



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

Mayor:

Brooks Bass

Council Members:

Jeff Pena

Jerry Cain

Mario Muraira

Troy Brimage

City Manager:

Timothy Kelty

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

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

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 Quarterly Investment report. **(Ezell)**

COUNCIL BUSINESS – REGULAR SESSION:

2. Consideration and possible action on the approval of City Council meeting minutes from January 18, and January 24, 2022. **(Wells)**
3. Consideration regarding Ethics Ordinance 2019-2567, and possible action on proposed Resolution No. 2022-2738 reaffirming Ethics Ordinance. **(Kelty)**
4. Consideration and possible action approving Ordinance No. 2022-2658 for Budget Amendment #4 for FY 2020/2021. **(Ezell)**
5. Consideration and possible action approving Resolution No. 2022-2739 amending the Personnel Policy regarding an Employee Sick Bank. **(Ezell)**
6. Discussion and direction from Council on the Heritage House. **(Kelty)**

WORK SESSION:

7. **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. Councilman Brimage Ward D announcements and comments.
 - F. City Manager Tim Kelty announcements and comments.
 - G. Updates on current infrastructure.
 - H. Update on reports / concerns from Department heads.

CLOSED SESSION:

8. Executive Session regarding a.) (Potential Litigation) consultation with city attorney, b.) (Deliberations about Real Property), East End, and Brazos Cove, in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.071, 551.072.

COUNCIL BUSINESS – REGULAR SESSION:

ADJOURNMENT:

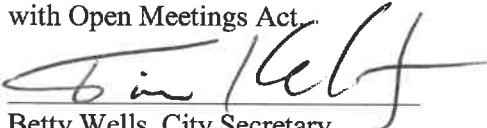
9. Adjourn.

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

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

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

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


Betty Wells, City Secretary,
City of Freeport, Texas

For Betty wells



City Council Agenda Item # 1

Title: Presentation of the Investment Report for the Quarter Ending December 31, 2021

Date: January 26, 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 December 31, 2021, the City's total portfolio of \$24.341 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
October 1, 2021 - December 31, 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	\$ 11,948,387	0.50%	0.50%	Demand	1	\$ 19,906,855	\$ (7,958,467)	\$ 11,948,387	\$ 17,761
87-101-000	Clearing Fund 87	\$ -	0.50%	0.50%	Demand	1	\$ -	\$ -	\$ -	\$ -
65-101-044	Debt Service	\$ -	0.50%	0.50%	Demand	2	\$ -	\$ -	\$ -	\$ -
Total Cash in Demand Accounts		\$ 11,948,387					\$ 19,906,855	\$ (7,958,467)	\$ 11,948,387	\$ 17,761
Invested in Government Pools										
10-103-101	TexPool	\$ 12,392,729	0.37%	0.37%	Demand	1	\$ 5,392,224	\$ 7,000,505	\$ 12,392,729	\$ 888
Total Invested in Pools		\$ 12,392,729					\$ 5,392,224	\$ 7,000,505	\$ 12,392,729	\$ 888
TOTAL ALL INVESTMENTS		\$ 24,341,116					\$ 25,299,079	\$ (957,962)	\$ 24,341,116	\$ 18,649


Investment Category	Book Value	Percentage	Weighted Average Maturity (Days)
Cash in Demand Accounts	\$11,948,387	49.09%	1.00
Government Pools	\$12,392,729	50.91%	1.00
Certificates of Deposit	\$0	0.00%	0.00
TOTAL	\$24,341,116	100.00%	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, 130% 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:  1/26/2022
Cathy Ezell, Investment Officer Date

Verified By:  1/26/2022
Giselle Hernandez, Investment Officer Date



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Prepared By: Cathy Ezell 1/26/2022
 Cathy Ezell, Investment Officer Date

Verified By: Giselle Hernandez 1/26/2022
 Giselle Hernandez, Investment Officer Date

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Tuesday, January 18, 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

Call to order.

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

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by Councilman Muraira.

CLOSED SESSION

Executive Session regarding a.) (Potential Litigation) consultation with city attorney, in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.071.

Council went into executive session at 6:03 PM.

COUNCIL BUSINESS-REGULAR SESSION:

Take any action resulting from executive session.

Council returned to regular session at 8:03 PM, with no action was taken.

Adjourn

On a motion by Councilman Pena, seconded by Councilman Muraira, with all present voting "Aye", Mayor Bass adjourned the meeting at 8:04 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 Monday, January 24, 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 by Phone
Councilman Jeff Pena
Councilman Jerry Cain
Councilman Mario Muraira
Councilman Troy Brimage

Staff: Tim Kelty, City Manager
Betty Wells, City Secretary
Cathy Ezell, Finance Director
Chris Duncan, City Attorney
Lance Petty, Public Works Director
Chris Motley, Fire Chief
Kacey Roman, Building Official
Ray Garivey, Freeport Police Chief
Laura Cramer, Special Project Coordinator/GIS

Visitors:

Raven Wuebker	Sabrina Brimage
Melanie Oldham	Tommy Pearson
Desiree Pearson	Sam Reyna
Manning Rollerson	Kenny Hayes
Ron Bavarian (F & N)	Sandra Barbree
David McGinty	Jimmy Salinas

Call to order.

Mayor Pro Tem Cain, called the meeting to order at 6:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation was led by City Manager Tim Kelty, Pledge was led by Mayor Pro Tem, Cain.

CITIZENS' COMMENTS:

Jimmy Salinas 1427 W. 10th, spoke to council of his concerns with the current new trash service. He said there is no recycling with AmeriWaste. He asked that the recycling program be brought back to the city, he said that we need this in our city.

Kenny Hayes 414 Mystery Harbor Lane, he spoke to council about a past article that was written in the paper. He spoke of Mr. Pynes and the corruption. Mr. Hayes said you are bickering back and forth towards the wrong person; tax payers and residents remember what Mr. Brimage did for our city. He cleaned up the corruption, helped the City Manager until one was brought in, waded in flood water. The tax payers and residents remember.

Manning Rollerson spoke to council about a Public Information Request to the city. He spoke of the ordinance allowing city employees to enter residents' homes. He said this is illegal. He said that people will be homeless because of council. Mr. Rollerson said that Troy Brimage has done a lot of good things for the city, he said you have to give honor where honor is due. Mr. Rollerson said that the city residents should not see elected officials acting like children, you have to do better.

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

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from January 10, 2022.

Consideration and possible action approving the road closures for the Mardi Gras Event on February 26, 2022

Consideration and possible action approving the date change for the second Regular Council Meeting in February due to Presidents Day Holiday.

Consideration of approving Resolution No. 2022-2735 declaring a 2013 Chevy Tahoe Police unit with 110,497 miles as surplus and authorizing as disposal (to be donated to the Oyster Creek, Texas Police Department

Councilman Pena requested the items 2 & 4 be placed in regular session. Councilman Brimage made a motion to approve items 1 & 3 on the consent agenda, seconded by Councilman Muraira. With all present voting "Aye" 5-0 vote, Council approved item numbers 1 & 3 on the Consent Agenda.

COUNCIL REGULAR AGENDA:

Consideration and possible action approving the road closures for the Mardi Gras Event on February 26, 2022.

City Manager Tim Kelty presented to council the action of approving the road closures for the Mardi Gras Event on February 26, 2022. He said this is the first ever Mardi Gras in downtown, it is being sponsored by the Freeport EDC. Mr. Kelty said the road closure downtown will be from 9am-6pm. And on Velasco and 2nd street from 11:00 a.m. to 12:00 p.m.

Councilman Pena asked about the security and the funding for this event. Mr. Kelty said the funding was budgeted for this event and supplemented by the EDC. Councilman Pena asked who will be selling the beer for this event? Mr. Kelty said the city will be selling the beer under the Golf Course license.

On a motion by Councilman Muraira, seconded by Councilman Pena. With all present voting "Aye" 5-0 vote, Council unanimously approved the action of approving the road closures for the Mardi Gras Event on February 26, 2022.

Consideration of approving Resolution No. 2022-2735 declaring a 2013 Chevy Tahoe Police unit with 110,497 miles as surplus and authorizing as disposal (to be donated to the Oyster Creek, Texas Police Department)

Chief Garivey presented to council Resolution No. 2022-2735 declaring a 2013 Chevy Tahoe Police unit with 110,497 miles as surplus and authorizing as disposal (to be donated to the Oyster Creek, Texas Police Department. Chief Garivey said that this is one of our older units, he said that the unit does need some work.

On a motion to approve by Councilman Brimage, seconded by Councilman Muraira, discussion that followed.

Mayor Pro Tem, Cain asked if this is an older vehicle that would be scrapped before long. Chief Garivey said yes, and it does need work and the Chief has been made aware.

Mayor Pro Tem Cain called the motion for a vote. With all present voting “Aye” 5-0 vote, Council unanimously approved Resolution No. 2022-2735 declaring a 2013 Chevy Tahoe Police unit with 110,497 miles as surplus and authorizing as disposal (to be donated to the Oyster Creek, Texas Police Department.

Consideration and Possible action on Notice of Award for bid for Phase 1 Concrete street repairs.

Public Works Director, Lance Petty presented to council for action to award the bid for Phase 1 Concrete Street Repair. The city received a total of five bids from the following; Lucas Construction Company \$2,360,303.50, Sorrel Construction \$2,931,656, Metro City \$3,113,786, HTI Construction Inc. \$3,202,181 and Tandem Services, \$3,271,046.65. Mr. Petty said staff recommends awarding the bid to Lucas Construction Company.

Ron Bavarian with Freese and Nichols spoke to council about this project. He also said he is excited for the road construction. Mr. Bavarian said his goodbyes to council.

Councilman Brimage made a motion to approve the award, seconded by Councilman Muraira, with discussion that followed.

Councilman Pena asked if we have used Lucas Construction before? Mr. Petty said no, but our engineers have worked with them. Councilman Pena asked why we would not go with the local bid from Sorrel? Mr. Kelty said there is a \$600,000 difference.

Mayor Pro Tem Cain called the motion for a vote. With all present voting “Aye” 5-0, Council unanimously approved awarding the bid to Lucas Construction Company for Phase 1 Concrete Street Repair.

Consideration and possible action on Notice of Award for bid for construction of new Public Works offices.

Public Works Director, Lance Petty presented to council the action to award bid for construction of new Public Works offices. The city received three proposals at the bid opening on January 18, 2022 from; Covarrubias Remodeling Services, \$203,200.99, Innovative Designs \$232,000, and Noble Building and

Development, \$346,000. Mr. Petty said that staff recommends awarding the bid to Covarrubias Remodeling Services. He said that we have worked with this company before on a number of projects, and they came in with the lowest bid. Mr. Petty said that city council authorized expenditures in the 2021/2022 budget of \$200,000.

Councilman Muraira made a motion that this item be tabled. He said he would like to see the money be used to fix the Levee Walking Trail and the lighting for soccer fields, he said he would like to see more work done for the community. Mr. Petty said the Levee Walking Trail will be going out for bid again.

Mayor Pro Tem Cain said this project was budgeted, just for this reason. Mr. Petty said the work has to be done. He said the Secretary is working in the warehouse, the building is full of mold.

Mayor Pro Tem Cain called for a second on the Motion to table this item, with a second by Councilman Pena.

Councilman Pena said this item is budgeted, and it is something that is going to be needed, but we need to make sure we are servicing the community as much as we are as the staff.

Mayor Bass asked that the motion to table the award for bid for construction of new Public Works offices Be called for a vote, the motion failed with a 2-3 vote, with Mayor Pro Tem Cain, Councilman Brimage and Mayor Bass voting "Nay"

On a motion by Councilman Brimage, seconded by Mayor Bass to award the bid for construction of new Public Works Offices to Covarrubias Remodeling Services, with all present voting 3-2, Council approved awarding the bid. Councilmen Pena and Muraira voted "Nay".

Consideration and possible action approving Ordinance No. 2022-2655, amending the budgeted amount for the Public Works Building.

Public Works Director, Lance Petty presented to council Ordinance No. 2022-2655, amending the budgeted amount for the Public Works Building. Mr. Petty said staff recommends to approve this Budget Amendment for \$30,000. The Budget Amendment will offset expenditure overages by shortages based on the actuals. He said this is for Construction of the new Public Works Building for \$3,200.99, Engineering Design for \$1,900.00, Centerpoint Drop \$3,800, re-locate internet and phones from existing building to new building \$5,000, Water/Wastewater extension to new building \$3,000 and Demo of existing building \$10,000.

On a motion by Councilman Pena, seconded by Councilman Brimage, with all present voting 4-1 vote, Council approved Ordinance No. 2022-2655, amending the budgeted amount for the Public Works Building. Councilman Muraira voted "Nay".

Consideration and possible action approving Ordinance No. 2022-2656 amending regulations and establishing rates for solid waste to be established in the Master Fee Schedule.

Melanie Oldham spoke of her concerns on the city getting the recycle program back. She said this is important to a lot of residents.

Councilman Brimage said this contract has been executed, and recycling has been gone from the City way before this contract was signed.

Mayor Bass said this contract was executed by approval on December 6, 2021. He said the company is already working on getting the cans out.

Councilman Brimage said he agrees with the Mayor, he said we had two meetings prior to the contract being signed. He said everything was explained in these meetings.

City Attorney Chris Duncan said the contract cannot be terminated, unless there is a breach in the contract.

Councilman Pena said he has received a lot of calls on the size of the canisters. He has concerns of bags sitting out and animals getting into them.

Councilman Brimage made a motion to approve Ordinance No. 2022-2656 amending regulations and establishing rates for solid waste to be established in the Master Fee Schedule, with a second by Mayor Bass with all present voting 4-1, motion passed. Councilman Pena voted "Nay".

Consideration and possible action on Resolution No 2022-2736 amending master fee schedule setting new rates for Solid Waste Service and the sale of trash bags.

City Manager Tim Kelty presented to council Resolution No 2022-2736 amending master fee schedule setting new rates for Solid Waste Service and the sale of trash bags. He said this will set the rates on the Master Fee Schedule for Residential and Commercial rates, set the cost for the second cart cost, and for the trash bags that the city will begin to sell.

On a motion by Councilman Brimage, seconded by Councilman Muraira.

Mayor Pro Tem Cain called the motion for a vote, with all present voting "Aye" 5-0 Council unanimously approved Resolution No 2022-2736 amending master fee schedule setting new rates for Solid Waste Service and the sale of trash bags.

Discuss and Take Possible Action on Budget Amendment for Supplementing the Completion of FM1495 Beach Entry and to Get Engineering and Pricing for the Asphaltting of CR723 and CR241.

City Manager Tim Kelty presented to council Possible Action on Budget Amendment for Supplementing the Completion of FM1495 Beach Entry and to Get Engineering and Pricing for the Asphaltting of CR723 and CR241. He said this was requested by Councilmen Pena and Muraira to be placed on the agenda. Mr. Kelty said last week he met with Mr. Petty and Councilman Pena out at the beach to get an idea of the scope he was wanting. Councilman Pena had also requested palm trees, and a place for food trucks at the main entrance. As well as replacing the existing asphalt at the entry way, widen the entire road, this will add additional parking off the road way. Mr. Petty put together an estimated cost for the project, including \$215,000 for additional asphalt for the main entry road, and \$41,000 for palm trees along one side. He also had an estimated cost for asphaltting the secondary beach access road of \$1,445,000. Mr. Kelty said this is something that will have to go out for bids.

Councilman Brimage said we just had two councilmen say that we need to focus on the soccer field lights for our children. But on the agenda is \$4 million for a concrete road that will not last through our first hurricane. He said there will be no return on this, and this is just a liability. He said this makes no sense.

Kenny Hayes said we need to learn from history. We have seen this done twice, and it doesn't last. It will get torn up. He said this is a waste of the tax payer's money.

Councilman Muraira said he only thought this was a good item for discussion.

Mayor Pro Tem Cain said he loves the vision that Councilman Pena has of having food trucks on the beach. But he has reservation extending the asphalt out as far as being requested. He said a good storm will cause this to wash out. He said possibly widen it further from the water, with a section for the food trucks, maybe with crushed concrete.

Councilman Pena said he wants to always present new ideas, and he appreciates Councilman Muraira support. He said this could be beneficial to the city, and he does not think it's a waste of time. He said the current road to the beach has not been broken. He said CR 241 & 273 have not eroded. He said this is about the City of Freeport Brand. Councilman Pena said we are going to spend \$203,000 on a Service Center that has no revenue, but not \$215,000 on reinvesting in ourselves. Councilman Pena said if we are going to invest in our employees to have a safe work environment, we need to also reinvest for our future.

Councilman Pena made a motion to approve possible action on Budget Amendment for Supplementing the Completion of FM1495 Beach Entry and to Get Engineering and Pricing for the Asphaltting of CR723 and CR241.

Sandra Barbree spoke on the roads eroding, she said she has experienced the erosion of these roads years back, when trying to make deliveries at Quintana. She said that she would rather see this money spent on our soccer field lights, for our kids.

Mayor Pro Tem Cain called for a second on the motion. With a lack of a second, motion died.

Discuss and take possible action to set agenda procedures for Special Meetings.

City Manager Tim Kelty presented to council possible action to set agenda procedures for Special Meetings. He said this was requested by Councilmen Pena and Muraira to be placed on the agenda. Mr. Kelty said in November Council adopted an Ordinance 2021-2650. Mr. Kelty asked if this ordinance can be amended verbally, or if a new ordinance will need to be written prior to adoption.

City Attorney Chris Duncan said there must be 72-hour notice of Special Meeting, and we will make a new ordinance.

Councilman Brimage said he disagrees with this, he said Councilman Pena is upset because of the accusations he is making against me. And the public did not know a Third-Party Investigation is being requested on my 380 Agreement that I had with the City. Councilman Brimage said he has nothing to hide.

Councilman Pena made a motion to amend the ordinance to require 96-hour notice to request a Special Meeting, and whatever agenda language request is made, it will not be manipulated, and it will appear in Open and/or Closed Session, seconded by Councilman Muraira, discussion followed.

Sandra Barbree asked if it still took two council members to change or add to the agenda? Mr. Kelty said this did not change, we just set a deadline of when it is due to staff.

Mayor Bass said the Charter is clear on Regular and Special Meetings.

Mayor Pro Tem Cain called the motion for a vote, with all present voting 3-2, motion passed to approve Ordinance No. 2022-2657 Setting Agenda Procedures for Special Meetings to require special meeting requests by Council members be received 96 hours prior to the Special Meeting, and that whatever language request is made it will not be manipulated, and it will appear in Open and/or Closed Session. Mayor Bass and Councilman Brimage voted “Nay”.

Discuss and take possible action to amend contract with Ameri-Waste Trash Services; ie trash bin sizes, trash bags, etc.

Janell Marin, asked that AmerWaste be given a chance. She explained how the service will work, and benefit the city. She said they will start pick up on January 31, 2022. Mayor Pro Tem Cain, said human nature is leery of change, but he thinks this is a good change for the city.

There was discussion by council on this item, and no action was taken.

Consideration and possible action on Resolution No. 2022-2737 for appointing a member to the Senior Citizen Board.

City Manager Tim Kelty presented to council Resolution No. 2022-2737, appointing a member to the Senior Citizen Board. He said we have one vacancy by the resignation of Mary Talbert and one application from Dolores Knox who is interested in serving on this board, to complete the term that will end on May 31, 2022.

On a motion by Councilman Brimage, seconded by Councilman Pena, with all present voting “Aye” 5-0 Council unanimously approved Resolution No. 2022-2737, appointing Dolores Knox to the Senior Citizen Board, to finish the term ending on May 31, 2022.

WORK SESSION:

Mayor Bass had no comment.

Councilman Pena had no comment.

Councilman Cain said we need to give the new trash company a chance. He said we have no reason to doubt them. He thanked Janelle with AmeriWaste for being at the meeting. Janelle explained to council the directions are on the can. Mr. Kelty said another flyer will be going out in the water bills, as well as door hangers being hung on residents’ doors.

Councilman Muraira asked if we were on Facebook Live? Mr. Kelty said “yes”. Councilman Muraira said he likes this.

Councilman Brimage asked when the EDC will be going to Facebook Live with their meetings? Councilman Cain said he spoke with Mingo Marquez, he is trying to mute the comments and then we will be going live. Councilman Brimage said the EDC was instructed by the Mayor to do this. Councilman Pena said this is on the next agenda. Councilman Brimage said this was ordered that EDC do the Facebook Live, it should not be on the agenda. Chris Duncan said there was no administration to work the Facebook Live, he said it will be up at the next meeting. Chris Duncan said this will be public record, must be maintained and made available for public request.

Update on reports / concerns from Department heads

CLOSED SESSION:

Open session was closed at 7:44 pm and Council entered into Executive Session

Executive Session regarding a.) (Potential Litigation) consultation with city attorney b.) (Deliberations about Real Property), East End in accordance with Government Code Annotated, Chapter 551, Sections 551.071, 551.072.

Executive session was closed at 8:04, and Council entered into Open Session.

On a motion by Mayor Bass to allow City Manager Tim Kelty to attend the whole Executive Session, seconded by Mayor Pro Tem Cain with a vote 2-2, the motion did not pass. Councilmen Muraira and Pena voted "Nay".

On a motion by Mayor Bass to allow City Manager Tim Kelty to come into Executive Session at the most appropriate time, seconded by Mayor Pro Tem Cain, with all present voting "Aye" council unanimously approved allowing the City Manager into Executive Session at the appropriate time.

Open Session was closed at 8:07 pm and Council entered back into Executive Session.

Executive session was closed at 9:15 pm, and entered back into Open Session.

On a motion by Councilman Brimage to have a third-party investigation on the Purchase of the Boys and Girls Club by Councilman Pena, seconded by Councilman Cain with a vote 4-0 motion passed. Councilman Pena abstained from the vote.

On a motion by Mayor Pro Tem Cain he recommends that the City retain, Denton, Navarro, Rocha, Bernal and Zech, PC to perform an independent inquiry into BrazTex 380 Agreement, seconded by Councilman Muraira with a vote 4-0 motion passed. Councilman Brimage abstained from the vote.

Sandra Barbree asked who is paying for this? Mayor Pro Tem said the city is.

Adjourn

On a motion by Councilman Muraira, seconded by Councilman Pena, with all present voting "Aye", Mayor Pro Tem Cain adjourned the meeting at 9:18 P.M..

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas



City Council Agenda Item # 3

Title: Review, Discussion and Action regarding the annual re-adoption of ordinance for the City's ethics policy for all elected and appointed city officials, and all city employees and consideration and possible action on Resolution 2022-2738 for its reaffirmation..

Date: February 7, 2022

From: Tim Kelty, City Manager

Staff Recommendation: Staff recommends review of the proposed ordinance and re-adoption following review and discussion.

Item Summary: The Ethics ordinance adopted by the City last year requires annual review of that ordinance and action for re-adoption.

The ordinance lays out specific ethical expectations for all individuals involved in Freeport Local Government, including all employees, all appointed board and committee members as well as elected officials. The precepts are very common sense in nature but ensures that everything is well spelled out.

Special Considerations:

The ordinance lists the purposes of the policy as follows

1. To encourage ethical conduct on the part of City officials and employees;
2. To encourage public service with the city
3. To establish standards for ethical conduct for city officials and employees by defining and prohibiting conduct that is incompatible with the interests of the city;
4. To require disclosure by city officials and employees of their economic interests that may conflict with the interest of the City; and
5. To serve as a basis for disciplining those who fail to abide by its terms.

A sixth and very important purpose of re-adopting the ordinance is to continue the effort of this council and administration to rebuild and reinforce the public trust.

Financial Impact: It is intended that this ordinance would protect the financial interests of the city as well as the City's overall integrity and reputation.

Board or 3rd Party recommendation: None

Supporting Documentation: Resolution, Ordinance

RESOLUTION NO. 2022-2738

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS TO EVIDENCE THE REVIEW OF ETHICS ORDINANCE 2019-2567, OBTAIN CONSENT OF THE CITY COUNCIL TO CONTINUE SAID ORDINANCE WITHOUT ANY CHANGES, AMENDMENTS OR DELETIONS; AND PROVIDING FOR A FINDING OF PROPER MEETING AND NOTICE.

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

WHEREAS, Sections 51.072 and 342.011 of the Local Government Code of Texas and Sections 2.01, 2.02 and 3.07, Item (u), of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of an Ethics Ordinance; and,

WHEREAS, the proper operation of government requires that the all City Officials, including elected officers, appointed officers, boards and commission members, as well as employees be independent and impartial, and that governmental decisions and policy be made within the proper channels of the government structure; and

WHEREAS, the City adopted Ordinance #2019-2567 in February of 2019, establishing an ethics policy for all appointed or elected officials, board and commissions as well as City employees; and,

WHEREAS, that ordinance is required to be reviewed annually and considered for adoption; and,

WHEREAS, the intent of said Ethics Ordinance is to maintain a set of general principles and guidelines pertaining to ethical conduct, responsibility, and duty; and

WHEREAS, the City of Freeport desires to maintain said Ethics Ordinance to govern the actions of public officials and employees and to memorialize Freeport officials’ dedication and service to the citizens of the City; and

WHEREAS, it is important that the public have confidence in the integrity of its government; and

WHEREAS, a Motion was brought before the City Council to review and said Ethics Ordinance, entertaining any changes, additions or deletions to said ordinance, and allowing for discussion and debate.

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

SECTION 1. The City council consents and approves to continue Ethics Ordinance 2019-2567 to remain in effect and continue without any changes.

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:

Christopher Duncan, City Attorney
City of Freeport, Texas

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; BY ADDING TO TITLE IX OF THE CODE OF ORDINANCES OF THE CITY A NEW CHAPTER 100 ESTABLISHING AN ETHICS POLICY FOR ALL APPOINTED OR ELECTED OFFICIALS, BOARDS AND COMMISSIONS, AS WELL AS EMPLOYEES WHEN REPRESENTING THE CITY OR DOING BUSINESS FOR THE CITY IN ANY CAPACITY; REQUIRING THAT SUCH ORDINANCE BE REVIEWED ANNUALLY; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS ADOPTION BY CITY COUNCIL.

Whereas, it is important that the public have confidence in the integrity of its government; and

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

Whereas, Sections 51.072 and 342.011 of the Local Government Code of Texas and Sections 2.01, 2.02 and 3.07, Item (u), of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of this Ordinance: and,

Whereas, the proper operation of government requires that the all City Officials, including elected officers, appointed officers, boards and commission members, as well as employees be independent and impartial, and that governmental decisions and policy be made within the proper channels of the government structure; and

Whereas, the intent of this ordinance is to establish a set of general principles and guidelines pertaining to ethical conduct, responsibility, and duty; and

Whereas, the City of Freeport desires to adopt said policy to govern the actions of public officials and employees and to memorialize Freeport officials' dedication and service to the citizens of the City; and

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

First, a new Chapter, to be known as Chapter 100, is hereby adopted and added to the Code of Ordinances of the City of Freeport, Texas, and shall read as follows:

"Chapter 100. CODE OF ETHICS

Part One - General Provisions

Section 100.01. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Benefit means anything reasonably regarded as economic gain or economic advantage, including benefit to any other person in whose welfare the beneficiary is interested, but does not include a contribution to expenditure made and reported in accordance with law.

Board means a board, commission, or committee:

- (1) Which is established by city ordinance, charter, interlocal contract, or state law, or
- (2) Which serves as the board of a nonprofit development corporation that acts as an instrumentality of the city, and
- (3) Any part of whose membership is appointed by the city council, but does not include a board, commission, or committee which is the governing body of a separate political subdivision of the state.

City ("the City") means City of Freeport

Employee means a person employed and paid a salary by the city whether under civil service or not, including those individuals on a part-time basis, but does not include an independent contractor or the Mayor or city council members.

Fair and Equitable Standards means the intent of the City of Freeport to safeguard the rights of all citizens, to ensure that all citizen's actions are judged by fair and equitable standards, and to require that all rules are applied on an equitable basis.

Negotiating concerning prospective employment means a discussion between a city officer or employee and another employer concerning the possibility of the city officer or employee considering or accepting employment with the employer, in which discussion the city officer or employee responds in a positive way.

Officer or official means Mayor or any member of the City Council and any appointed member of a board, committee, or commission set up by ordinance, charter, state law or otherwise, on a regular basis, excluding those boards and commissions not operating under the direct authority of or subject to the direct control of the City Council.

Section 100.03. Purpose of the Ethics Policy.

(a) The code of ethics has five purposes:

1. To encourage ethical conduct on the part of city officials and employees;
2. To encourage public service with the city;
3. To establish standards for ethical conduct for city officials and employees by defining and prohibiting conduct that is incompatible with the interests of the city;
4. To require disclosure by city officials and employees of their economic interests that may conflict with the interests of the city; and
5. To serve as a basis for disciplining those who fail to abide by its terms.

(b) The code of ethics is not intended to be used as a political weapon or to intimidate or embarrass affected persons. The officials charged with administration of this code of ethics shall administer it in a manner that avoids any such use of this code of ethics.

(c) Ethics Policy Statement.

It is the policy of the city that all city officials and employees shall conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, impartiality or devotion to the best interest of the city and the public trust which the city holds.

(d) It is further declared to be the policy of the city that the proper operation of democratic government requires that:

- (1) Officials and employees be independent, impartial and responsible;
- (2) Governmental decisions and policy be made using the proper procedures of the governmental structure;
- (3) No officer or employee have any financial interest, direct or indirect, or engage in any business, transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest;
- (4) Public office is not be used for personal gain; and
- (5) All boards of the City are at all times to be maintained as a nonpartisan body.

(e) It is the policy of the City to uphold, promote, and demand the highest standards of ethical behavior from its Mayor, members of the City Council, employees, and individuals appointed to serve on the city's boards, commissions, committees, task forces, and other appointed advisory groups ("City Officials"). Honesty, integrity, fairness, and transparency of action are the hallmarks of public service in Freeport.

(f) Appearance of impropriety. Public service is a public trust. All city officials and employees are stewards of the public trust. They have a responsibility to the citizens of the city to administer and enforce the City Charter and city ordinances. To ensure and enhance public confidence in city government, each city official and employee must strive not only to maintain technical compliance with the principles of ethical conduct set forth in this article and in state law, but also to avoid the appearance of impropriety at all times.

(g) To implement this article, the city council has determined that it is advisable to enact this code of ethics for all officials and employees, whether elected or appointed, paid or unpaid, advisory or administrative, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who refuse to abide by its terms.

(h) Notwithstanding any other provision of this article, a member of the board of directors of a reinvestment zone established under the tax increment financing act, as amended, may:

- (1) Own property within that reinvestment zone; and
- (2) Participate in discussions and voting on matters before the board of directors that may directly or indirectly affect the member's property within the reinvestment zone.

Part 2 Administration

Section 100.10 Standards of conduct.

(a) An officer or employee of the city shall not:

- (1) Accept or solicit a benefit that might reasonable tend to influence the officer or employee in the discharge of his official duties.
- (2) Use his official position to secure special privilege or exemptions for himself or others.
- (3) Grant any special consideration, treatment or advantage to a person or organization beyond that which is available to every other person or organization. This shall not prohibit the granting of fringe benefits to city employees a part of their contract of employment or as an added incentive to the securing or retaining of employees.
- (4) Disclose information that could adversely affect the property of affairs of the city, or directly or indirectly, use any information understood to be confidential which was gained by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.
- (5) Transact any business on behalf of the city in his official capacity with any business entity with which he is an officer, agent or member or in which he has a financial interest. In the event that such a circumstance should arise, then he shall make known his interest, and:

(i) In the case of an officer, leave the room during debate or hearing, refrain from discussing the matter at any time with the members of the body of which he is a member or any other body which will consider the matter and abstain from voting on the matter; or

(ii) In the case of an employee, turn the matter over to his superior for reassignment, state the reasons for doing so and have nothing further to do with the matter involved.

- (6) Personally provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, investigation, or determination from the body or department of which the officer or employee is a member. This restriction does not apply to outside employment of an officer if the employment is the officer's primary source of income.
- (7) Accept other employment or engage in outside activities incompatible with the full and proper discharge of his duties and responsibilities with the city, or which might impair his independent judgment in the performance of his public duty.
- (8) Personally participate in a decision, approval, disapproval, recommendation, investigation, or rendering of advice in a proceeding, application, request for ruling or determination, contract, claim, or other matter under the jurisdiction of the city, if the officer or employee is negotiating or has an arrangement concerning prospective employment with a person or organization which has a financial interest in the matter, and, in the case of an employee, it has been determined by the city manager that a conflict of interest exists. If an officer or employee begins negotiation or enters an arrangement concerning prospective employment with a person or organization that has a financial interest in a matter in which the officer or employee has been participating, the officer or employee shall:
 - (i) In the case of an employee, immediately notify the official responsible for appointment to his position of the nature of the negotiation or arrangement and, if the city manager or mayor determines that a conflict of interest exists, follow the instructions of the city manager or mayor with regard to further involvement in the matter; or
 - (ii) In the case of a board member, immediately notify the board of which he is a member the nature of the negotiation or arrangement and:
 - (a) Refrain from discussing the matter at any time with other board members or members of the city council if the city council will also consider the matter;
 - (b) Leave the room during debate hearing on the matter; and
 - (c) Abstain from voting on the matter; or
 - (d) In the case of the Mayor or a member of the city council, file an affidavit with the city secretary regarding the nature of the negotiation or arrangement and:

- (i) Refrain from discussing the matter at any time with other council members or members of a board that will consider the matter;
 - (ii) Leave the room during debate or hearing on the matter; and
 - (iii) Abstain from voting on the matter.
- (9) Receive any fee or compensation for his services as an officer or employee of the city from any source other than the city, except as may be otherwise provided by law. This shall not prohibit his performing the same or other services for a public or private organization that he performs for the city if there is no conflict with his city duties and responsibilities.
- (10) In the case of a member of the city council or an employee, personally represent, or appear in behalf of, the private interest of others:
- (i) Before the city council or any city board or department;
 - (ii) In any proceeding involving the city; or
 - (iii) In any litigation to which the city is a party.
- (11) In the case of a board member, personally represent or appear in behalf of, the private interests of others:
- (i) Before the board of which he is a member;
 - (ii) Before the city council;
 - (iii) Before a board which has appellate jurisdiction over the board of which he is a member; or
 - (iv) In litigation or a claim to which the city or an employee of the city is a party if the interests of the person being represented are adverse to the city or an employee of the city and the subject of the litigation or claim involves the board on which the board member is serving or the department providing support services to that board.
- (12) Use the prestige of his position with the city in behalf of any political party.
- (13) Knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the city ordinances, rules or regulations or the achievement of official city programs.
- (14) Use city supplies, equipment or facilities for any purpose other than the conduct of official city business.

(15) Engage in any dishonest or criminal act or any other conduct prejudicial to the government of the city or that reflects discredit upon the government of the city.

Section 100.11 - Exceptions

(a) The restrictions in this section do not apply to business associates of officers or employees, but only personally to the officers and employees themselves.

(b) The restrictions and requirements of subsection (a) (5) do not apply to an officer or employee of the city serving as a member of any board, commission, or other entity when transacting business on behalf of the city in an official capacity with that board, commission, or entity, if the officer or employee:

(1) Was appointed by the mayor, city council, or city manager to represent the city on the board, commission, or entity; and

(2) Has no financial interest in the board, commission or entity or in the business.

Section 100.12- Financial interests.

Any officer, whether elected or appointed, who has a financial interest in any matter that is pending before, or that might be considered by, the body of which the officer is a member shall:

(a) Disclose such interest to the other members of the body;

(b) Refrain from discussing the matter at any time with any other member of the body of which the officer is a member or with a member of any other body that might consider the matter;

(c) Leave the room during debate or hearing; and

(d) Refrain from voting on the matter.

Section 100.13 Political activities of officers.

(a) In elections other than for city council, a member of the city council may not:

(1) Use the prestige of the member's position with the city on behalf of a candidate;

(2) Solicit or receive contributions; or

(3) Serve as the designated campaign treasurer for a candidate as required by V.T.C.A. Election Code, ch. 14.

(b) In any election, a member of a city board, commission, or committee, whether governmental or advisory, may not:

(1) Use the prestige of the member's position with the city on behalf of a candidate;

(2) Serve as the designated campaign treasurer for a candidate as required by V.T.C.A. Election Code, ch. 14;

(3) Personally solicit or receive contributions for a candidate. A member, however, is not prohibited from serving on a steering committee to plan a program of solicitation and listing the member's name without reference to the office held when the committee as a whole is listed.

(c) Subsections (a)(1) and (b)(1) do not prohibit a member of the city council or of a board from lending the member's name in support of a candidate so long as the office held with the city is not mentioned in connection with the endorsement.

Section 100.14 Additional employment.

An employee of the city may accept outside employment if:

- (a) The employment complies with the Personnel Policy Handbook; and
- (b) The employment does not conflict with his duties as an employee of the city.

Section 100.15 Restrictions on contracting with the city or providing representation of others.

(a) An officer or employee in a position that involves significant reporting, decision-making, advisory, or supervisory responsibility who leaves the service or employment of the city may not, within 12 months after leaving that service or employment, represent any other person or organization in any formal or informal appearance:

(1) Before the city concerning a project for which the person had responsibility as a city officer or employee; or

(2) Before any other agency on a project for which the person had responsibility as an officer or employee.

(b) A former officer or employee who is subject to the requirements of subsection (a) shall, during the 24 months after leaving the service or employment of the city, disclose the officer or employee's previous position and responsibilities with the city when representing any other person or organization in any formal or informal appearance before a city agency.

(c) A member of the city council or an employee may not, within 12 months after leaving the service or employment of the city, either individually or as the officer or principal of a private business entity:

(1) Submit a proposal, on behalf of the member or employee or on behalf of a private business entity, to make any city contract that is not required by state law to be competitively bid;

(2) Negotiate or enter into any city contract that is not required by state law to be competitively bid; or

(3) Have or acquire any financial interest, direct or indirect, in any city contract that is not required by state law to be competitively bid.

Section 100.16 Limitations on employee political activity and on the holding of elective public office by an employee.

(a) An employee of the city immediately forfeits employment with the city if:

(1) The employee becomes a candidate for election to the city council;

(2) The employee becomes a candidate for nomination or election in a partisan election for public office within the county or in a partisan election for a public office, the constituency of which includes all or part of the county;

(3) The employee becomes a candidate for nomination or election to an elective public office where the holding of that office will conflict with the full and proper discharge of the employee's duties with the city; or

(4) A managerial or supervisory exempt city employee becomes a candidate for nomination or election to an elective public office of an entity having contractual relations with the city that involve the employee's department.

Section 100.17 Penalty for violation of article; appeals.

(a) The failure of any officer or employee to comply with this article or the violation of one or more of the standards of conduct set forth in this article, which apply to him, shall constitute grounds for all legal remedies provided by law which may include, if permissible, expulsion, reprimand, censure, removal from office, or discharge. In the case of a city council member, the matter shall be decided by a vote of two-thirds of the entire membership of the city council.

(b) The city council hereby adopts the following procedures to implement a censure policy:

(1) Two or more Elected City Officials may file a written notice of censure against another Elected City official with the City Secretary. The written notice shall set forth the allegation(s) of conduct which the accused Elected Official shall have allegedly violated. A copy shall be delivered to all elected members. A written response to the allegation(s) may be filed by the accused Elected Official ten days after receipt thereof. A copy of the notice of censure and response thereto shall be delivered to each Elected Official within two days after the response is filed.

(2) On the first regularly called meeting of the City Council, which complies with the Texas Open Meetings Act, after the filing of the notice and response, the City Secretary shall formally read the notice and response into the public record. The City Council, by majority vote, shall thereafter determine whether or not good cause shall exist to set a formal hearing on the merits of the notice of censure or dismiss the allegation(s). If it is determined, based upon the merits, a public hearing is required, a public hearing shall be set on the allegation(s) by the City Council. A vote to hold a public hearing shall not be construed to be a vote of censure.

(3) At a public hearing, the accused Elected Official has the right to be represented by legal counsel and present witnesses relative to the allegation(s).

(4) A public hearing on the allegation(s) and response shall be held at either a regular or special called meeting of the city council, which shall be open to the public.

(5) At a public hearing, the City Council will hear evidence concerning the notice of censure. The Elected Officials proffering the charges shall present evidence in support of the allegation(s) contained in the notice of censure. The Elected Official who is the subject of the censure shall have the opportunity to present evidence to support his or her position with respect to the notice of censure. After receiving evidence at an open public meeting, the city council shall then take a roll-call vote, after motion duly made and seconded, two-thirds of all members of the City Council shall be required to sustain the censure of the council member.

(c) In the case of an employee of the city, disciplinary action and appeals therefrom shall be in conformance with procedures established by the city charter and personnel rules and regulations.

(d) In the case of members of boards or committees, the matters shall be decided by a majority vote of the city council.

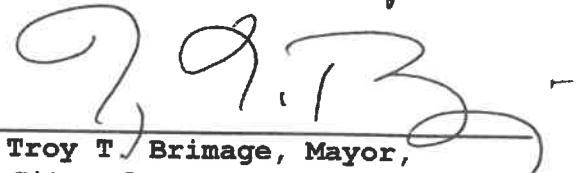
(e) The decision of the bodies authorized to hear violations shall be final in the absence of bias, prejudice or fraud.

Section 100.18 Annual Review and Re-adoption

This ordinance must be reviewed by the City Council on or before each anniversary of its adoption and may be amended at anytime.

Second, this ordinance shall take effect and be in force from and after its adoption.

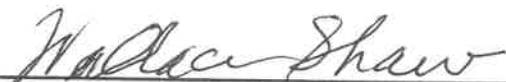
READ, PASSED AND ADOPTED this 19th day of February, 2019.


Troy T. Brimage, Mayor,
City of Freeport, Texas

ATTEST:


Laura Tolar, Assistant City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:


Wallace Shaw, City Attorney,
City of Freeport, Texas

C\Freeport\Ethics Policy-Ord



City Council Agenda Item # 4

Title: FY2020-2021 Proposed Budget Adjustment #4

Date: February 7, 2022

From: Cathy Ezell, Finance Director

Staff Recommendation:

Staff recommends approval of the following budget amendment.

Item Summary:

This proposed budget amendment is to account for the payback of the electricity credit, year-end budget overages, and the golf cart lease payoff.

Background Information:

The City became aware of the repayment of the electricity credit and the payoff of the golf lease after the fiscal year end. But these items need to be charged back to Fiscal Year 2020-2021 because that is when the actual expenditure was incurred. The City entered into an agreement with Engie to repay the electricity credit off over a six-month period. The City received the funds to pay-off the golf cart lease in August 2021. However, the lease was not paid off in August. The excess revenue from the sale of property received by the contractor for the new cart rental agreement was used to offset other expenditures as part of the end of year budget adjustment presented in October 2021. The parks capital outlay was for increased cost on the dock construction and FMP roof.

Financial Impact: The net impact to is \$0.00. All adjustments are being funded by increases in revenue or reallocation of expenditure budgets.

Supporting Documentation: Ordinance

ORDINANCE NO. 2022-2658

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; MAKING CERTAIN FINDINGS AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, on August 10, 2020, the City Manager presented to the City Council a proposed budget of the expenditures of the City of Freeport for the fiscal year 2021 and the proposed budget was filed with the City Secretary and posted on the City website as required by Local Government Code Section 102.005; and

WHEREAS, pursuant to notice as required by Section 102.006 of the Local Government Code, on September 8, 2020, a public hearing on such budget was held in the Council Chambers, at which hearing all citizens and taxpayers of the City had the right to be present and to be heard, and those who requested to be heard were heard; and

WHEREAS, the budget for the 2020-2021 fiscal year of the City was approved by the City Council by Ordinance No. 2020-2611, read, passed and adopted on the 8rd day of September, 2020.

WHEREAS, such Ordinance states that the budget for operations shall be administered as follows:

- a. The Council may transfer any unencumbered appropriation balance or portion thereof from one department, or fund to another, at any time;
- b. The City Manager shall have authority, without Council approval, to transfer appropriation balances from one expenditure account to another within a department;
- c. At any time in any fiscal year, the Council may, pursuant to Article XI, section 9.14 of the City Charter, make emergency appropriations to meet pressing need for public expenditure, for other than regular or recurring requirements, to protect the public health, safety or welfare. Such appropriation shall not be more than 5% of the total annual budget; however, the 5% may only be allocated under the condition the "undesignated" reserve/contingency funds may only be used with the specific consent of the City Council for unforeseen contingencies by the City Manager; and

WHEREAS, the City Council has considered the proposed budget amendment and has made such changes therein as in the City Council's judgment were warranted by law and were in the best interest of the citizens and taxpayers of the City.

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

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

Section 2. The existing Budget of the City of Freeport, Texas, for the fiscal year 2020-2021 as amended by Ordinance No. 2021-2625, read, passed and adopted on February 1, 2021, by Ordinance 2021-2630, read, passed and adopted on May 17, 2021, and by Ordinance 2021-2645, read, passed and adopted on October 18, 2021.; and is hereby amended and revised as reflected in said Exhibit "A".

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

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

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

PASSED AND ADOPTED this 7th day of February, 2022.

Brooks Bass, Mayor

ATTEST:

Betty Wells, City Secretary

APPROVED AS TO FORM AND CONTENT:

Chris Duncan, City Attorney

**City of Freeport
End of Year Budget Adjustment
Fiscal Year 2021**

Department General Fund	Account Number	Description	FY2020-2021 Original Budget	FY2020-2021 Current Budget	FY2020-2021 4th Budget Amendment	FY2020-2021 Amended Budget
<i>Revenue</i>	10-318-300	Tax - Sales Tax	\$ (1,900,000)	\$ (1,900,000)	\$ (282,235)	\$ (2,182,235)
		Total Revenues	\$ (1,900,000)	\$ (1,900,000)	\$ (282,235)	\$ (2,182,235)
<i>Expenditures</i>						
Administration	10-410-440	Electricity	\$ 48,804	\$ 44,804	\$ 5,725	\$ 50,529
		Total Administration	48,804	44,804	5,725	50,529
Service Center	10-420-440	Electricity	7,944	4,944	2,345	7,289
		Total Service Center	7,944	4,944	2,345	7,289
Police	10-525-440	Electricity	22,256	17,256	5,205	22,461
		Total Police	22,256	17,256	5,205	22,461
Fire	10-530-440	Electricity	11,048	7,048	3,570	10,618
		Total Fire	11,048	7,048	3,570	10,618
Streets	10-575-440	Electricity	72,730	22,550	31,165	53,715
			72,730	22,550	31,165	53,715
Beach Maintenance	10-576-591	Beach Maintenance Expense	10,000	18,000	1,530	19,530
		Total Beach Maintenance	10,000	18,000	1,530	19,530
Historical Museum	10-578-440	Electricity	12,844	3,844	5,205	9,049
			12,844	3,844	5,205	9,049
Parks	10-665-440	Electricity	32,539	31,249	4,935	36,184
	10-655-899	Capital Outlay	-	150,000	12,825	162,825
		Total Parks	32,539	181,249	17,760	199,009
Golf	10-656-400	Cart Rental Fee	45,000	47,500	204,830	252,330
	10-656-440	Electricity	18,194	13,194	1,560	14,754
			63,194	60,694	206,390	267,084
Recreation	10-665-440	Electricity	37,210	9,210	3,340	12,550
			37,210	9,210	3,340	12,550
		Total Genral Fund Expenditures	\$ 318,569	\$ 369,599	\$ 282,235	\$ 651,834
		Net Total Adjustment General Fund			\$ -	
Utility Fund						
<i>Expenditures</i>	56-565-440	Electricity	-	40,000	87,730	127,730
	56-565-499	Veolia-Operations	2,559,852	2,559,582	(87,730)	2,471,852
		Total Utility Fund	2,559,852	2,599,582	-	2,599,582



City Council Agenda Item # 5

Title: Consideration and possible action on a Resolution Amending the City of Freeport Policy Handbook Chapter 8 – Attendance and Leave Policy adding Section 8.14 Leave Donation Policy.

Date: February 7, 2022

From: Cathy Ezell, Finance Director

Staff Recommendation:

Staff recommends approval of the Resolution.

Item Summary:

The City has developed a leave donation policy to create a sick leave pool. The sick leave pool will provide for alleviation of hardships incurred by an employee if a life-threatening illness or life-threatening injury forces the employee to exhaust all available sick leave, vacation leave, and compensatory leave. The sick leave pool is intended to lessen financial hardship caused to sick leave pool members by providing a source of additional paid sick leave. This policy is in compliance with IRS regulations.

Background Information:

The City is looking for ways to provide additional benefits to employees and tools to retain employees. Sick leave pools provide an additional benefit to employees without additional costs to the City. Also, employees have asked for a program like this as a way to help fellow employees who may be experiencing a hardship for an unexpected severe illness.

Financial Impact: N/A

Supporting Documentation:

Resolution, Policy

RESOLUTION 2022-2739

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, ADOPTING A LEAVE DONATION POLICY AND APPROVING ITS ADDITION TO THE PERSONNEL POLICY HANDBOOK.

WHEREAS, the City of Freeport values all employees working to provide services to the citizens; and

WHEREAS, the City of Freeport recognizes the importance of employee health; and

WHEREAS, the City of Freeport seeks to create a specific policy establishing a sick leave pool for City employees. This sick leave pool will provide another resource for the alleviation of hardships incurred by an eligible City employee if a life-threatening illness or life-threatening injury forces the employee to exhaust all available sick leave, vacation leave, and compensatory leave.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS;

SECTION 1. LEAVE DONATION POLICY. The City Council of the City hereby approves and adopts the Leave Donation Policy attached hereto as Exhibit "A" and approves its addition to the Personnel Policy.

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

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

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

APPROVED AS TO FORM:

Betty Wells, City Secretary
City of Freeport

Christopher Duncan, City Attorney
City of Freeport

CITY OF FREEPORT

8.14 Leave Donation Policy

The City of Freeport maintains a sick leave pool to provide for the alleviation of hardships incurred by an employee and the employee's immediate family if a life-threatening illness or life-threatening injury forces the employee to exhaust all available sick leave, vacation leave, and compensatory leave. The sick leave pool is intended to lessen financial hardship caused to sick leave pool members by providing a source of additional paid sick leave. Routine pregnancy/maternity is not considered a life-threatening illness or life-threatening injury. However, severe pregnancy-related illness or complications afflicting mother or child may be considered.

Definitions for the purpose of the sick leave pool are as follows:

1. An Eligible employee is defined as a regular full-time employee who has been employed by the City for at least one (1) year.
2. Immediate Family Member is defined as an employee's spouse, child, or any other relative who resides in the employee's household and who is dependent on the employee for care.
3. Life-threatening is defined as a disease or condition from which the likelihood of death is probable unless the course of the disease or condition is interrupted. Life-threatening illness and injuries include, but are not limited to: Serious or terminal illness such as cancer, and serious or life-threatening accidents or injuries. Chronic illnesses or injuries which result in intermittent absences from work, such as HIV or kidney disease requiring dialysis, may also be considered life-threatening. Life-threatening illness or injury does not include: non-emergency elective surgery; injuries covered by workers' compensation claims; disabilities from drug or alcohol abuse; and self-inflicted injuries.
4. Sick Leave Pool is defined as the accumulated sick leave hours donated by employees for use in accordance with this policy.
5. Sick Leave Pool Administrator is defined as committee made up of the Head of Human Resources or designee, affected employee's Department Director and the City Manager designated in this policy to administer the Sick Leave Pool Policy.

In order for an employee to be considered eligible for the Sick Leave Pool, an employee is required to complete an enrollment form. The employee has to be employed by the City of Freeport for one (1) year; the employee must be in good standing of the City's attendance policies; and the employee has to donate at least four (4) hours from their own personal Sick Leave bank per year. Employees may contribute to a maximum of ninety-six (96) hours of their earned sick leave to the pool per year. The employee cannot contribute more than one third (1/3) of their earned sick leave per year.

Contributions to the pool are strictly voluntary. The contributor may not designate the recipient of his or her donated sick leave. Employees may sign up for participation for thirty (30) days following the adoption of this policy and during open enrollment annually.

Sick leave pool hours may not be used in conjunction with a workers' compensation claim by an employee.

A request to withdraw from the pool must be submitted in writing, prior to the exhaustion of the employee's personal leave bank. The employee must provide the Sick Leave Pool Administrator with a physician's statement as to the nature of the illness, surgery, or temporary disability, including the expected duration of the employee's absence.

The Head of Human Resources is responsible for developing and implementing the procedures for contributing sick leave hours to or withdrawing sick leave hours from the pool. However, the Head of Human Resources, the employee's Department Director and the City Manager determine the approval or denial to withdraw from the pool. The Head of Human Resources is also responsible for communicating and interpreting the procedures of this policy to the employees.

The Sick Leave Pool Administrator shall consider the information contained in the request form, the number of pending request forms, and the number of hours available in the Sick Leave Pool. The Sick Leave Pool Administrator shall not award more than one-third (1/3) of the hours in the Sick Leave Pool based upon any single request for withdrawal of hours.

Employees on extended leave must report by telephone to the Head of Human Resources or designee at least once a week, as well as immediately following any doctor's appointment, with an update as to the expected duration of the employee's absence.

Employees utilizing Sick Leave Pool hours do not qualify for the accrual of benefits (sick, vacation, holiday, etc.).

The donation of sick time is on an hourly basis, without regard to the dollar value of the donated or used leave.

Employees cannot borrow against future sick time to donate.

Employees will be given the opportunity to donate sick time annually during benefits open enrollment. The donated sick time will be transferred from the donor to the leave pool on October 1st.

Employees who are currently on an approved leave of absence cannot donate sick time.

If the recipient employee has available sick time in his or her balance, this time will be used prior to any donated sick time. Donated sick time may only be used for time off related to the approved request.

Employees who receive donated sick time may receive no more than 480 hours (12 weeks) within a rolling 12-month period.

Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act.



City Council Agenda Item # 6

Title: Discussion and direction from Council on rehabilitation of Heritage House Downtown.

Date: February 7, 2022

From: Tim Kelty, City Manager

Staff Recommendation: Staff requests further direction from Council following discussion regarding the Heritage House downtown.

Item Summary: In the 2020 bond issue \$375,000 was earmarked for the renovation of the Heritage House downtown. The Building was badly in need of rehabilitation because roof repairs that were made in 2017 had been done improperly, which allowed for significant water penetration from the scuppers into the walls of the building resulting in significant damage to the building that continues to this day.

In September of 2020 Council approved a task authorization with Freese and Nichols in the amount of \$69,000 for the development of specifications to be taken out for bid for those improvements. In the very beginning stages of the engineering analysis, Freese and Nicoles, after having their architect walk through the building, communicated their concerns that the project would greatly exceed the proposed budget for the project. According to Ron Bravarian the cost would exceed \$600,000 and likely be closer to \$800,000 for the needed renovation: to replace the roof, repair the damaged walls, flooring and joists, and make required accessibility and code improvements to the building.

At that time, Council indicated an uncertainty about even spending the planned \$375,000, and had zero interest in spending \$800,000. The direction was given to cancel the engineering contract, so that we could reconsider what was to be done with the building at a later date.

Background information:

The city has also been awarded almost \$16,000 in Hurricane Harvey grant funds from FEMA to make improvements to the building from damage that was attributed to that disaster. These funds would have allowed the replacement of a small areas of vinyl flooring in the back of the building on both the first and second floors, some of the sheetrock in that area on the second floor and the ceiling tiles in that area affected on the first floor.

Because of the uncertainty of the building's future, those improvements have not been made.

Options:

1. Apply for an extension to utilize the Hurricane Harvey funds, and if granted, make the improvements identified and wait for a decision on what to do with the building. (*These repairs would not last more than a couple of years without additional work, and based upon engineering concerns regarding the need to replace studs, would be insufficient to make the sheetrock repairs.*)
2. Make roof and scupper repairs necessary to prevent further damage.
3. Recommence engineering and go out for bids for the entire building improvements as originally planned. Once formal engineering estimates are developed, develop alternatives for coming up with the balance required, (*which could include additional fund raising, EDC Grant, TIRZ funding, etc.*) and maintain it as leasable event venue space.
4. Sell property as is.
5. Try to find a developer/business willing to invest in the building and enter into an economic development agreement with them to make the improvements and operate a business in the building under private ownership.
6. Demolish the building.

Special Considerations:

The previous renovation to this building was completed about 5 years ago. Over a \$100,000 in donations were made to the Museum Foundation for the work from:

The Dow Chemical Company,
BASF,
Sorrell Construction,
Port Freeport,
Phillips 66,
Freeport LNG,
Perryman Family,
Offshore Oil Services,
Nat Hickey,
Roy Yates,
TDECU,
Troy Brimage,
Brazosport Env. & Recycling Services,

Blueline Print Shop,
The Cundieff Family,
Linda Robertson,
Your Special Place,
Bette R. Castron In Memory of J.A.
"Dusty" Castron,
First State Bank of Clute,
Shintech,
Brazosport HS Class of 1967,
Sharon Rogers,
Nancy Wollam,
Brazosport Girlfriends Club
Brooks Commercial

Financial Impact: The financial impact will be based upon the direction given.

Board or 3rd Party recommendation: None

Supporting Documentation: Pictures of damage













