/her card upon termination of employment. All purchasing policies and procedures must be followed when using the P-Card.

It is the expectation of the City that departments seek information from multiple vendors to ensure that the best value and price are obtained for all P-Card purchases. The following procedures outline appropriate P-Card use.

A. Program Administration

1. The Finance Department is responsible for the day to day management of the P-Card program.
2. The designated Program Administrator acts as the City's point of control for the P-Card program, monitors all usage of the P-Card, and is the point of contact for any Cardholder questions or problems.
3. The Program Administrator has the authority, with the approval of the Finance Director, to cancel or suspend a P-Card for any employee at any time for reasons as stated in this policy.

B. P-Card Issuance & Transaction / Monthly Limits

1. When P-Cards are requested for new users, the Department Head will be able to designate an "Administrative Designee." This employee is responsible for managing the reconciliation of the Cardholder's P-Card (e.g. an Executive Assistant).
2. Cardholder standard expenditure limits are as follows:

Cardholder Class	Per/Single Transaction	Per Month
Individuals	\$999.99	\$10,000
City Manager	\$2,999.99	\$10,000
Finance Director	\$2,999.99	\$10,000
Finance Department	\$15,000*	\$100,000*

* To be used for payment of bills only per authorization by the Finance Director.

3. Department Heads may request lower limits. Higher limits or a different Cardholder Class may be requested to accommodate the employee's job function and may be considered with appropriate justification of the request or change. The request must be approved by the Department Head, Finance Director and City Manager. (Note: Request for a one-time increase in single or monthly transaction limits may be made by the P-Card holder and approved by Finance. It is the Cardholder's responsibility to inform their Department Head of the increase.)

C. Department P-Cards

Department P-Cards may be issued in the name of an individual department. These cards would be kept in the Purchasing Office until such time as they would be needed by the department for an emergency related issue. Department Cards must be requested in the same manner as a standard P-Card and released for use only after Purchasing receives notice from the City Manager allowing the use of the card.

D. Finance Department P-Card

A P-Card will be issued and signed out to an individual within Finance for payment of certain invoices that the City receives during the course of business with the sole purpose of receiving additional cash rebate incentives from the P-Card program.

The individual to which the P-Card is signed out will be the custodian of the P-Card and will have the sole responsibility within Finance for maintaining the P-Card and adhering to the requirements of this Policy during the custodial time period.

E. P-Card Usage Guidelines

1. P-Card Basics

- a. If the monthly limit is reached, Cardholders must utilize the traditional purchase order process, or the Cardholder may request (by email with a copy to the Cardholder's supervisor) a temporary increase in the monthly transaction limits from the Program Administrator. If Cardholder is at the place of business and needs to increase the single transaction limits on their P-Card, they must call the designated P-Card Administrator and make the request. Any requests granted will only be done if they fall within the standard allowable limits as set forth in this policy. An email will be generated to the Cardholder and appropriate Supervisor confirming the telephone conversation and the action taken.
- b. The Cardholder shall not use the P-Card to circumvent any other established City policy, i.e. splitting a \$3,000.00 transaction to two transactions of \$1,500.
- c. The Cardholder is responsible for all charges made with the P-Card.
- d. Cardholders must comply with internal control procedures in order to protect the City's assets. These procedures include, but are not limited to keeping itemized receipts, reconciling transactions, reviewing monthly statements and following proper security measures.
- e. The employee is to use the P-Card only for the types of purchases described in this policy and failure to do so may result in disciplinary action up to and including termination and/or criminal prosecution.
- f. P-Card limits may also be raised in the event of an emergency at the sole discretion of the City Manager.

2. Acceptable Purchases on P-Card (Examples – but not limited to)

- a. Subscriptions and books
- b. Seminars, training, membership dues, registration
- c. Catering and delivery services
- d. On-site Required maintenance/repairs for which no contract required
- e. On-site maintenance, repairs under \$500 total cost for which no contract required
- f. Over-the-counter retail purchases
- g. Travel related purchases (Note: When traveling, food is best paid by per diem.)
- h. Computer peripherals (through IT only)
- i. Software under \$500.00 (no license agreements) (through IT only)
- j. Business related meals with documentation of meeting subject and attendees
- k. Fuel (for City vehicles only when traveling outside City or motorcycle officers)
- l. Rentals (on case by case basis and only with approval of Finance Director)

3. Prohibited P-Card Uses (Examples – but not limited to)

Purchases of restricted items listed below and purchases of \$3,000 or more must continue to be processed in accordance with established purchasing guidelines.

The procurement P-Card is NOT to be used for the following:

- a. Purchase of capital equipment
- b. Purchase utilizing Grant funds
- c. Capital projects
- d. Delta contractual services over \$500 (contract / PO needed)
- e. Alcoholic beverages (except where otherwise permitted by policy)
- f. Cash advances/travelers checks/gift cards
- g. Separate, sequential, and component purchases or any transaction made with intent to circumvent City Purchasing Policy
- h. Spouse/Family expenses incurred while traveling
- i. Purchases made with vendors not located in the U.S. (except where previously approved)
- j. Items for personal use
- k. Fines of any kind
- l. Maintenance agreements

4. Proof of Purchase - Documentation

- a. Adequate documentation, including original itemized receipts must be maintained to record the transaction and support the legitimate business purpose of all transactions made with the P-Card.
- b. Original documentation must be retained by Cardholder until attached to the Monthly Statement showing the Cardholder purchases.

5. Sales Tax

- a. The City is tax exempt. Cardholders are responsible for ensuring the merchant does not add sales tax in the transaction.
- b. *The Exception is tax paid to most restaurants, hotels, airlines, and other travel related vendors. Cities are not exempt from hotel tax and certain other federal and state taxes that are not the standard sales tax. (Note: When traveling, food is best paid by per diem and no receipt is needed.)*
- c. If tax is included, the Cardholder will immediately be responsible for ensuring that the merchant or the cardholder reimburses the tax amount to the City.
- d. Cardholders will be provided a copy of the City's tax exemption certificate upon request.

F. Monthly Reconciliation Process

1. Purchasing will notify Cardholders and make available monthly account statements available.

2. Reconciled statements are due back to Purchasing within five (5) business days from the receipt of the statement notification email.
3. To complete the reconciliation process, the following steps must be completed:
 - a. Itemized receipts (generally including purchase date, vendor name, item description, quantity, unit price, and total charge), with the account number and purpose of the purchase written on the sheet to which they are attached, are to be attached in the same order as the listed transactions appear on the monthly statement.
 - b. For meals, per the IRS and the City's auditor, all meals between employees or with staff for any reason must document the names of all attendees. See specific requirements and examples below:
 - Business Meals between Staff – Required Information: Names of staff attending, purpose of meeting, where, when.
 - Training with Staff – Required Information: Names of all attending the training, purpose of the training, where and when the training was held.
 - Meetings and Business Meals – Required Information: Names of all staff attending, names of any other person(s) in attendance, purpose of meeting or business meal, where and when.
 - c. Exceptions:
 - Meetings with Staff, Consultant and External Committee Members or any combination of this: Name of all staff present, name of any/all consultants, engineers, architects, etc., present, name of the committee only (if applicable, e.g. EDC Board, Planning & Zoning Committee, etc.), and the agenda stating the purpose of the meeting.
 - Meals Provided for "Events" require just the explanation of the "event", when and where and a brief description of who was present (e.g. food for Police promotion ceremony).
 - d. For credits, a print screen will be accepted as backup documentation, but receipts are best, if available. Credits must be explained and charged back to original account.
 - e. For "In" and "Out" transactions (i.e. transactions made in error and credited back within the same day), print screens will be accepted as backup documentation but receipts are best, if available. Such transactions must be explained, charged and credited to the same account and approved electronically.
 - f. For sales tax, charges must be either refunded by credit to the P-Card or reimbursed to the City – proof of reimbursement to the City must be attached to the P-Card statement.
 - g. For tips in excess of 20%, charges must be refunded to the City and proof of reimbursement to the City must be attached to the P-Card statement.

- g. For missing receipts, the Cardholder must attach to the P-Card statement a written memo signed by the Cardholder's Supervisor explaining the purchase transaction and listing the amount.
- 4. The Cardholder and the Cardholder's Supervisor (or above) must sign each statement, with a legible printed name written below the signature.
- 5. Signing the Cardholder's statement is verifying all transactions listed were made in compliance with this and all other city policies.
- 6. Failure to provide Purchasing with proper documentation and timely reconciliation will be considered an administrative violation of the Policy and subject to P-Card suspension and/or revocation.

G. Receipt of Goods & Payment / Dispute of Charges

1. Receipt of Goods & Services/Returning Item(s)

- a. The Cardholder is responsible for ensuring receipt of goods and services and for any follow up with the vendor to resolve any delivery problems, discrepancies or damaged goods.
- b. Returning Item(s): Items should be returned directly to the vendor by whichever means the vendor requires. The Cardholder is responsible for verifying proper credit is posted for any returned items. Cash refunds are not allowed.

2. Payment

- a. The City is fully responsible for P-Card payment and liability. The P-Card will not, in any way, affect the employee's personal credit.

3. Unauthorized Purchases and Fraudulent Charges

- a. All unauthorized purchases must be resolved in an appropriate method so the City does not bear the cost of the purchase. Such purchases will be handled and resolved in accordance with the following procedure:
 - i. Cardholder will return the unauthorized item to the merchant for credit on the P-Card account and submit the itemized credit receipt as part of a monthly statement remittance.
 - ii. If the item cannot be returned, the Cardholder will be required to submit payment for the full amount of the purchase.
 - iii. In addition, an unauthorized purchase may subject the Cardholder to lower P-Card limits, disciplinary action, and/or revocation of P-Card privileges.
 - iv. Any fraudulent charges should be reported immediately. The P-Card will be cancelled by the issuing bank and a new card will be issued. The cardholder will not have access to P-Card privileges until a new card has been received.

4. Discrepancies and Dispute Procedures

- a. The Cardholder is responsible for correcting any erroneous charges, disputed items, or returns. Disputed charges can result from failure to receive goods or services, fraud or

misuse, altered charges, defective merchandise, incorrect amounts, duplicate charges, credits not processed, sales tax charged, etc.

- b. The Cardholder's first step in resolving an erroneous charge is to contact the vendor. (Note: By law, vendors are not permitted to bill a P-Card for purchases until the items have been shipped. Hotels may bill for first night.)

H. Cancellation & Renewal Of P-Cards

1. Lost or Stolen P-Cards

- a. It is the responsibility of the Cardholder to immediately report a lost or stolen P-Card.

2. Termination, Resignation or Re-assignment

- a. Upon notice of termination or resignation, it is the responsibility of the Supervisor and Human Resources to notify Finance immediately. In addition, the supervisor must retrieve the P-Card at such time and return to Finance.
 - i. The Cardholder is responsible for submitting all receipts to the Supervisor.
 - ii. The Cardholder's P-Card will be disabled on the date of resignation or notification of retirement, not the last day of employment.
 - iii. The Supervisor or designee is responsible for submitting the monthly statement with all receipts on time.
- b. Upon notice of staff re-assignment within the City, it is the responsibility of the Supervisor and Human Resources to notify Finance immediately. Finance will review specific P-Card requirements for that person and after discussion with the new supervisor, the P-Card may be cancelled, suspended, limits changed to reflect new responsibilities or MCC codes adjusted.

3. Renewal of Existing P-Cards

- a. Approximately 30 days prior to the expiration date of the card, the bank will automatically send a new card to Finance. Finance will notify Cardholders when the cards are ready to be picked up. Cardholders must turn in their old card to Purchasing in order to receive their new card. New cards must be picked up in person by the Cardholder.

I. Accountability

The cardholders and their appropriate supervisors are responsible for ensuring that this policy and procedure is adhered to. The Finance Department is responsible for monitoring and enforcement.

As a public entity, the City is expected to be able to demonstrate to the public that it has spent tax dollars wisely. All participants in the P-Card program are responsible for ensuring purchases made with the card will withstand the scrutiny of the press, public and internal audits. Therefore, Finance may conduct audits of all P-Card statements and review for the following:

1. Personal Misuse:

- a. Personal misuse includes the following:
 - i. Purchases of prohibited items

- ii. Assignment, transfer, or “loaning” of an individual card to an unauthorized person,
- iii. Use of a P-Card by a suspended or terminated employee, and
- b. When personal misuse is suspected, the Cardholder will immediately be notified by email their supervisor and Department Head will be copied.
- c. If Finance does not receive a response with one (1) business day, the card will be suspended and changed to reflect a zero-transaction limit and an email sent to the Cardholder, their supervisor, and Department Head.
- d. Based on the severity of the misuse, disciplinary measures – to be decided by the Department Head and City Manager – may include personnel action up to and including termination and legal action.

2. Administrative Infractions:

- a. Administrative infractions include the following violations related to the lack of proper and timely reconciliation of individual Cardholder accounts:
 - i. Transaction Missing Electronic Approval,
 - ii. Late Submittal of Monthly Reconciliation,
 - iii. Missing Itemized Receipt
 - iv. Missing Detailed Information
 - v. Transactions Including Sales Tax
 - vi. Transactions Including Tip Changes in Excess of 20% of the total bill.
- b. When administrative infractions occur, the Purchasing Office will email the Cardholder (and person designated as being responsible for compiling the Cardholder’s monthly reconciliations), with a copy to their supervisor and Department Head in order to resolve the discrepancy prior to authorizing payment of the charge to the bank.
 - i. If the same infraction occurs three months in a row, the ACM will be notified and the Program Administrator will recommend and discuss with their ACM if any further action should be taken.
- c. Training will be provided to all P-Card users and administrative designees with the distribution of new P-Cards. Any administrative designee with an infraction within the first three months of use will be required to repeat the training.

3. Policy Violations:

- a. When violations are found, the Finance will email the Cardholder, with a copy to their supervisor and Department Head.
- b. The Purchasing Office will work with the Department Head to resolve the issue prior to payment of the transaction being authorized. In cases where policy exceptions are granted, a memo signed by the City Manager will be required.
- c. Personal charges shall not be made on the card. Improper use of the card may be consider misappropriation of City funds, which may result in disciplinary action, up to and including termination and criminal prosecution.

Section 5: Disposal of City Property

A. Property Disposal

Sometimes City property may outlive its usefulness and become unserviceable or obsolete. Before a department removes any property from service, the Department Head shall first determine if it can be transferred to another user department for continued service. If it is determined that a property item is no longer serviceable to the City, the Director shall request permission from the City Manager to dispose of the item.

Items may be disposed of by one of the following methods:

- Public auction
- Trade-in on new equipment
- Sealed bids
- Scrap material
- Destruction as unsalvageable
- Negotiated price by Council

In addition to the methods of disposal as listed above, the city may contract to convey property either to another governmental entity or a non-profit corporation in accordance with law providing that such entity or corporation agrees to use such equipment for public purpose.

The condition of the item to be salvaged or surpluses shall dictate the most advantageous method of disposal.

Section 6: Electronic Procurement

Chapter 252.0415(a) of the State of Texas Local Government Code allows for the receipt of bids or proposals through electronic transmission, provided the following rules ensure the identification, security, and confidentiality of the electronic bids or proposals. All electronic bids or proposals must remain effectively unopened until the proper time.

A. Identification

Invitations to Bid, Requests for Proposals, Request for Qualifications and Requests for Applications will be advertised and issued in the manner prescribed by law and the City's Purchasing Policy. A notification will be added to bid terms and conditions stating vendors should submit responses electronically through the City's website and/or third-party service provider's website at the appropriate electronic address listed. Such responses shall be accessible only by a designated City employee with a password for such address and documentation of the time of access shall be maintained.

B. Security

At the specified bid closing time, a designated City employee will open all bids and the bid tabulation summary assembled from the City's website and/or by a third-party service provider's website. **By law a bid that is submitted non-electronically will be accepted and then entered electronically by a designated City employee after bid opening** as stated in the bid or proposal document terms and conditions.

C. Confidentiality

A designated City employee will read aloud all bid responses received by closing time and date to any interested parties present at the bid opening. After the tabulation of bids or proposals, City shall will post bid tabulations electronically on the City's website and/or a third-party service provider's website with a qualifying statement: "The tabulation listing of a bid should not be construed as a comment on its responsiveness or an indication that the City accepts such bid as responsive. After evaluating bids, proposals, applications, and statements of qualifications the City will post tabulations and award information, once available, online through the City's website and/or service provider's website."



City Council Agenda Item # 7

Title: Golf Course New Proposed Rates

Date: November 7, 2022

From: Brian Dybala, Golf Course Director

Staff Recommendation:

To increase daily playing rates by \$5 per round and monthly/yearly memberships \$10 per month

Item Summary:

Our green fee rates have not been adjusted since 2019 and the rising costs on our expenses continues to rise. This rate increase will be to adjust for rising expenses.

Background Information:

Special Considerations:

Financial Impact:

Based on the 29,000 rounds of golf that were played last fiscal year, this price increase could bring in an additional \$115,000 in revenue.

Board or 3rd Party recommendation:

Supporting Documentation:

Resolution

New proposed rates

RESOLUTION NO. 2022-2764

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS AMENDING THE MASTER FEE SCHEDULE FOR ASSESSING RATES AND FEES AND CHARGES FOR SERVICES PROVIDED BY CITY DEPARTMENTS, USE OF CITY PROPERTY, AND PURCHASE OF CERTAIN GOODS PROVIDED BY THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR A FINDING OF PROPER MEETING AND NOTICE.

WHEREAS, the City Council of the City of Freeport, Texas ("City") seeks to provide for reasonable fees and charges for services provided by City departments, use of City property, and purchase of certain goods provided by the City in order to recoup the cost of conducting municipal business on the public's behalf without unduly relying on taxes; and

WHEREAS, on October 21, 2019, the Freeport City Council authorized by ordinance 2019-2587 the adoption of a Master fee schedule, and at the same meeting, by resolution 2019-2611, established the city of Freeport Master Fee Schedule, identifying all fees and charges levied by the City for services, use of city property, and purchase of certain goods provided by the city.

WHEREAS, from time to time the Master Fee Schedule shall be amended as deemed necessary by the city council by resolution.

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

SECTION 1. FEES. Pursuant to the provisions of its Code of Ordinances, as amended by Ordinance No. 2019-2587, the City Council of the City hereby amends the Master Fee Schedule with the rates and fees attached hereto as Exhibit "A".

SECTION 2. EFFECTIVE DATE. This resolution and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect on the date of passage and upon execution by the mayor and city secretary as set forth below.

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

Read, passed and adopted the _____ day of _____, 2022.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Betty Wells, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

David Olson, City Attorney
City of Freeport, Texas

Exhibit A

Golf Course New Proposed Rates

Old Rates	Regular	Discounted	New Rates	
Wekdays Mon-Thur	\$25.00	\$20.00	\$30.00	\$25.00
Weekends Fri-Sun	\$35.00	\$30.00	\$40.00	\$35.00

Tournament Rate Mon-Thur \$25.00 \$30.00

Tournament Rate Fri-Sun \$35.00 \$40.00

Weekday Twilight \$12.00 \$15.00

Weekend Twilight \$15.00 \$20.00

Tuesday Special \$15.00 \$15.00

Women any day \$10.00 \$15.00

Membership Rates

Annual Fees

7-Day Yearly/w cart	Regular	Discounted	New Rates	
	\$105/month	\$80.00/month	\$115/month	\$90.00
Mon-Thur Yearly	\$80.00/month	\$60.00/month	\$90.00/month	\$70.00
Add a Family member	\$360.00		\$370.00	
Yearly Range Membership	\$360.00		\$400.00	
Range balls large	\$6.00		\$8.00	
Range balls small	\$3.00		\$5.00	

Kids 14 & Under Play for Free

Discounted rates apply to Freeport Residents and Seniors



City Council Agenda Items # 8 & 9

Title: Consideration and possible action approving an ordinance amending Section 113.07 in regard to off-premises signs. Consideration of appointing Citizens Advisory Committee to analyze and make recommendations regarding signage regulations

Date: November 7, 2022

From: Tim Kelty, City Manager

Staff Recommendation:

Staff recommends Council consider approving this ordinance.

Item Summary:

The City of Freeport Code of Ordinance prohibits the construction of “Off-Premises” signs. This is a common prohibition and usually is targeted at the proliferation of Billboards that can clutter the streetscape and negatively impact the city. (Existing Bill boards are legally non-conforming.)

An issue arose recently when Outriggers illegally placed a message board at the corner of 2nd Street and Oak St. Because of the location of Outriggers, it is the business owners’ position that the sign is important to help direct patrons to his establishment.

The proposed ordinance would allow for Outriggers to get a permit for a sign at that location by setting exceptions to the prohibition on Off-Premises Signs, allowing them if they are located within 750 of the property/business they are advertising, and they are installed properly in accordance with a building permit issued for them.

Background Information: None

Special Consideration: This addresses the immediate concern regarding Outriggers. However, the Sign ordinance in general needs significant work. It is extremely restrictive and staff recommends a complete review of the regulations and new regulations be created.

Councilman Pena had suggested that a citizen advisory committee be created to analyze the regulations and develop recommendations. In most Cities these types of regulations fall under the jurisdiction of the Plan Commission. Another option would be to request the plan commission undertake this effort.

Financial Impact: None

Supporting Documentation: Ordinance

ORDINANCE NO. 2022-2679

AN ORDINANCE AMENDING CHAPTER 113 OF TITLE XI OF THE CODE OF ORDINANCES OF THE CITY OF FREEPORT, TEXAS, BY REVISING SECTION 113.07(B)(1) TO EXCEPT CERTAIN OFF-PREMISE SIGNS AS PROHIBITED WITHIN THE CORPORATE LIMITS OF THE CITY; CONTAINING A PREAMBLE AND FINDINGS OF FACT; MAKING IT AN OFFENSE FOR VIOLATION OF THIS ORDINANCE; CONTAINING A PENALTY CLAUSE UP TO \$500 PER OFFENSE AND THAT EACH AND EVERY OCCURRENCE SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City Council of the City of Freeport, Texas, has determined that allowing certain off-premise signs that are located within a certain distance of the business being advertised is necessary to effectively allow for the promotion of local businesses; and

WHEREAS, the City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

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

First, the findings and recitations set out in the preamble to this ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

Second, Chapter 113 of Title XI of the Code of Ordinances of the City of Freeport is hereby amended by revising Section 113.07(B)(1) to now read as follows:

“Sec. 113.07 Signs.

* * *

(B) Prohibited acts. No person, firm or corporation shall erect or cause to be erected, within the corporate limits of the city:

1. An off-premise sign, freestanding or otherwise, unless such off-premise sign:
 - (a) is within 750 feet along the same street of the property and business for which it is advertising,
 - (b) is constructed to meet the requirements of division (B)(11), or a portable sign meeting the on-premises requirements identified in division (G), and
 - (c) is issued a building permit by the Building Official.”

Fourth Penalty Clause. Any person violating this section shall be guilty of a misdemeanor and upon conviction therefor, shall be fined not to exceed \$500 each day any such violation continues or occurs shall constituted a separate offense.

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

Fourth, Effective Date. This ordinance shall take effect and be in force immediately upon its passage and publication of its descriptive caption twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this ____ day of _____, 2022.

Brooks Bass, Mayor,
City of Freeport, Texas

ATTEST:

APPROVED AS TO FORM ONLY:

Betty Wells, City Clerk,
City of Freeport, Texas

David W. Olson, Interim City Attorney,
City of Freeport, Texas

ORDINANCE NO. 2022-2679

AN ORDINANCE AMENDING CHAPTER 113 OF TITLE XI OF THE CODE OF ORDINANCES OF THE CITY OF FREEPORT, TEXAS, BY REVISING SECTION 113.07(B)(1) TO EXCEPT CERTAIN OFF-PREMISE SIGNS AS PROHIBITED WITHIN THE CORPORATE LIMITS OF THE CITY; CONTAINING A PREAMBLE AND FINDINGS OF FACT; MAKING IT AN OFFENSE FOR VIOLATION OF THIS ORDINANCE; CONTAINING A PENALTY CLAUSE UP TO \$500 PER OFFENSE AND THAT EACH AND EVERY OCCURRENCE SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City Council of the City of Freeport, Texas, has determined that allowing certain off-premise signs that are located within a certain distance of the business being advertised is necessary to effectively allow for the promotion of local businesses; and

WHEREAS, the City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

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

First, the findings and recitations set out in the preamble to this ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

Second, Chapter 113 of Title XI of the Code of Ordinances of the City of Freeport is hereby amended by revising Section 113.07(B)(1) to now read as follows:

“Sec. 113.07 Signs.

* * *

(B) Prohibited acts. No person, firm or corporation shall erect or cause to be erected, within the corporate limits of the city:

1. An off-premise sign, freestanding or otherwise, unless such off-premise sign:
 - (a) is within 750 feet along the same street of the property and business for which it is advertising,
 - (b) is constructed to meet the requirements of division (B)(11), or a portable sign meeting the on-premises requirements identified in division (G), and
 - (c) is issued a building permit by the Building Official.”

Fourth Penalty Clause. Any person violating this section shall be guilty of a misdemeanor and upon conviction therefor, shall be fined not to exceed \$500 each day any such violation continues or occurs shall constituted a separate offense.

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

Fourth, Effective Date. This ordinance shall take effect and be in force immediately upon its passage and publication of its descriptive caption twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this ____ day of _____, 2022.

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

ATTEST:

APPROVED AS TO FORM ONLY:

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

**David W. Olson, Interim City Attorney,
City of Freeport, Texas**



City Council Agenda Item # 10

Title: Consideration of approval of streets for 2022/2023 interlocal agreement with Brazoria County for paving

Date: November 7, 2022

From: Lance Petty, Assistant City Manager/DPW

Staff Recommendation:

Staff recommends council authorize list of streets for the 2022/2023 asphalt agreement with Brazoria County.

Item Summary:

This request is for the approval of streets listed attached for the total estimated cost of \$390,742.00. This cost is material only cost for the street reconstruction being completed through the 2022 Interlocal Agreement with Brazoria County. The total miles to be completed for fiscal year is 2.12 miles.

Background Information:

The 2.12 miles of streets identified for this 2022/2023 fiscal year is requested after careful consideration by staff of the current condition of each street listed.

Special Considerations:

If approved, the completion of the proposed repairs will extend and improve the City's roadway infrastructure and protect from further damage.

Financial Impact:

The proposed costs of repairs are included as an attachment

Streets Identified for County Interlocal

Ward	Existing Pavement	Street	From -To	Miles	SQ FT	County	C&G
						Asphalt	
A	Asphalt	Maple	8th Street to Dead End	0.0212	2,016	\$3,201	No
A	Asphalt	Maple	2nd Street to W. Brazos	0.0617	9,780	\$14,984	No
A	Asphalt	Oak	W. Brazosto Outriggers	0.0401	3,816	\$6,059	No
A	Asphalt	Walnut	8th Street to Alley	0.0278	2,940	\$4,627	Yes
B	Asphalt	Broad	Yaupon to Arbutus	0.0865	13,710	\$21,006	No
B	Asphalt	Locust	6th street to 9th street	0.1882	29,820	\$45,689	Yes
C	Asphalt	Austin	Slaughter to Curve	0.2185	20,772	\$32,980	No
C	Asphalt	Varner	B Port Blvd to N. Ave H	0.0727	8,448	\$13,200	No
C	Asphalt	Sweeney	N. Ave G to N Ave F	0.0577	6,710	\$10,484	No
C	Asphalt	N Ave Q	Yellowstone to Varner	0.1325	12,600	\$20,005	No
C	Asphalt	Slaughter	CR 217 to Golf Course Entry	0.6996	66,492	\$105,571	No
D	Asphalt	S. Ave G	Archer to Dead End	0.0634	6,030	\$9,574	No
D	Asphalt	S. Ave B	Velasco to Archer	0.1886	19,920	\$31,351	No
D	Asphalt	Caldwell	Ave A to Mystery Harbor	0.053	5,040	\$8,002	No
D	Asphalt	Dezavalla	Ave A to Mystery Harbor	0.053	5,040	\$8,002	No
D	Asphalt	Groce	Ave A to Mystery Harbor	0.053	5,040	\$8,002	No
D	Asphalt	Perry	Ave A to Mystery Harbor	0.053	5,040	\$8,002	No
D	Asphalt	Munson	Ave A to Mystery Harbor	0.053	5,040	\$8,002	No
		Asphalt	TOTALS			\$358,742	
		2.12	Engineering			\$0	
			Related W/S rehab			\$0	
			Rental Milling Machine			\$32,000	
						\$390,742	

Board or 3rd Party recommendation:

This proposal has been reviewed by City Staff

Supporting Documentation:

County cost worksheet

2022 Interlocal Agreement Project Request Summary

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
S.Ave G - Archer to Dead End	Asphalt	335	18	3	110	330	110.55	59	\$ 6,522.45
	Crushed C	335	4	4	110	440	32.76	25.58	\$ 837.89
	Portland	335	18	8	4	32	10.72	198	\$ 2,122.56
	ABS-65	335	18	0.05	1	0.05	33.50	2.72	\$ 91.12
Ward D								total	\$ 9,574.02

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Slaughter - CR 217 to Golf Course	Asphalt	3694	18	3	110	330	1219.02	59	\$ 71,922.18
	Crushed C	3694	4	4	110	440	361.19	25.58	\$ 9,239.27
	Portland	3694	18	8	4	32	118.21	198	\$ 23,405.18
	ABS-65	3694	18	0.05	1	0.05	369.40	2.72	\$ 1,004.77
Ward C								total	\$ 105,571.40

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
S Ave B - Velasco to Archer	Asphalt	996	20	3	110	330	365.20	59	\$ 21,546.80
	Crushed C	996	4	4	110	440	97.39	25.58	\$ 2,491.15
	Portland	996	20	8	4	32	35.41	198	\$ 7,011.84
	ABS-65	996	20	0.05	1	0.05	110.67	2.72	\$ 301.01
Ward D								total	\$ 31,350.80

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Walnut - 8th to Alley	Asphalt	147	20	3	110	330	53.90	59	\$ 3,180.10
	Crushed C	147	4	4	110	440	14.37	25.58	\$ 367.67
	Portland	147	20	8	4	32	5.23	198	\$ 1,034.88
	ABS-65	147	20	0.05	1	0.05	16.33	2.72	\$ 44.43
Ward A								total	\$ 4,627.08

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Broad - Yaupon to Arbutus	Asphalt	457	30	3	110	330	251.35	59	\$ 14,829.65
	Crushed C	457	4	4	110	440	44.68	25.58	\$ 1,143.03

	Portland	457	30	8	4	32	24.37	198	\$ 4,825.92
	ABS-65	457	30	0.05	1	0.05	76.17	2.72	\$ 207.17
Ward B								total	\$ 21,005.77

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Locust - 6th to 9th									
	Asphalt	994	30	3	110	330	546.70	59	\$ 32,255.30
	Crushed C	994	4	4	110	440	97.19	25.58	\$ 2,486.15
	portland	994	30	8	4	32	53.01	198	\$ 10,496.64
	ABS-65	994	30	0.05	1	0.05	165.67	2.72	\$ 450.61
Ward B								total	\$ 45,688.70

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Austin - Slaughter to Curve									
	Asphalt	1154	18	3	110	330	380.82	59	\$ 22,468.38
	Crushed C	1154	4	4	110	440	112.84	25.58	\$ 2,886.33
	Portland	1154	18	8	4	32	36.93	198	\$ 7,311.74
	ABS-65	1154	18	0.05	1	0.05	115.40	2.72	\$ 313.89
Ward C								total	\$ 32,980.35

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Varner - B Port Blvd to N Ave H									
	Asphalt	384	22	3	110	330	154.88	59	\$ 9,137.92
	Crushed C	384	4	4	110	440	37.55	25.58	\$ 960.44
	Portland	384	22	8	4	32	15.02	198	\$ 2,973.70
	ABS-65	384	22	0.05	1	0.05	46.93	2.72	\$ 127.66
Ward C								total	\$ 13,199.72

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
Sweeney - N Ave G to N Ave F									
	Asphalt	305	22	3	110	330	123.02	59	\$ 7,257.98
	Crushed C	305	4	4	110	440	29.82	25.58	\$ 762.85
	Portland	305	22	8	4	32	11.93	198	\$ 2,361.92
	ABS-65	305	22	0.05	1	0.05	37.28	2.72	\$ 101.40
Ward C								total	\$ 10,484.15

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT	
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N. Ave Q - Yellowstone to Varner											
	Asphalt	700	18	3	110	330	231.00	59	\$	13,629.00	
	Crushed C	700	4	4	110	440	68.44	25.58	\$	1,750.81	
	Portland	700	18	8	4	32	22.40	198	\$	4,435.20	
	ABS-65	700	18	0.05	1	0.05	70.00	2.72	\$	190.40	
Ward C									total	\$	20,005.41

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT			
Maple - 8th to Dead End											
	Asphalt	112	18	3	110	330	36.96	59	\$	2,180.64	
	Crushed C	112	4	4	110	440	10.95	25.58	\$	280.13	
	Portland	112	18	8	4	32	3.58	198	\$	709.63	
	ABS-65	112	18	0.05	1	0.05	11.20	2.72	\$	30.46	
Ward A									total	\$	3,200.87

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT			
Maple - 2nd to W.Brazos											
	Asphalt	326	30	3	110	330	179.30	59	\$	10,578.70	
	Crushed C	326	4	4	110	440	31.88	25.58	\$	815.38	
	portland	326	30	8	4	32	17.39	198	\$	3,442.56	
	ABS-65	326	30	0.05	1	0.05	54.33	2.72	\$	147.79	
Ward A									total	\$	14,984.42

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT			
Oak - W Brazos to Outriggers											
	Asphalt	212	18	3	110	330	69.96	59	\$	4,127.64	
	Crushed C	212	4	4	110	440	20.73	25.58	\$	530.24	
	Portland	212	18	8	4	32	6.78	198	\$	1,343.23	
	ABS-65	212	18	0.05	1	0.05	21.20	2.72	\$	57.66	
Ward A									total	\$	6,058.78

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT		
Caldwell - Ave A to Mystery Harber										
	Asphalt	280	18	3	110	330	92.40	59	\$	5,451.60

	Crushed C	280	4	4	110	440	27.38	25.58	\$	700.32
	Portland	280	18	8	4	32	8.96	198	\$	1,774.08
	ABS-65	280	18	0.05	1	0.05	28.00	2.72	\$	76.16
Ward D									total	\$ 8,002.16

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT		
DeZavalla - Ave A to Mystery Harbor										
	Asphalt	280	18	3	110	330	92.40	59	\$	5,451.60
	Crushed C	280	4	4	110	440	27.38	25.58	\$	700.32
	Portland	280	18	8	4	32	8.96	198	\$	1,774.08
	ABS-65	280	18	0.05	1	0.05	28.00	2.72	\$	76.16
Ward D									total	\$ 8,002.16

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT		
Groce - Ave A to Mystery Harbor										
	Asphalt	280	18	3	110	330	92.40	59	\$	5,451.60
	Crushed C	280	4	4	110	440	27.38	25.58	\$	700.32
	Portland	280	18	8	4	32	8.96	198	\$	1,774.08
	ABS-65	280	18	0.05	1	0.05	28.00	2.72	\$	76.16
Ward D									total	\$ 8,002.16

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT		
Perry - Ave A to Mystery Harbor										
	Asphalt	280	18	3	110	330	92.40	59	\$	5,451.60
	Crushed C	280	4	4	110	440	27.38	25.58	\$	700.32
	Portland	280	18	8	4	32	8.96	198	\$	1,774.08
	ABS-65	280	18	0.05	1	0.05	28.00	2.72	\$	76.16
Ward D									total	\$ 8,002.16

ROAD	MATERIAL	LENGTH	WIDTH	TNK	RATE		TONS	PPT		
Munson - Ave A to Mystery Harbor										
	Asphalt	280	18	3	110	330	92.40	59	\$	5,451.60
	Crushed C	280	4	4	110	440	27.38	25.58	\$	700.32
	portland	280	18	8	4	32	8.96	198	\$	1,774.08

	ABS-65	280	18	0.05	1	0.05	28.00	2.72	\$	76.16
	Ward D							total	\$	8,002.16

TOTAL FEET	11216
TOTAL MILES	2.12

TOTAL ARP	\$	358,742.28
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Ward A	797	0.073
Ward B	1451	0.275
Ward C	6237	1.181
Ward D	2731	0.517

City of Freeport
Interlocal Agreement Project Request Summary FY-23

STREET/LOCATION	LIMITS (TO - FROM)	LENGTH (FT)	WIDTH (FT)	WORK DESCRIPTION (Major Street Projects ONLY)	FOR OFFICE USE ONLY
MAPLE	8th Street - Dead end	112	18	Mill, Stabilize, Lower Add 3" Asphalt w/crown	
MAPLE	2nd Street - W. Brazos	326	30	Mill, Stabilize, Lower Add 3" Asphalt w/crown	
OAK	W. Brazos - Outriggers	212	18	Mill, Stabilize, Lower Add 3" Asphalt w/crown	
WALNUT	8th Street - Alley	147	20	Mill, Stabilize, Lower Add 3" Asphalt w/crown	
BROAD	Yaupon - Arbutus	457	30	Mill, Stabilize, Lower Add 3" Asphalt w/crown	
LOCUST	6th Street - 9th Street	994	30	Mill, Stabilize, Lower Add 3" Asphalt w/crown	
AUSTIN	Slaughter to Curve	1154	18	Mill, Stabilize, Lower Add 3" Asphalt w/crown	

Note: Each page submitted must be approved by the Mayor.
Return to: County Engineer's Office

Please return your completed Project Request to the attention of Mandy Bell prior to November 1, 2022.

Approved By: Mayor

City of Freeport
Interlocal Agreement Project Request Summary FY-23

STREET/LOCATION	LIMITS (TO - FROM)	LENGTH (FT)	WIDTH (FT)	WORK DESCRIPTION (Major Street Projects ONLY)	FOR OFFICE USE ONLY
VARNER	B-Port Blvd - N. AVE H	384	22	Mill, Stabilize, Lower Add 3" ASPHALT w/CRACKS	
Sweeney	N. AVE G - N. AVE F.	305	22	Mill, Stabilize, Lower Add 3" ASPHALT w/CRACKS	
N. AVE Q	Yellowstone - VARNER	700	18	Mill, Stabilize, Lower Add 3" ASPHALT w/CRACKS	
Slaughter	CR 217 - Golf course	3694	18	Mill, Stabilize, Lower Add 3" ASPHALT w/CRACKS	
S. AVE G	Archer - Deadend	335	18	Mill, Stabilize, Lower Add 3" ASPHALT w/CRACKS	
S. AVE B	Velasco - Archer	996	20	Mill, Stabilize, Lower Add 3" ASPHALT w/CRACKS	
Caldwell	Ave A - Mystery Harbor	280	18	Mill, Stabilize, Lower Add 3" ASPHALT w/CRACKS	

Note: Each page submitted must be approved by the Mayor.
Return to: County Engineer's Office

Please return your completed Project Request to the attention of Mamie Kelly prior to October 1, 2022.

Approved By: Mayor

City of Freeport
Interlocal Agreement Project Request Summary FY-23

STREET/LOCATION	LIMITS (TO - FROM)	LENGTH (FT)	WIDTH (FT)	WORK DESCRIPTION (Major Street Projects ONLY)	FOR OFFICE USE ONLY
De ZAVALLA	Ave A - Mystery Harbor	280	18	Mill, Stabilize, Lower Add 3" Asphalt w/crown	
GROCE	Ave A - Mystery Harbor	280	18	Mill, Stabilize, Lower Add 3" Asphalt w/crown	
Perry	Ave A - Mystery Harbor	280	18	Mill, Stabilize, Lower Add 3" Asphalt w/crown	
MUNSON	Ave A - Mystery Harbor	280	18	Mill, Stabilize, Lower Add 3" Asphalt w/crown	

Note: Each page submitted must be approved by the Mayor.
Return to: County Engineer's Office

Please return your completed Project Request to the attention of Maude Kelly prior to November 1, 2023.

Approved By: Mayor



City Council Agenda Item # 11

Title: Consideration and possible action by City Council approving sale of Trust Property located in the 200 Block of South Avenue I (Velasco, Block 71, Lot 1)

Date: November 17, 2022

From: Laura Cramer, Assistant City Secretary/Special Projects Coordinator

Staff Recommendation:

Staff recommends City council approve the sale of the trust property.

Item Summary

The Brazoria County Tax Office contacted the City of Freeport by letter regarding an offer on a single 25' lot located at the dead end of South Avenue I. The offer to purchase has been made by an entity by the name of CSA. There are no known details regarding this entity. An offer of \$2,530 was made to the Resale Committee. If approved, this city will receive \$124.59 after court costs and distribution to all taxing entities. The back taxes owed to the City is \$639.78 (Years 1999-2017)

Background Information:

This property has been foreclosed on for unpaid taxes and has been in trust to the City and all other taxing entities since 2019. When a property is foreclosed on because of unpaid taxes, it will initially go to the sheriff's sale and if no offers are made it will be classified as "in trust" property in the name of the taxing entity where it is located. Although this lot is unbuildable, approving the sale of this property would get it back on the tax roll. This property has no outstanding liens.

Special Considerations:

None.

Board or 3rd Party recommendation:

None.

Financial Impact:

The city would receive \$124.59 if this sale is approved plus yearly taxes.

Supporting Documentation:

Property Detail Report
Brazoria County Tax Office – Resale Committee Documentation



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City of Freeport
 Property Management Department
Property Detail Report

Property Location:	200 Block South Avenue I	Tax ID:	8110-0703-000	BCAD:	260132
Legal Description	Velasco (Freeport) Block 71 Lot 1	Acres:	0.0775	Lot Size:	25'
Current Owner	City of Freeport – In Trust		BCAD Appraised Value:	\$2,530	
Property Map: Zone: R-2					
Adjacent Property Owner Information:	Dezavalla Street ROW City of Freeport Drainage Canal	Lots 23-24 Tovar Arturo Jr & Jessica J Castillo 204 S Ave I Freeport, Tx 77541			
Adjacent Property Value and Tax Information:	N/A	Tax ID: 8110-0705-000 BCAD: 260135 BCAD Assessed Value: \$151,620 Land Value: \$4,690 Improvement Value: \$146,930 Homestead Exemption Taxes: Current Purchased: 3/13/2018			
Property Purchased:	4/17/2019	Deed No:	2019-019386	Purchase Price	Sheriff's Sale

Note: The City was contacted by the Brazoria County Tax Office as an offer has been made to the resale committee.



Brazoria County Tax Office

KRISTIN R. BULANEK

TAX ASSESSOR-COLLECTOR

979.864.1838
FAX 979.864.1346

Wednesday, September 28, 2022

City of Freeport
Attn: Laura Cramer
200 W 2nd Street
Freeport, Texas 77541

Re: 8110-0703-000

Dear Ms. Cramer,

The Property Tax Resale Committee of Brazoria County has received an offer on the above-referenced account held in trust. Included with this letter is the property information.

The Property Tax Resale Committee has agreed to accept the offer. Please present this offer to your governing body for approval.

Once approved, please notify the Brazoria County Tax Office and include the account number and a copy of the minutes.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Betreace McFatter

TAX RESALE PROPERTY INFORMATION

RESALE MEETING OF: 9/27/2022
IN TRUST TO: CITY OF FREEPORT
PREVIOUS OWNER: TED DYE, ETAL
ACCOUNT #: 8110-0703-000 PCT. # 1
LEGAL DESCRIPTION: VELASCO (FREEPORT) BLOCK 7

PHYSICAL ADDRESS: S AVE I
SCHOOL DISTRICT: BRAZOSPORT ISD
OFFER MADE BY: CSA
AMOUNT OF OFFER: \$2,530.00
MINIMUM BID AT SALE: \$2,530.00
ADJUDGED VALUE: \$2,530.00
CURRENT LAND VALUE: \$2,530.00
CURRENT IMPROVEMENT: \$0.00
CITY WEED/DEMO LIENS: UNKNOWN
SHERIFF'S DEED FILE DATE: 4/26/2019
REDEMPTION DATE: 10/26/2019
POST JUDGMENT TAXES: \$129.49
POST JUDGMENT YEARS: 2018-2019

VOTE: AYE NAY

K. BULANEK
K. STEWART
JUDGE SEBESTA
D. PAYNE
CIVIL DIVISION REP.

X
X
X
X
X

PBFCM REPRESENTATIVE PRESENT

BID ANALYSIS

Cause Number:	88300-T	Account Number:	8110-0703-000
Bid Amount:	\$2,530.00	Current Land Value \$:	\$2,530.00
Offer Made By:	CSA	Adjudged Value\$:	\$2,530.00

Judgement Information

Taxing Entity	Tax Years	Amount Due
BC	1999-2017	\$339.50
BRHND	1999-2017	\$50.53
Special Road & Bridge	1999-2017	\$54.73
Brazosport ISD	1999-2017	\$1,190.70
City of Freeport	1999-2017	\$639.78
Brazosport College	1999-2017	\$167.32
Velasco Drainage	1999-2017	\$78.16
		\$2,520.72

Costs

Court Costs	\$1,393.90	Sheriff Fee's	\$151.25
Publication Fee's	\$175.50	Research Fee's	\$255.00
Ad Litem		Recording Fee's	\$50.00
Liens		Certified Mail	\$13.46
Cost of Deed		Deed File Date	
		Total	\$2,039.11

Post Judgement Information

Taxing Entity	Tax Year's	
BC	2018-2019	\$17.42
BC Special Road & Bridge	2018-2019	\$2.84
BRHND	2018-2019	\$1.90
Brazosport ISD	2018-2019	\$59.46
City of Freeport	2018-2019	\$29.75
Brazosport College	2018-2019	\$14.14
Velasco Drainage	2018-2019	\$3.98
		Post Judgment Total
		\$129.49

Proposed Distribution

Offer Amount	Costs
\$2,530.00	\$2,039.11
Net to Distribute \$	\$490.89

BC	13.47%	66.11
BC Special Road & Bridge	2.00%	9.84
BRHND	2.17%	10.66
Brazosport ISD	47.24%	231.88
City of Freeport	25.38%	124.59
Brazosport College	6.64%	32.58
Velasco Drainage	3.10%	15.22
	0.00%	0.00
	0.00%	0.00

8110-0703-000 LOT 1



11/12/2020



City Council Agenda Item # 12

Title: Consideration and possible action by City Council approving sale of the alley between East 5th & East 6th Street in the 100 Block and approve the city attorney to prepare the deed and the mayor to sign

Date: November 7, 2022

From: Laura Cramer, Assistant City Secretary/Special Projects Coordinator

Staff Recommendation: Staff recommends City council approve the sale of the alley between East 5th & 6th Streets to the adjacent property owner for development.

Item Summary

Gulf Food Market, located at the corner of East 5th and Navigation wants to acquire the alley easement that is located in Block 34 to connect his properties for development of a truck stop. This area is zoned DT and this business type is allowed in this zone.

Background Information:

The City was contacted by Zulfikar Karedia, owner of Gulf Food Mart, contacted the city inquiring about purchasing the alley from the city to construct a truck stop at this location. There are two lots, besides this alley, that is not owned by Gulf Food Market. They are working with a title company to clear up some issues with the deed but expect to purchase to give them complete ownership of the block.

Special Considerations:

None.

Board or 3rd Party recommendation:

None.

Financial Impact:

Mr. Greg Flaniken, a local realtor, has given the city a broker's opinion of value. The property is valued at \$10,500. The property owner has agreed to pay the property value plus the price for Mr. Flaniken to do the work which was \$350.

Supporting Documentation:

Property Detail Report
Property Owner Purchase Request
Greg Flaniken's Broker's Opinion of Value & Invoice



City of Freeport
 Property Management Department
Property Detail Report

Property Location:	Alley – 100 Block between 5 th & 6 th	Tax ID:	N/A - ROW	BCAD:	N/A - ROW
Legal Description	VELASCO (FREEPORT) BLK 71 LOT 6	Acres:	3959.20 ft ²	Lot Size:	175' x 20'
Current Owner	City of Freeport		BCAD Appraised Value:	\$0 N/A - ROW	
Property Map: Zone: DT					
Adjacent Property Owner Information:	Lots 13, 14, 15, 16 W/2, 19, 20 New Gulf Enterprises 131 E 5th St Freeport, Tx 77541		Lots 17 W/2, 18 Vega C M % Sylvia Vega Campos 1911 Azalea Dr Temple, Tx 76502-2629		
Adjacent Property Value and Tax Information:	Tax ID: 4200-0411-000 BCAD: 209255 4200-0408-000 209251 4200-0409-000 209252 BCAD Assessed Value: \$238,040 Land Value: \$46,550 Improvement Value: \$191,490 No Homestead Exemption Taxes: Current Purchased: (13&14) 2021 (15&16W/2)2017 (19&20) 2021		Tax ID: 4200-0410-000 BCAD: 209254 BCAD Assessed Value: \$7,880 Land Value: \$7,880 Improvement Value: \$0 No Homestead Exemption Taxes: Current Purchased: 09/08/1954		
Property Purchased:	N/A	Deed No:	N/A	Purchase Price	N/A

Note: Zulfikar Karedia, owner of Gulf Food Mart, contacted the city inquiring about purchasing the alley from the city to construct a truck stop at this location.

GULF FOOD MART

131 E 5th ST

FREEPORT TX, 77541

JUNE 24 2022

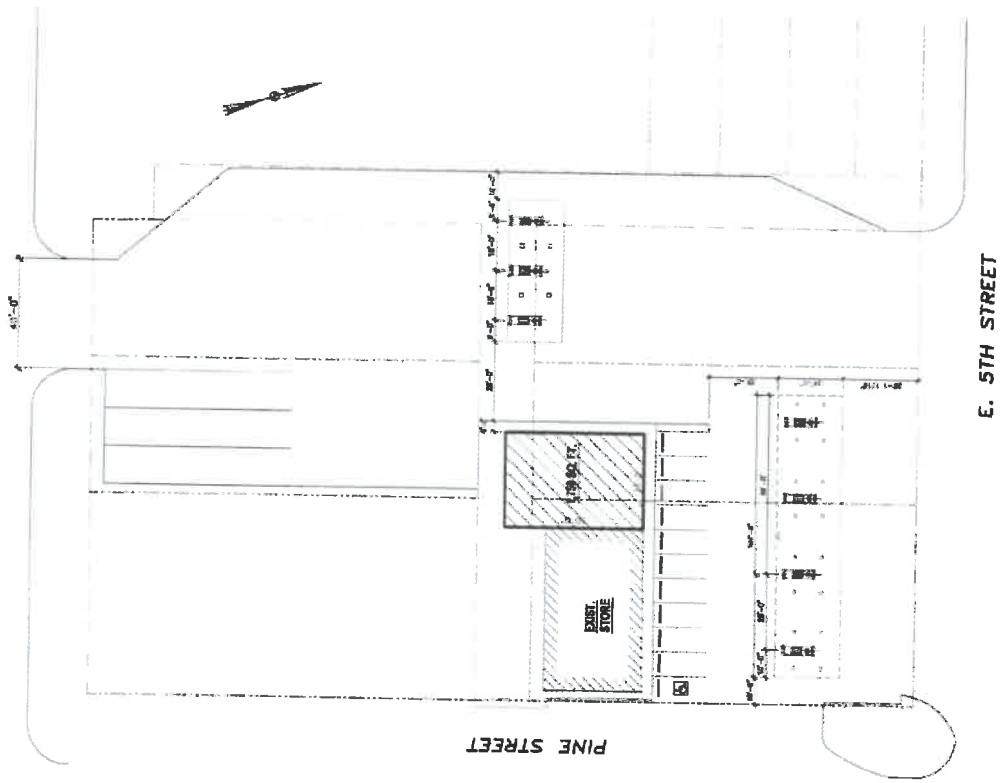
RESPECTED MAYOR AND COUNCIL MEMBERS.

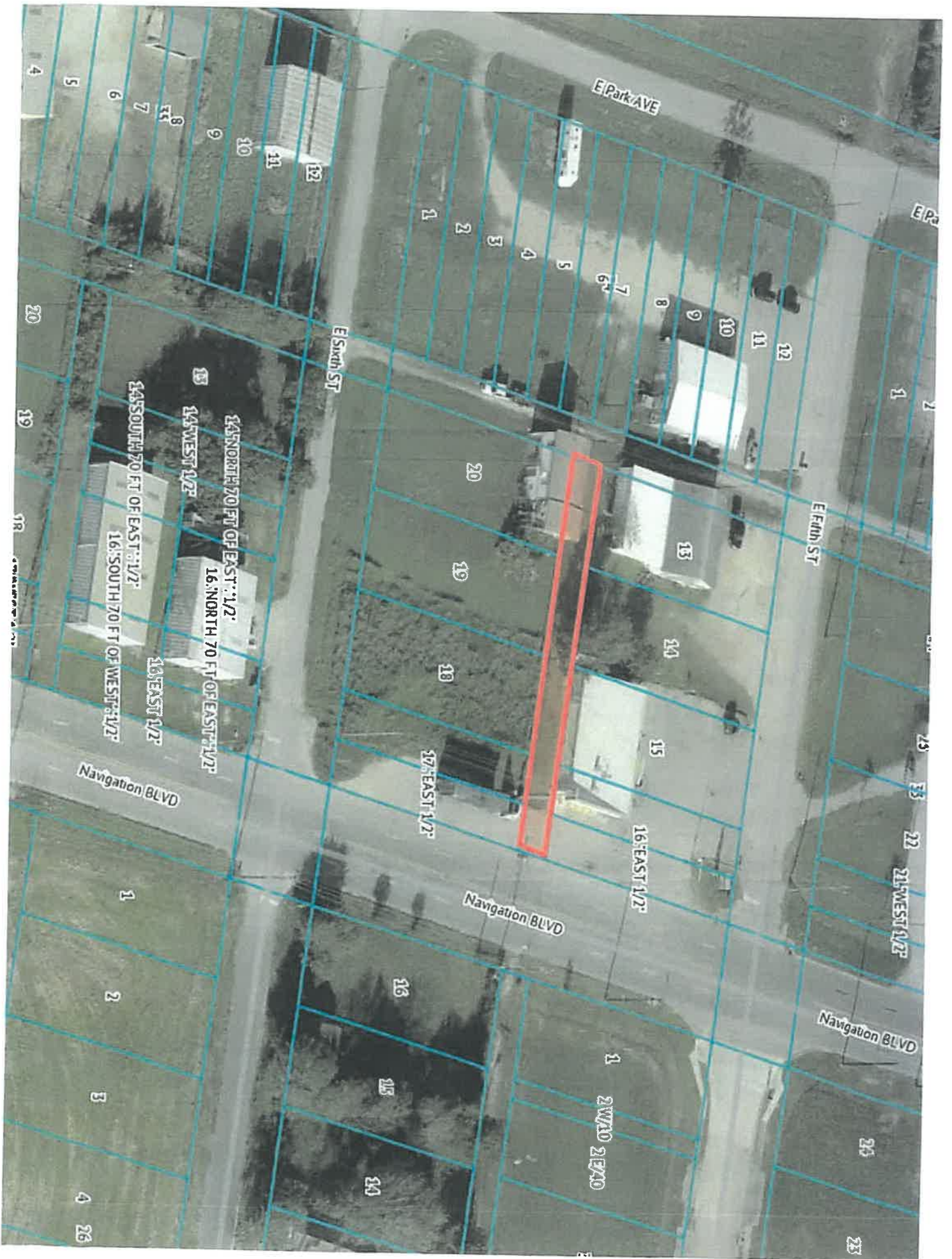
HELLO, MY NAME IS ZULFIKAR KAREDIA AND I AM THE OWNER OF GULF FOOD MART LOCATED IN 131 E 5TH ST.

I CURRENTLY OWN BLOCK 7, LOT 13/14/15 /WEST ½ LOT 16/LOT 19 AND LOT 20. WE ARE INTERESTED IN PURCHASING THE ALLEY WAY SHOWN IN RED ON THE ATTACHED MAP TO EXPAND OUR BUSINESS. WE OWN ALL PROPERTIES ON BOTH SIDES OF THE ALLEY. I WOULD REALLY APPRECIATE IF YOU CONSIDER OUR REQUEST, THANK YOU FOR YOUR CONSIDERATION AND TIME. IF YOU HAVE ANY QUESTIONS OR CONCERNS FEEL FREE TO CALL ME AT 832-607-2352.

Thank you
Dev

Gulf Food mart
131 E 5th St
Freeport TX- 77541





*Greg Flaniken
& Associates*

*Serving Brazoria County's
Real Estate Needs Since 1975*



October 18, 2022

Mr. Tim Kelty, City Manager
City of Freeport
200 West 2nd Street
Freeport, TX 77541

RE: Alleyway between Lots 13, 14, 15, West ½ 16 & 17, 18, 19 & 20; Block 34, Freeport Townsite.
Located in the 100 East Block between 5th and 6th Streets, City of Freeport, Brazoria County.

Dear Mr. Kelty,

Complying with a request from Ms. Laura Cramer, a visual observation was made of the subject property on October 18th, 2022 to assist in determining a current fair market value.

The subject property is an alleyway that is approximately 20' wide and 175' long. The total area is 3,500 SF or 0.08 acres. The Lots that the alleyway runs between are Zoned "DT-1" according to the City of Freeport Zoning map. There is a convenience store located on East 5th Street.

My opinion of the fair market value of the subject property in "as is" condition is:

\$10,500.00
(Ten Thousand, Five Hundred dollars)

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Greg Flaniken'.

Greg Flaniken
License No. 206691

"THIS IS AN OPINION OF VALUE OR A COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL. In making any decision that relies upon my work, you should know that I have not followed the guidelines for development of an appraisal or analysis contained in the Uniform Appraisal Practice of the Appraisal Foundation."

*Residential * Commercial * Sales & Leasing * Property Management*

1101 N. Brazosport Blvd., Freeport, Texas 77541 Phone (979) 233-7828 Fax (979) 239-1816

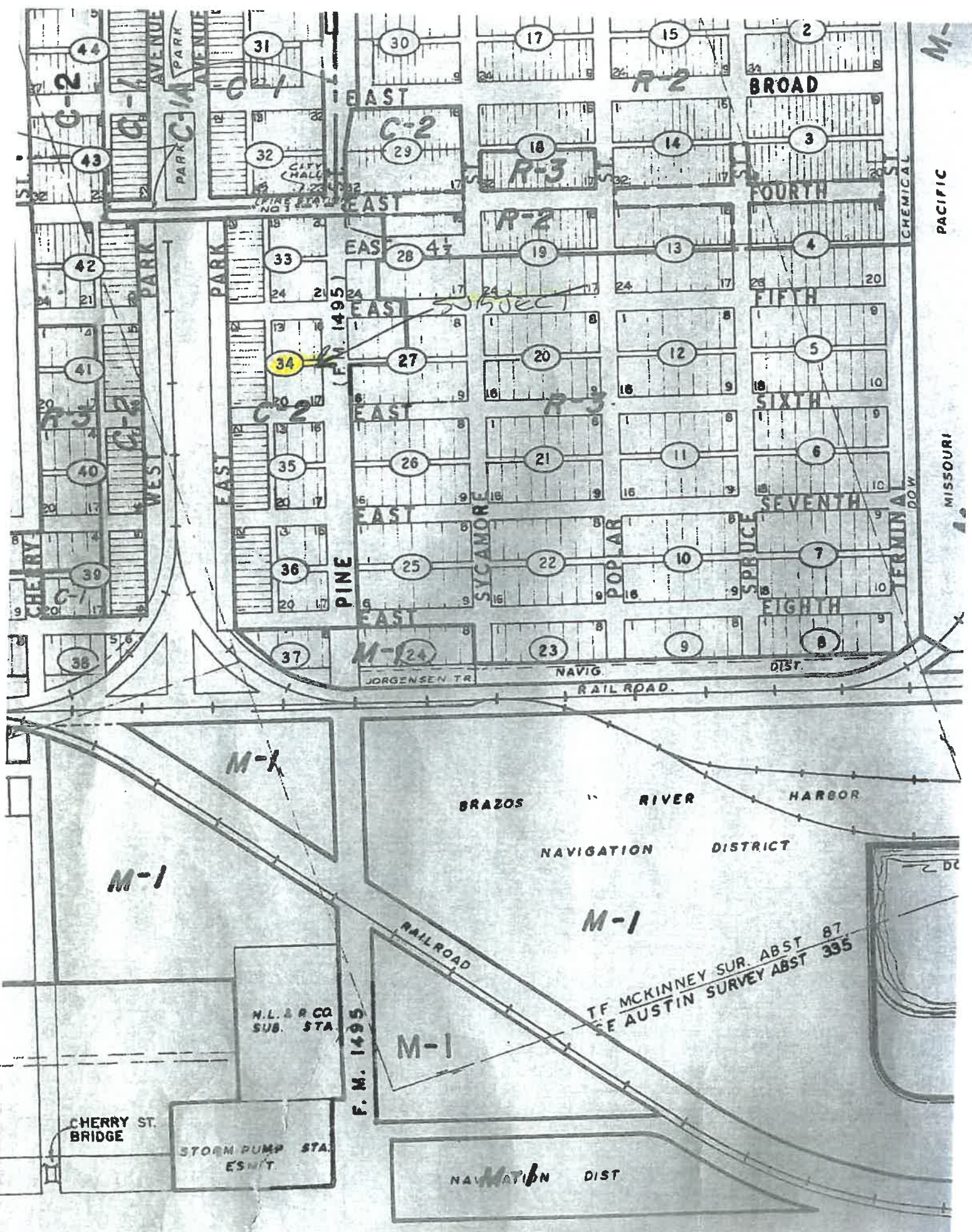
100 Block East 5th & 6th St., Freeport



**West view
of Alleyway**



**East view
of alleyway**



44

31

30

17

15

2

BROAD

43

32

29

18

14

3

FOURTH

42

33

28

19

13

4

FIFTH

41

34

27

20

12

5

SIXTH

40

35

26

21

11

6

SEVENTH

39

36

25

22

10

7

EIGHTH

38

37

23

9

8

PINE

SYCAMORE

POP LAR

SPRUCE

TERMINAL

MISSOURI

M-

PACIFIC

F.M. 1495

F.M. 1495

BRAZOS RIVER HARBOR

NAVIGATION DISTRICT

M-1

M-1

M-1

M-1

NAVIGATION DIST

TF MCKINNEY SUR. ABST 87
SE AUSTIN SURVEY ABST 335

H.L. & R. CO
SUB. STA.

STORM PUMP STA.
ESMT.

CHERRY ST.
BRIDGE

EAST

EAST

EAST

EAST

EAST

EAST

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EAST

EAST

EAST

JORGENSEN TR.

NAVIG. RAILROAD.

Dist.

C-2

R-3

R-2

R-2

PROJECT

R-3

M-1(24)

C-2

R-3

C-1

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QUALIFICATIONS

GREG C. FLANIKEN

1975 Graduate of the University of Houston, B.B.A.

Listing and Selling Real Estate full-time since 1975

Courses Taken and Completed:

Real Estate Principles
Real Estate Appraisal I (residential)
Real Estate Appraisal II (commercial)
Real Estate Law State Property Tax Board Course 230,
Income Approach To Market Value

Partial List of Clients:

Texas Gulf Bank, N.A.
First Commerce Bank, N.A.
First State Bank of Clute
ResNet
Bank of America Home Mortgage
Texas Dow Employee's Credit Union
REOWorld
Federal Deposit Insurance Corporation
Chase Bank
National Default Services
Integrated Asset Services
Premiere Asset Services
City of Freeport
County of Brazoria
Brazoria County Abstract Company
PNC Mortgage
National Credit Union Association
Federal National Mortgage Association
Freeport LNG
Various Individuals

GREG FLANIKEN & ASSOCIATES
 1101 N. Brazosport Blvd., Freeport, TX 77541
 979-233-7828 office 979-239-1816 fax

Invoice No. **10056**

INVOICE

Customer

Name City of Freeport C/O: Tim Kely
 Address 200 West 2nd
 City Freeport State TX ZIP 77541
 Phone 979-233-3526

Misc

Date 10/18/2022
 Order No. 100 E. Blk 5&6
 City Freeport
 State-Zip TEXAS, 77541

Qty

1

Description

**BROKER PRICE OPINION @
 100 East Block, between 5th & 6th St., Freeport, TX**

Lots 13, 14, 15, West 1/2 16 & 17, 18, 19, and 20; Block 34,
 Freeport Townsite
 City of Freeport, Brazoria County, Texas

Locally known as: Alleyway-100 E. Block between 5th & 6th Street

Unit Price	TOTAL
\$ 350.00	\$ 350.00

Comments

SubTotal	\$ 350.00
Shipping	
TOTAL	\$ 350.00

Tax Rate(s)

Office Use Only

Thank you for your business.

MARKET VALUE DEFINED

"Market Value" is the most probable price in terms of money which a property should bring in competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

- a. buyer and seller are typically motivated.
- b. both parties are well informed or well advised, and each acting in what they consider their own best interest.
- c. a reasonable time is allowed for exposure in the open market.
- d. payment is made in cash or its equivalent.
- e. financing, if any, is on terms generally available in the community at the specified date and typical for the property type in its locale.
- f. the price represents a normal consideration for the property sold unaffected by special financing amounts and/or terms, services, fees, costs, or credits incurred in the transaction.



City Council Agenda Item # 13

Title: Consideration and possible action by City Council approving sale of city owned 25' parcel located in the 100 Block of North Avenue B (Velasco, Block 529, Lot 10) and the city attorney prepare the deed and the mayor to sign.

Date: November 7, 2022

From: Laura Cramer, Assistant City Secretary/Special Projects Coordinator

Staff Recommendation:

Staff recommends City council approve the sale of the city owned, unbuildable as is, 25' property to the adjacent property owner. This will allow three 25' lots for improvements.

Item Summary

Mr. Ron Speir contacted the city with interest in purchasing property that was adjacent to two lots they had recently purchased. Mr. Speir has agreed to purchase the property for \$3,748.96.

Background Information:

The City purchased this property in 2018 from the Episcopal Church for \$750.00. The property is current on taxes.

Special Considerations:

None.

Board or 3rd Party recommendation:

None.

Financial Impact:

There are eleven mowing liens totaling \$4,186.70 (base amount, interest, administration fees) that were accumulated between 2005 -2013. Mr. Speir will satisfy the lien base amounts which will total \$1,473.96.

Broker's Value of Opinion	\$2,000.00
Cost of Value of Opinion (Invoice)	\$275.00
Liens (Original Value)	<u>\$1,473.96</u>
Total:	\$3,748.96

Supporting Documentation:

- Property Detail Report
- Greg Flaniken's Broker's Opinion of Value and Invoice



City of Freeport
 Property Management Department
Property Detail Report

Property Location:	100 Block North Avenue B	Tax ID:	8110-1257-000	BCAD:	260353
Legal Description	Velasco (Freeport) Block 529 Lot 10	Acres:	0.0717	Lot Size:	25'
Current Owner	City of Freeport			BCAD Appraised Value:	\$2,340 (2021)
Property Map: Zone: R-2					
Adjacent Property Owner Information:	Lots 7-8-9 Vega Hilda Zapata 116 N Ave B Freeport, Tx 77541		Lots 11-12 Ron Speir & Michael Speir 131 Laurel Loop Angleton, Texas 77515		
Adjacent Property Value and Tax Information:	Tax ID: 8110-1255-000 BCAD: 260351 BCAD Assessed Value: \$81,950 Land Value: \$4,690 Improvement Value: \$77,260 Homestead Exemption Taxes: Current Purchased: 9/16/2015		Tax ID: 8110-1257-111 BCAD: 260354 BCAD Assessed Value: \$4,880 Land Value: \$4,880 Improvement Value: \$0 No Homestead Exemption Taxes: Current Purchased: 9/14/2022 (File Number: 2022-053279)		
Property Purchased:	10/8/2018	Deed No:	2018-058139	Purchase Price	\$750.00

Note: The City was contacted by Mr. Ron Speir with interest in purchasing the 25' undevelopable lot adjacent to property they recently purchased.

*Greg Flamiken
& Associates*

*Serving Brazoria County's
Real Estate Needs Since 1975*



October 3, 2022

Mr. Tim Kelty, City Manager
City of Freeport
200 West 2nd Street
Freeport, TX 77541

RE: Lot 10, Block 529, Velasco Townsite, City of Freeport, Brazoria County, Texas 77541.

Dear Mr. Kelty,

Complying with a request from Ms. Laura Cramer, a visual observation was made of the subject property on October 3, 2022 to assist in determining a current fair market value of the unimproved lot.

The subject property consists of a single unimproved lot that fronts on North Avenue B, a concrete street with curbs and sidewalks and it backs up to a shell-based alley. All city utilities are available to the property along with natural gas and electricity provided by CenterPoint Energy. The City of Freeport has a zoning ordinance and the subject property is zoned "R-2", single family residential.

The Brazoria County Central Appraisal District ("CAD") identifies the property as #8110-1257-000 and the 2022 assessed value is \$3,280 and the total taxes assessed without any exemptions are \$85. The "CAD" records show the lot to be 25' wide and 125' deep (a rectangle) with a total area of 3,125 SF or 0.0717 acres. The City of Freeport has a minimum square footage (6,500 SF) required for a residential building permit to be issued.

The neighborhood consists of mostly single family detached housing with some small multi-family and commercial properties nearby. Most the housing was built between 1940 – 1980, but there has been some new construction of homes in the past 5 years. Home values typically range from \$85,000 - \$225,000.

The property is in a designated flood hazard zone and a registered engineer should be contacted to determine the exact zoning classification and if federal flood insurance is required for any improvements that might be constructed on the lot.

*Residential * Commercial * Sales & Leasing * Property Management*

1101 N. Brazosport Blvd., Freeport, Texas 77541 Phone (979) 233-7828 Fax (979) 239-1816

Kelty
Page 2

My opinion of the current fair market value of the entire subject property as of October 3, 2022 is:

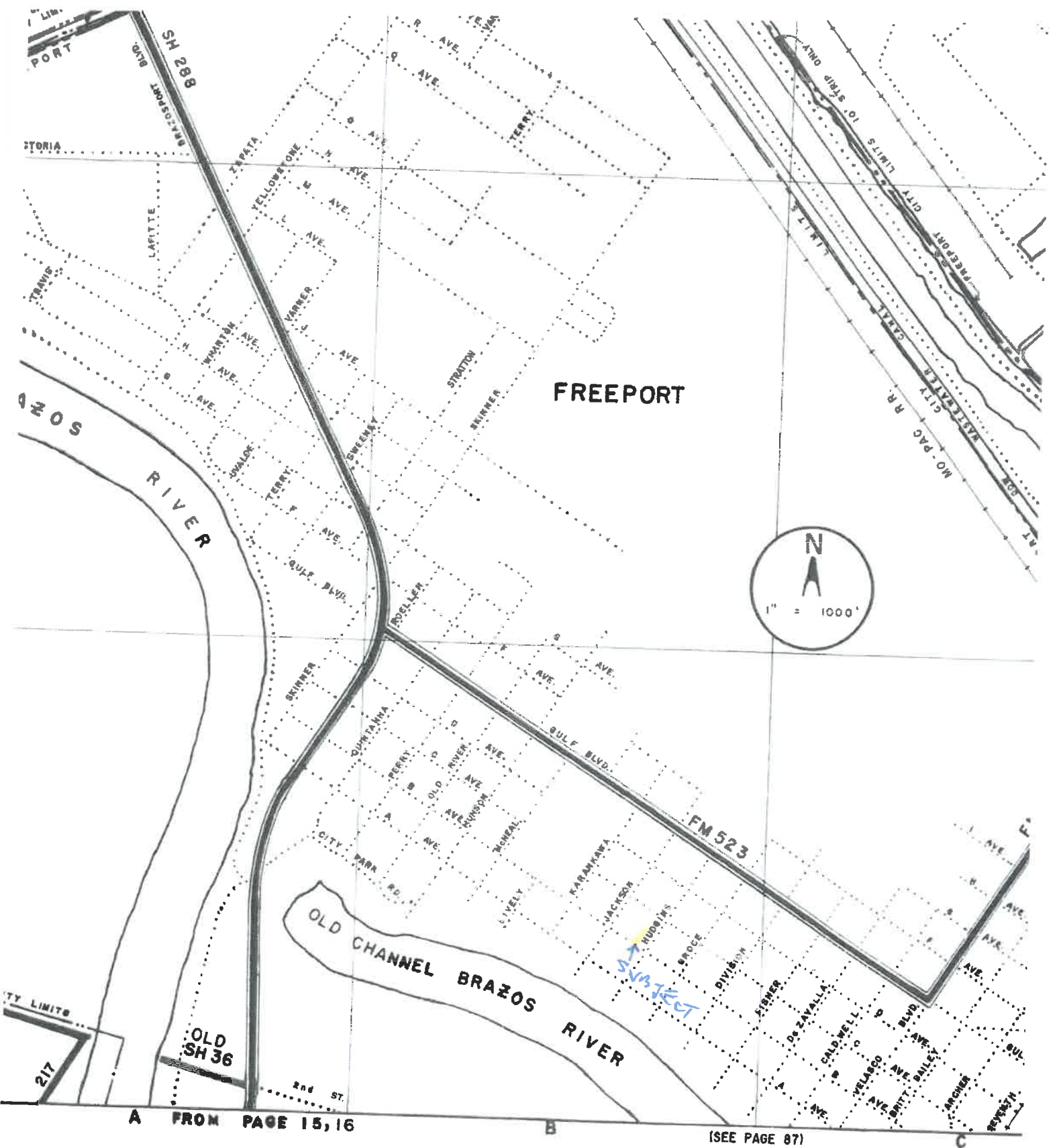
\$2,000.00
(Two Thousand Dollars)

Respectfully submitted,

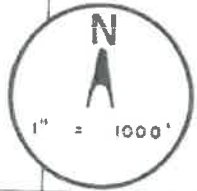


Greg Flaniken
License #206691

“THIS IS AN OPINION OF VALUE OR A COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL. In making any decision that relies upon my work, you should know that I have not followed the guidelines for development of an appraisal or analysis contained in the Uniform Appraisal Practice of the Appraisal Foundation.”



FREEPORT



A FROM PAGE 15, 16

(SEE PAGE 87)

C

STREETS AND ALLEYS CLOSED
ORDINANCE No. 1478

(F.M. 523)

BOULEVARD

SUBJECT

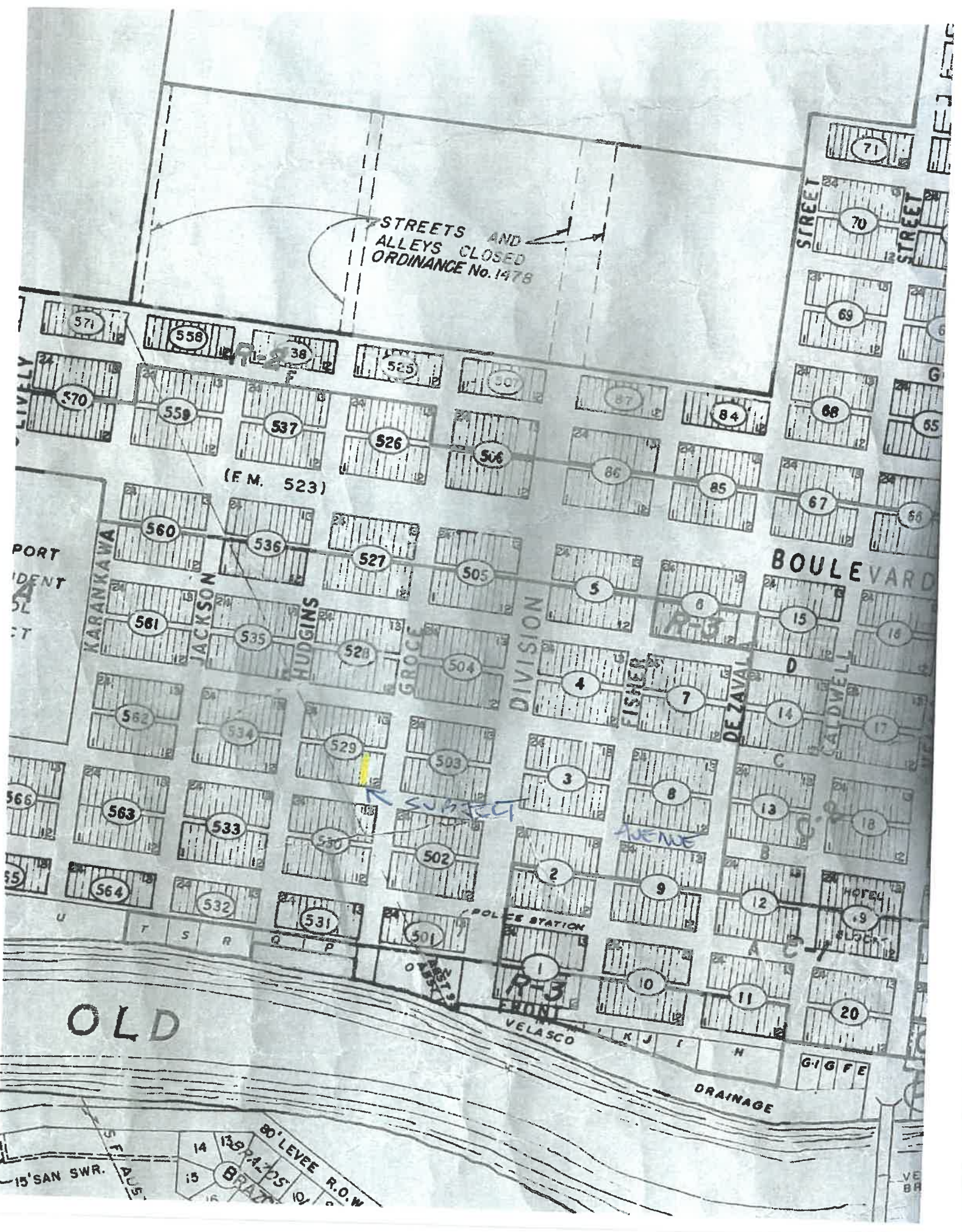
AVENUE

POLICE STATION

OLD

15' SAN SWR.

80' LEVEE R.O.W.
BRAZOS



8110-1254-000

8110-1255-000

8110-1255-000

8110-1256-000

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NAVEB
N AVENUE B

SUBJECT ↑

Gree
GROVE ST

8110-0979-000

8110-0979-000

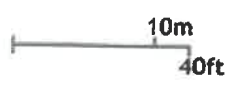
8110-1269-000

8110-1268-000

+ Show Search Results

8110-1268-000

8110-1268-000



GREG FLANIKEN & ASSOCIATES
1101 N. Brazosport Blvd., Freeport, TX 77541
979-233-7828 office 979-239-1816 fax

Invoice No. **1022AB**

INVOICE

Customer

Name City of Freeport C/O: Laura Cramer
Address 200 West 2nd
City Freeport State TX ZIP 77541
Phone 979-233-3526

Misc

Date 10/3/2022
Order No. 0 N Ave B
City Freeport
State-Zip TEXAS, 77541

Qty

1

Description

**BROKER PRICE OPINION @
0 N. Avenue B, Freeport, TX 77541**

Lot 10, Block 529, Velasco Townsite,
City of Freeport, Brazoria County, Texas

Locally known as: 0 N. Avenue B

Unit Price	TOTAL
\$ 275.00	\$ 275.00

SubTotal \$ 275.00
Shipping

Tax Rate(s)

TOTAL \$ 275.00

Comments

Office Use Only

Thank you for your business.

QUALIFICATIONS

GREG C. FLANIKEN

1975 Graduate of the University of Houston, B.B.A.

Listing and Selling Real Estate full-time since 1975

Courses Taken and Completed:

Real Estate Principles
Real Estate Appraisal I (residential)
Real Estate Appraisal II (commercial)
Real Estate Law State Property Tax Board Course 230,
Income Approach To Market Value

Partial List of Clients:

Texas Gulf Bank, N.A.
First Commerce Bank, N.A.
First State Bank of Clute
ResNet
Bank of America Home Mortgage
Texas Dow Employee's Credit Union
REOWorld
Federal Deposit Insurance Corporation
Chase Bank
National Default Services
Integrated Asset Services
Premiere Asset Services
City of Freeport
County of Brazoria
Brazoria County Abstract Company
PNC Mortgage
National Credit Union Association
Federal National Mortgage Association
Freeport LNG
Various Individuals

MARKET VALUE DEFINED

"Market Value" is the most probable price in terms of money which a property should bring in competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

- a. buyer and seller are typically motivated.
- b. both parties are well informed or well advised, and each acting in what they consider their own best interest.
- c. a reasonable time is allowed for exposure in the open market.
- d. payment is made in cash or its equivalent.
- e. financing, if any, is on terms generally available in the community at the specified date and typical for the property type in its locale.
- f. the price represents a normal consideration for the property sold unaffected by special financing amounts and/or terms, services, fees, costs, or credits incurred in the transaction.



City Council Agenda Items # 14

Title: Discussion and Update from Councilman Pena regarding Freeport MUD #1

Date: Nov. 7, 2022

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends City Council receive and update on MUD #1 from Councilman Pena, and discuss the Issues going forward.

Item Summary:

On October 18, 2021 City Council appointed Jeff Pena to serve as the City Council Liaison and the City's Ex-Officio (non-voting member of the MUD #1 Board.

During that time the MUD No. 1 Board has met about half a dozen times and is moving forward.. Last week the city received a notice of Public hearing for a proposed \$1.50 tax rate.

Since its formation, and Mr. Pena's appointment the city has not received any update on any activity occurring and what is being planned by Mr. Wong, from the City's ex-officio board member.

In October the City Manager met with Clinton Wong and Eric Unger, and they were once again pressing for the proposed 13-acre residential development on 2nd Street to be annexed in to the MUD. When the City approved the MUD originally the City's MUD Expert was adamantly apposed to this move and Council stood its ground in approving the MUD as requested but expressly excluding the 13-acre residential development from the otherwise Industrial MUD

Background Information: None

Special Considerations: None

Financial Impact: Unknown

Board or 3rd Party recommendation: Unknown.

Supporting Documentation: Notice of Public hearing regarding a proposed \$1.50 tax rate

Water District Notice of Public Hearing on Tax Rate

The FREEPORT MUNICIPAL UTILITY DISTRICT NO. 1 will hold a public hearing on a proposed tax rate for the tax year 2022 on Friday, November 11, 2022, at 11:00 a.m., at 919 West 2nd Street, Freeport, Texas 77541. Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the tax rate that is adopted and on the change in the taxable value of your property in relation to the change in taxable value of all other property. The change in the taxable value of your property in relation to the change in the taxable value of all other property determines the distribution of the tax burden among all property owners.

Visit Texas.gov/PropertyTaxes to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

FOR the proposal: Michael Scott, James Pearson, Russell Mechler, April M. Gischel

AGAINST the proposal: None

PRESENT and not voting: None

ABSENT: None

The following table compares taxes on an average residence homestead in this taxing unit last year to taxes proposed on the average residence homestead this year.

	Last Year \$0.00000 /\$100 Adopted	This Year \$1.50000 /\$100 Proposed
Total tax rate (per \$100 of value)		
Difference in rates per \$100 of value		\$1.50000 /\$100
Percentage increase/decrease in rates(+/-)		0.00%
Average appraised residence homestead value	\$0.00	\$0.00
General homestead exemptions available (excluding 65 years of age or older or disabled person's exemptions)	\$0.00	\$0.00
Average residence homestead taxable value	\$0.00	\$0.00
Tax on average residence homestead	\$0.00	\$0.00
Annual increase/decrease in taxes if proposed tax rate is adopted (+/-) and percentage of increase (+/-)		\$0.00 0.00%

NOTICE OF TAXPAYERS' RIGHT TO ELECTION TO REDUCE TAX RATE

If the district adopts a combined debt service, operation and maintenance, and contract tax rate that would result in the taxes on the average residence homestead increasing by more than 8 percent, the qualified voters of the district by petition may require that an election be held to determine whether to reduce the operation and maintenance tax rate to the voter-approval tax rate under Section 49.23603, Water Code.

There were no residential homesteads on either January 1, 2021 or January 1 2022, therefore the tax that would have been imposed on a residential homestead is \$0.00. Due to this the tax election rate is not applicable for 2022 tax year.

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

Should you have any questions concerning this notice, please contact the tax office at 281-482-0216.



City Council Agenda Items # 15

Title: Consideration and possible action approving proposed Resolution of appointment for the open position on the Planning and Zoning Commission.

Date: November 7, 2022

From: Tim Kelty, City Manager

Staff Recommendation:

Staff recommends selection of an applicant and the approval of the proposed resolution to appoint member to serve on the Planning and Zoning Commission.

Item Summary:

Term expires on May 31, 2023 on the Planning and Zoning Commission, there is one vacant position. At the time of this memo the city has received an application from Joseph Penfield, Karla Clark, Christen English. Each applicant is interested in serving on this Board.

Board members may be appointed to fulfill the remainder of a 2-year term, and serve at the pleasure of City Council. Members may be removed at any time and for any reason as voted on by the majority of City Council.

Background Information: None

Special Consideration: None

Financial Impact: None

Supporting Documentation:

Resolution for the appointment.
Applications.

RESOLUTION NO. 2022-2675

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING A QUALIFIED PERSON(S) TO THE PLANNING COMMISSION OF THE CITY; PROVIDING FOR THE DUTIES OF OFFICE; AND PROVIDING FOR THE TAKING OF THE OATH OF OFFICE REQUIRED BY LAW.

WHEREAS, the term of office of the Daniela Bailey named member(s) of The Planning Commission of the City of Freeport, Texas ("the City") has become vacant, of the appointed term;

WHEREAS, the term of appointment of the above member(s) terminates on May 31, 2023 the City desires to appoint the below named qualified person(s) as member of said committee.

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

SECTION ONE (1): APPOINTMENT

The City Council of the City hereby nominates, constitutes and appoints or reappoints the following named qualified person(s) to the Planning Commission of the City for the remainder of the term, which expires on May 31, 2023 and until a successor for such person shall have been appointed and qualified, to-wit.

SECTION TWO (2): DUTIES

The above-named appointee shall perform all of the duties imposed on members of the Planning Commission of the City by law and the ordinances and resolutions of the City.

SECTION THREE (3): OATH OF OFFICE

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

READ, PASSED AND ADOPTED this ____ day of _____, 2022.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Betty Wells, City Secretary
City of Freeport, Texas