



**AGENDA  
REGULAR MEETING  
FREEPORT CITY COUNCIL  
MONDAY, AUGUST 7, 2023 at 6:00 P.M.**

**Mayor:**

Brooks Bass

**Council Members:**

Jeff Pena  
Jerry Cain  
George Matamoros  
Winston Rossow

**City Manager:**

Timothy Kelty

**THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, THE 7TH DAY OF AUGUST, 2023, 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 by Edith Fischer for the annual Brazosport Tourism Report.
2. Presentation of Third Quarterly Investment Report for Fiscal Year 2022-2023. **(Ezell)**.

**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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately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 July 17, 2023, and Strategic Plan Workshop Minutes from July 22, 2023. **(Wells)**
4. Consideration and possible action approving Ordinance No. 2023-2701, adopting and enacting the recodified Code of Ordinances for the City of Freeport. **(Kelty)**
5. Consideration and possible action approving Resolution No. 2023-2808 revising the Personnel Policy regarding Worker's Compensation. **(Fisher)**
6. Consideration and possible action approving the Annual Interlocal Agreement with Brazoria County from October 1, 2023 to September 30, 2024 for road maintenance operations. **(Petty)**

**COUNCIL BUSINESS – REGULAR SESSION:**

7. **Public Hearing:** Consideration and possible action on replat Velasco Townsite Lot 19A Block 16 0.437 Acre- 1 Lot – 1 Block being a replat of Lots 19,20,21,22,23 & 24 Block 16 Velasco Townsite Vol.32, Pg. 14 P.R.B.C.T.C.C.F.N. 2023029506 O.P.R.B.C.T. Brazoria County, Texas. **(Roman)**
8. **Public Hearing:** Consideration and possible action for plat of Lot 1a and Lot 8a, block 47 of the Freeport Townsite, in the City of Freeport, Brazoria County, Texas a replat of Lots 1,2,3,4,5,6,7 and N.70 Ft of Lot 8, Block 47 according to the Map of Record in Volume 2, Page 95 of the Plat Records of Brazoria County, Texas. **(Roman)**
9. Discussion of Fiscal Year 2023-2024 annual budget **(Ezell)**
10. Consideration and possible action on setting the public hearing for the Fiscal Year 2023-2024 Budget.
11. Consideration and possible action on setting the City of Freeport proposed 2023 tax rate, setting public hearing (if necessary), and directing staff to publish the Notice of Proposed 2022 Tax Rate. **(Ezell)**
12. Consideration and possible action approving Resolution No. 2023-2809, for amending the Master Fee schedule regarding new rates for new sewer taps, water rates, and sewer rates. **(Ezell)**
13. Consideration and possible action approving Ordinance No. 2023-2702, allowing fences to be constructed past the front building line in W-R Zoning district. **(Roman)**

14. Consideration and possible action approving Ordinance No. 2023-2698, amending the Short-Term Rental Ordinance. **(Roman)**
15. Consideration and possible action approving Resolution No. 2023-2810, to appoint a member to the Charter Review Commission. **(Kelty)**
16. Consideration and possible action approving Resolution No. 2023-2811, for rifle resistant body armor grant. **(Howell)**
17. Consideration and possible action approving Resolution No. 2023-2812, for body camera upgrade project grant. **(Howell)**
18. Consideration and possible action approving Resolution No. 2023-2813, for mobile video upgrade project grant. **(Howell)**

**WORK SESSION:**

19. 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 Matamoros Ward C announcements and comments.
  - E. Councilman Rossow 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:**

20. Executive Session regarding; (Consultation with Attorney) Pending or potential Litigation
  - a. Veolia
  - b. Marinell Music vs. City of Freeport
  - c. Chris Duncan Demand Letter
  - d. Civil Action No. 3:22-cv-00284; Brennon Malone v. City of Freeport.
  - e. Vernor Material and Equipment vs. City of Freeport, Texas.

In accordance with Texas Government Code Annotated, Chapter 551, Sections 551.071.

**COUNCIL BUSINESS – REGULAR SESSION:**

21. Take any action resulting from Executive Session.

**ADJOURNMENT:**

22. 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 2<sup>nd</sup> Street, Freeport Texas, before 6:00 p.m. in accordance with Open Meetings Act.



Betty Wells, City Secretary,  
City of Freeport, Texas



  
**Brazosport**  
Convention & Visitors Council  
Clute • Freeport • Lake Jackson • Surfside Beach • Quintana

June 16, 2023

Mayor Brooks Bass  
200 West Second Street  
Freeport, TX 77541

Dear Mr. Bass:

The Brazosport Area Chamber of Commerce would like to request to be on the city council agenda for the August 7th meeting. At that time an update will be given on the Brazosport Convention & Visitors Council's tourism promotion. We will also ask for continued funding for our marketing efforts.

Feel free to contact Sandra Shaw or myself if you have any questions.

Sincerely,



Edith Fischer  
Director of Tourism



## City Council Agenda Item # 2

**Title:** Presentation of the Investment Report for the Quarter Ending June 30, 2023

**Date:** August 7, 2023

**From:** Cathy Ezell, Finance Director

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**Staff Recommendation:**

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

**Item Summary:**

This report reflects that on June 30, 2023, the City's total portfolio of \$22.7 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 3<sup>rd</sup> Party recommendation:** N/A

**Supporting Documentation:**

Quarterly Investment Report



Quarterly Investment Report  
April 1, 2023 - June 30, 2023


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
<b>Cash in Demand Accounts</b>										
99-101-000	Operating Account	\$ 6,749,560	5.20%	5.20%	Demand	1	\$ 8,607,880	\$ (1,858,321)	\$ 6,749,560	\$ 222,524
<b>Total Cash in Demand Accounts</b>		<b>\$ 6,749,560</b>					<b>\$ 8,607,880</b>	<b>\$ (1,858,321)</b>	<b>\$ 6,749,560</b>	<b>\$ 222,524</b>
<b>Invested in Government Pools</b>										
99-105-020	Texas Class	\$ 3,112,397	4.96%	4.96%	Demand	1	\$ 3,074,875	\$ 37,521	\$ 3,112,397	\$ 95,177
99-105-010	TexPool	12,834,714	5.05%	5.05%	Demand	1	12,728,434	106,280	12,834,714	407,089
<b>Total Invested in Pools</b>		<b>\$ 15,947,111</b>					<b>\$ 15,803,309</b>	<b>\$ 143,802</b>	<b>\$ 15,947,111</b>	<b>\$ 502,266</b>
<b>TOTAL ALL INVESTMENTS</b>		<b>\$ 22,696,671</b>					<b>\$ 24,411,190</b>	<b>\$ (1,714,519)</b>	<b>\$ 22,696,671</b>	<b>\$ 724,790</b>

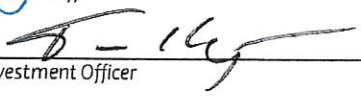
Investment Category	Book Value	Percentage	Weighted Average Maturity (Days)
Cash in Demand Accounts	\$ 6,749,560	29.74%	1.00
Government Pools	\$ 15,947,111	70.26%	1.00
<b>TOTAL</b>	<b>\$ 22,696,671</b>	<b>100.00%</b>	<b>1.00</b>

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 \$12.88M, 190% 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:  7/25/2023  
Cathy Ezell, Investment Officer Date

Verified By:   
Timothy Kelty, Investment Officer Date

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, July 17, 2023 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, Not Present  
Councilman Jeff Pena  
Councilman Jerry Cain  
Councilman George Matamoros  
Councilman Winston Rossow

Staff: Tim Kelty, City Manager  
Lance Petty, Assistant City Manager/PWD  
David Olson, Interim City Attorney  
Betty Wells, City Secretary  
Cathy Ezell, Finance Director  
Toby Cohen, IT Manager  
Donna Fisher, Human Resource Director  
Jennifer Howell, Police Chief  
Chris Motley, Fire Chief  
Staff from, Freeport Fire Department  
Laura Cramer, GIS

Visitors:	Ron Bachman	David McGinty
	Bobby Petty US Corps Eng	Bryan Williams US Corps Eng
	Steven Parrish 1 <sup>st</sup> Lt. US Army	Toinette Addison US Corps Eng
	Sam Reyna	Kenny Hayes
	Helen Harris	Pamela Dancy
	Manning Rollerson	Ruben Renobato
	Tommy Pearson	Desiree Pearson
	Joe Penfield	Chris Duncan
	David Gibson	Mrs. Rossow
	Jeff Harris	Kelly Bounds
	Robert Brooks	Efren Tobias
	Xenos Yuen	

**Call to order.**

Mayor Pro Tem Cain, called the meeting to order at 6:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Invocation and Pledge was led by City Manager Tim Kelty.

**CITIZENS' COMMENTS:**



Pam Dancy South Front Street, spoke of the property sold to Ray Garivey in 2018, she said the contract said he had three years to build. She said the property was sold two more times. She asked what is the policy on keeping up with, and making sure what is suppose to be done is being done? She said she hopes we are getting the property back from the DG Store.

Sam Reyna 2002 N. Ave G, spoke of the letter which was mailed out using someone else's address, the City's address, he said this is illegal, Mr. Reyna spoke of the penalties of mail fraud. He said he hopes City Officials try and find out who is behind this.

Tommy Pearson spoke of a resident that continues to bash his son, Troy Brimage. He spoke of the flooding on South Front not being caused from a pipe, but from the pumps not working properly. He said the pipes have nothing to do with the flooding, these accusations are false.

Manning Rollerson said he is concerned why the Mayor is not present at the meeting tonight, when there is a presentation by the US Corps of Engineers. He said this council doesn't fight for Freeport. He spoke of the East End Deal, and the 90 days to bring an item back to council. He spoke of the heavy trash, and the new home development.

Chris Duncan gave an update on the downtown theater, he said the bees have been removed, there has been a fence put up to secure the building, the paint has started. He thanked Eris Hayes and Lila Diehl. He invited council to come and help.

Jeff Pena 224 West Park, spoke of taking the oath, and the meaning of being good stewards to the citizens and the public assets. He spoke fat contracts, he spoke of crimes, and nothing to ensure accountability. He spoke of poor street repair, and the code enforcement abusive behavior and nothing being done, he said this is just plain stupid, and if the shoe fits wear it.

Mayor Pro Tem Cain recessed the regular meeting at 6:26 PM to open the Employee Benefit Trust Meeting.

Mayor Pro Tem reconvened the Regular City Council Meeting at 6:33 P.M.

**PRESENTATIONS/ANNOUNCEMENTS:** Announcements by Mayor, City Council and/or Staff.  
Presentation of Employee of the Month for the month of June 2023.

City Manager Tim Kelty presented the Employee of the Month for June 2023 to Mary Chavez. Mr. Kelty also recognized Fire department employees Lt. Kristopher Vierra and FF Ricky Swango III.

Presentation by U.S. Corps of Engineers of update on the Freeport Project.

Brian Williams, Project Manager for the U.S. Corps of Engineers for the Freeport and Vicinity Coastal Storm Ridge Management Project. He announced there will be a virtual public information session on July 27, 2023 at 11:30 A.M. Mr. Williams gave an overview of the Freeport Project.

**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.

Councilman Pena asked that item numbers 4 and 5 be moved to the Regular session.

Consideration and possible action on the approval of City Council Meeting Minutes, from July 3, 2023.

A motion was made by Councilman Matamoros seconded by Councilman Rossow with all present voting "Aye" 4-0, Council unanimously approved the Meeting Minutes from July 3, 2023.

### **COUNCIL REGULAR AGENDA**

Consideration and possible action approving Resolution No. 2023-2806, approving the recommendation of the Employee Benefits Trust in regard to the award of the Employee Health Insurance Contract.

Finance Director Cathy Ezell presented to council Resolution No. 2023-2806 approving the recommendation of the Employee Benefits Trust in regard to the award of the Employee Health Insurance Contract, she said the action that the EBT just approved for the health and vision insurance, this now has to come before Council with approval of this Resolution. She said this is the resolution of council approving the health insurance with Cigna and the vision with VSP.

A motion was made by Councilman Matamoros to approve the Resolution, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked, as this relates to item number five, Policy Handbook for Pregnancy Workers Act, does the policy have to be in place firstly, as far as the benefits, or was it presumed this resolution would be passed and it was already taken in consideration for the bidding process for the insurance?

Ms. Ezell said we are already doing what is being presented to council in the Pregnancy Workers Act, that will be brought forward next.

Mayor Pro Tem Cain called the motion to a vote, with all present voting "Aye" 4-0, Council unanimously approved Resolution No. 2023-2806 approving the recommendation of the Employee Benefits Trust in regard to the award of the Employee Health Insurance.

Consideration and possible action approving Resolution No. 2023-2807, amendment to the City Personnel Policy Handbook for Pregnancy Workers Act.

Human Resource Director, Donna Fisher presented to Council Resolution No. 2023-2807, amendment to the City Personnel Policy Handbook for Pregnancy Workers Act. She said there was a Federal Law that was passed for the PWA and it went into effect on June 27, 2023. Ms. Fisher said this will bring us into compliance with Federal Law.

A motion was made by Councilman Pena to approve the resolution, seconded by Councilman Matamoros with all present voting "Aye" 4-0, Council unanimously approved Resolution No. 2023-2807, amendment to the City Personnel Policy Handbook for Pregnancy Workers Act.

Public Hearing/Workshop regarding Short Term Rental Regulation for the City of Freeport.

Mayor Pro Tem Cain opened Public Hearing at 6:54 P.M.

City Manager Tim Kelty presented to council a workshop regarding Short Term Rentals for the City of Freeport. He said at a recent City Council meeting there was discussion on the amendment to the STR,

it was requested that staff schedule a workshop for the affected property owners before Council acts on the amendment. Notice was mailed out to all residents in the vicinity of Short term rentals that may be effected.

Helen Harris 123 Redfish Lane, spoke in favor of the amendments to this ordinance.

Kelly Bounds 41 Marlin, opposes the amendments to this this ordinance.

Ron Bachman 96 Dolphin Lane, spoke in favor of the amendments to this ordinance.

Pam Dancy said she does not like how this was handled.

Xenos Yuen an investor, opposes the amendments to this this ordinance.

Joe Penfield, said there is not problem in the City STR, the problem is in Bridge Harbor. He said there needs to be more effort put separating the residential areas.

Tim Kelty resident of South Front Street spoke in favor of the amendments to this ordinance.

City Manager Tim Kelty read an email from Karla Clark 411 Sailfish, she opposes the amendments to this this ordinance.

City Manager Tim Kelty read an email from Con and Diane McCleester of Bridge Harbor. They were both in favor of the amendments to this ordinance.

Mayor Pro Tem Cain closed the Public Hearing at 7:24 P.M.

There was a discussion by Councilman Pena on the usage and recreation of the waterfront. He said we need to hold a true workshop where the citizens and the Bridge Harbor community are present, he said this is a localized issue. He spoke on the revenue and terms of the HOT tax. Councilman Pena said this water is a blessing, he said he is a STR owner, a primary residence owner, and a second home investor owner, he said we need enforce the rules, and not hinder the other Wards. There was discussion by Councilman Matamoros on the issues for the residents of Bridge Harbor, the issues of the waterfront residents of Mystery Harbor and South Front, he said he does want investment, but not at the expense of our residents. He said this is something we need to tackle. Councilman Matamoros said we need to identify all STR owners, and give notice when we have created this ordinance, he said if they are not in compliance we need to get them into compliance. He said some are here that refuse to register and comply, it is a shame one is a Councilmember. He said we need to come up with an ordinance where the residents are taken care of. There was discussion by Mayor Pro Tem Cain he is 100 percent in support of STR, but he also feels this ordinance is important. He said he feels the ordinance needs to be a one size fits all, and all need to abide by the same rules. He said he has concerns for the parking restrictions, he said some may not have driveways, so this will mean, street parking. He spoke of the street parking in Bridge Harbor, that keeps emergency vehicles from getting through. He spoke of a separate ordinance for parking. Mr. Kelty said the ordinance provides for exceptions where designated on-street parking is available.

Consideration and possible action approving Ordinance No. 2023-2700, for closing and abandoning a portion of the Southerly ROW of North Gulf Blvd.

GIS Director Laura Cramer, presented to council Ordinance No. 2023-2700, for closing and abandoning a portion of the Southerly ROW of North Gulf Blvd, she said this is from Skinner Street to Terry Street. Ms. Cramer said the entire length of Gulf Boulevard ROW is 150 feet. This will vacate 45 feet.

Councilman Pena asked for clarification of where this is. Ms. Cramer showed him on the color-coded map that was provided.

A motion was made by Councilman Matamoros to approve the ordinance, seconded by Councilman Rossow with discussion that follows.

Councilman Pena asked why is this beneficial? Ms. Cramer said it brings all of the improvements that have been put on the property and for future improvements like the fire building out of the ROW and onto City property.

Mayor Pro Tem Cain called the motion to a vote with all present voting "Aye" 4-0, Council unanimously approved Ordinance No. 2023-2700, for closing and abandoning a portion of the Southerly ROW of North Gulf Blvd.

#### Discussion on Recodification of the Code of Ordinances for the City of Freeport.

City Manager Tim Kelty presented to council for discussion the recodification of Code of Ordinances for the City of Freeport. He said all ordinances adopted by Council that establish rules and regulations for the City are codified into a general Code of Ordinances in this book. This is the official set of local rules and laws that govern the City. He said the City code has not been recodified since 1996.

#### Consideration and possible action approving the sale of City owned levee property located at, and adjacent to, 104 Mystery Harbor Lane, to Chris Duncan.

City Manager Tim Kelty, presented to Council the sale of City owned levee property located at, and adjacent to, 104 Mystery Harbor Lane, to Chris Duncan. He said Mr. Duncan has provided a survey of the property and an appraisal report. Mr. Kelty said as City Manager he would recommend not selling the property between his neighbor's property and the river.

A motion was made by Councilman Matamoros, seconded by Councilman Rossow to table this until a future meeting, with a 3-1 vote motion passes Councilman Pena voted "Nay"

#### **WORK SESSION:**

Councilman Pena thanked all that came out and spoke at tonight's meeting. He spoke of the grand opening of Starbucks. He asked about the gas leak in the downtown alley with no notice given, he said he is concerned about the street repair that was previously done. He asked about the repairs of cracks, and damaged mailboxes on 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> Streets. He asked for more time on the STR to be able to speak with the residents. He also asked about the DG contract terms. He said he would like an explanation on the contradiction to the downtown theater.

Councilman Matamoros thanked all that attended and spoke at the meeting tonight. He thanked Ms. Roman and Mr. Kelty for helping with the property issue on Ave. J, he also thanked Councilman Rossow for bringing the issue to his attention. Councilman Matamoros thanked Lance Petty and the PWD for assisting a resident who had an issue where they were unable to mow the ditch beside their house.

Councilman Rossow spoke of the ribbon cutting today at Starbucks, he said everyone was smiling and laughing. He said he is always glad to see new development in the City of Freeport, he spoke of the new Taco Bell coming. He said hats off to Lance, and the Ave A street repair, he said it looks like it is coming along. He said he looks at it, but he leaves this to the people doing their job. He said he was very impressed with Ms. Roman and Mr. Kelty for taking care of an issue and this made about three families happy.

Mayor Pro Tem Cain said he wants to give a shout out to the EDC for their involvement in bringing Starbucks to town. He said I think this is a win for the citizens of Freeport. He said he too participated in the ribbon cutting and grand opening.

City Manager Tim Kelty said he would like to congratulate Councilman Rossow on his retirement. He said he would like to ask that all keep Mayor Bass and his family in your prayers. Mr. Kelty said in regards to Councilman Pena's questions, the gas leak that we put out notice for on Friday was a main line service that got hit by a vehicle, and the volume of gas escaping was significant. While there was no danger of it igniting, the smell of gas spread over a large area. He said in regard to the gas leak behind Councilman Pena's building, this was a service lateral that had been broken, and the volume was not of concern to a larger area. Mr. Petty said the time table to the 12<sup>th</sup> Street repairs he is waiting on a response of when the driveways will be repaired, they are supposed to be putting sod down tomorrow. He said the mailboxes will be put back as soon as the contractor comes down. Mr. Kelty said in regards to the DG, they will not be coming to Freeport, Mr. Kelty said the property still remains in the name of the City, and a resolution was passed dedicating the other property on 4<sup>th</sup> Street for additional parking. He said as far as the contradiction in the downtown theatre, a lot of rumors have been spread that resulted in the appearance of some contradiction that was not in fact true. He said, notice was hung for unsafe structure because of the building's deterioration and open roof. He said the City does not want this building to be torn down contrary to the word on the street that was being spread. He said we applaud Chris Duncan for his work in trying to save this building. He said structure engineering looked at the building, and we are not in fear of the building falling.

There was discussion by Tom Pearson about the stray cats in Freeport, he asked what do we do when the shelter is full? Joe Penfield said there are people driving in downtown setting out food for the stray cats.

#### **Update on reports / concerns from Department heads.**

#### **CLOSED SESSION:**

Mayor Pro Tem Cain made a motion to include Tim Kelty, Betty Wells, Lance Petty and Cathy Ezell into Executive Session, seconded by Councilman Matamoros with a 3-1 vote motion passes, Councilman Pena voted "Nay".

Open Session recessed at 8:22 PM and Council entered into Executive Session.

#### **OPEN SESSION:**

Open Session reconvened at 9:16 PM

No action was taken from Executive Session

Adjourn

On a motion by Councilman Pena to adjourn, seconded by Councilman Matamoros, with 4-0 vote, Mayor Pro Tem Cain adjourned the meeting.

\_\_\_\_\_  
Brooks Bass, Mayor

\_\_\_\_\_  
Betty Wells, City Secretary

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Saturday, July 22, 2023 at 9:00 A.M. at Freeport City Hall, 3<sup>rd</sup> Floor Training Room, 200 West 2<sup>nd</sup> Street, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Brooks Bass  
Councilman Ward A, Jeff Pena  
Councilman Ward B, Jerry Cain  
Councilman Ward C, George Matamoros  
Councilman Ward D, Winston Rossow

Staff: Tim Kelty, City Manager  
Cathy Ezell, Finance Director  
Betty Wells, City Secretary  
Laura Tolar, GIS  
Chris Motley, Freeport Fire Chief  
Jennifer Howell Police Department Chief  
Kacey Roman, Building Official  
Lance Petty, Freeport Public Works Director  
Lilly Celedon, Freeport Municipal Golf Course  
Clarisa Molina, Administrative Assistant/Assistant City Secretary  
Donna Fisher, Human Resource Director  
Toby Cohen, IT Manager

Visitors: Eric Hayes Pam Dancy

Mayor Bass called the Strategic Plan Workshop to order at 9:00 A.M.

Invocation was led by Councilman Rossow, Pledge was led by Mayor Bass.

Pam Dancy passed out pictures of her property, she asked Council that they consider budgeting the money for repairs that are needed to keep her property from flooding.

**WORK SESSION:**

Finance Director Cathy Ezell and City Manager Tim Kelty spoke of Fiscal Year 2023-2024. There was discussion on the rate increase of the water and sewer, the mandate of the lead and copper with the cost of \$265,000 to start the plan which includes two temporary part-time employees. There was discussion on the increase from BWA of \$211,700 and the increase with Veolia in the amount \$185,600.

**Department Heads presented their individual Strategic plans to Council**

Each Director presented their plans to council.

During presentations Council asked questions and spoke about impact fees and infrastructure. Councilman Pena spoke about improving Customer Service, trust issues, transparency.

City Manager Tim Kelty talked about the Port Funding.

Councilman Cain said he would like to focus on infrastructure/drainage, the retainment of employees, and the City Parks.

Councilman Pena said he would like to focus on trust, accountability, transparency, customer service, and sanitary sewer.

Councilman Rossow said he would like to see focus on drainage, and the beautification and maintenance on properties.

Mayor Bass said he would like to see focus on the safety, sanitary sewer, and development.

City Manager Tim Kelty thanked staff for their hard work of preparing the plans and time for spending their time on a Saturday presenting the plans to Council.

### Adjourn

A motion was made by Councilman Rossow, seconded by Councilman Cain to adjourn the meeting.

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Mayor, Brooks Bass  
City of Freeport, Texas

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City Secretary, Betty Wells  
City of Freeport, Texas





## City Council Agenda Item # 4

**Title:** Consideration and possible action regarding an ordinance adopting a new Code of Ordinances for the City of Freeport.

**Date:** August 7, 2023

**From:** Tim Kelty, City Manager  
Betty Wells, City Secretary

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**Staff Recommendation:**

Staff recommends adoption of this ordinance.

**Item Summary:**

All ordinances adopted by council that establish rules and regulations for the city are codified into a general Code of Ordinances. This book is the official set of local rules and laws that govern the City. Approximately twice a year all relevant ordinances adopted by City Council are sent to the codifying Law Team to translate into regular updates to the code. This Code is available for viewing by the general public on the city's website and all updates are automatically included in the online version.

Every 5-10 years it is a Best Practice to have the entire Ccode of Ordinances reviewed and recodified. This is done to:

- Correct any conflicts in the code with State Law due to changes to state law.
- Correct any conflicting regulations that may occur due to ordinance being adopted over time that overlap to a degree and don't match up exactly.
- Update the code to reflect societal changes in technology or activities.
- Reorganize the Code of Ordinances that overtime may become disorganized due to the semiannual updates.

It is important to understand that Recodification DOES NOT CREATE NEW REGULATIONS beyond was discussed above.

**Background Information:**

It is believed that the current code has not been recodified since 1996. A little over a year ago, the city hired Civicplus to assist the city in this recodification effort, and staff has been working with them to produce the Code book that was delivered to each Councilman to review

**Special Considerations:** None

**Financial Impact:** None

**Board or 3<sup>rd</sup> Party recommendation:** None

**Supporting Documentation:** Ordinance adopting the recodified Code, Code of Ordinance delivered separately to the Mayor and each Council member.

**ORDINANCE NO. 2023-2701**

**AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF FREEPORT, TEXAS; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.**

\* \* \* \* \*

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

**Section 1.** The Code entitled the "Code of Ordinances, City of Freeport, Texas," published by Municipal Code Corporation, consisting of chapters 1 through 50, each inclusive, is adopted.

**Section 2.** All ordinances of a general and permanent nature enacted on or before July 18, 2022, and not included in the Code or recognized and continued in force by reference therein, are repealed.

**Section 3.** The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this Ordinance.

**Section 4.** Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine up to the maximum amount permitted or required by state law. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not

such penalty is reenacted in the amendatory Ordinance. In addition to the penalty prescribed above, the City Council may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

**Section 5.** Additions or amendments to the Code when passed in such form as to indicate the intention of the City Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

**Section 6.** Ordinances adopted after July 18, 2022, that amend or refer to Ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

**Section 7.** This ordinance shall take effect and be in full force immediately upon passage and adoption.

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Betty Wells, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
David Olson, Interim City Attorney,  
City of Freeport, Texas



## City Council Agenda Item # 5

**Title:** Consider a Resolution Amending the City of Freeport Policy Handbook Chapter 8 – Attendance and Leave Policy Section 8.07 – Worker’s Compensation Policy.

**Date:** August 7, 2023

**From:** Donna Fisher, Human Resources Director

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**Staff Recommendation:**

Staff recommends approval of the Resolution.

**Item Summary:**

Staff is proposing to amend the Worker’s Compensation Policy section 8.07 to comply with the passage of HB 471 regarding leave for emergency personnel.

**Background Information:**

The Texas Legislature has passed and the Governor has signed HB 471, which requires cities to grant a leave of absence with full pay for a line of duty illness or injury for Firefighters, Police Officers, and Emergency Medical Services personnel. This paid leave will be until the above-named personnel are either released to return to full duty, or for one year, whichever comes first. Worker’s Compensation coverage typically pays 60-70% of an injured employee’s salary. The City will be required to cover the remaining salary.

**Financial Impact:**

There will be no financial impact because all employee salaries are budget at full staffing levels for the entire year.

**Supporting Documentation:**

Resolution with Exhibit “A”

**RESOLUTION 2023-2808**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, REVISING SECTION 8.07 WORKER'S COMPENSATION AND APPROVING THIS REVISION 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 seeks to revise the Worker's Compensation policy for the benefit of our employees; and

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

**SECTION 1. WORKER'S COMPENSATION POLICY.** The City Council of the City of Freeport hereby approves and adopts the revision to the Worker's Compensation Policy attached hereto as Exhibit "A" and approves its addition to the Personnel Policy Handbook.

**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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Betty Wells, City Secretary  
City of Freeport

\_\_\_\_\_  
David Olson, City Attorney  
City of Freeport

## Exhibit A

### **8.07 Worker's Compensation**

Personnel injured on the job shall be eligible for leave with pay for up to seven (7) days (56 hours). These days shall not be charged against the employee's sick leave. Employees injured on the job will be eligible for workman's compensation on the eighth (8) day of injury leave upon certification of a physician that the employee is not able to fulfill his/her job duties.

Firefighters, police officers, or emergency medical services personnel shall be provided a leave of absence for an illness or injury related to the person's line of duty with full pay for a period commensurate with the nature of the line of duty illness or injury. If able, firefighters, police officers, or emergency medical services personnel may return to light duty while recovering from a temporary disability. If necessary, the City of Freeport shall continue the leave for at least one year. Any funds received by the employee for Workers' Compensation benefits from the City's Workers' Compensation carrier, will be signed over to the City for deposit. An employee cannot receive benefits from both the carrier and the City at the same time.

Municipal Personnel may return to a position with the City, although it may be a different position than the one they left, when a physician certifies that the employee is able to fulfill their job duties and return to work. After recovery from a temporary disability, a firefighter, police officer, or emergency medical services personnel shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave.

No more than six (6) months may be authorized for municipal employees on injury leave without the approval of the City Council upon recommendation of the City Manager. If the one year statutory threshold on injury leave provided for firefighters, police officers, or emergency medical services personnel is met, the firefighter, police officer, or emergency medical services personnel may use accumulated sick leave, vacation time, and other accrued benefits before they are placed on temporary leave.



## City Council Agenda Item # 6

**Title:** Approval of Annual Interlocal Agreement with Brazoria County

**Date:** August 7, 2023

**From:** Lance Petty, Assistant City Manager

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**Staff Recommendation:**

Staff recommends approval of the Annual Interlocal Agreement with Brazoria County

**Item Summary:**

With approval, the City will renew the Interlocal Agreement with Brazoria County from October 1, 2023 to September 30, 2024 for road maintenance operations

**Background Information:**

The City of Freeport and Brazoria County enter into this agreement on an annual basis for the road maintenance and repair of the City streets. This agreement allows the City to utilize Brazoria County to improve the City’s roadway infrastructure each fiscal year at the approval of the City Council for 2 miles of improvements. The City’s cost through the Interlocal Agreement is reduced to materials cost only for improvements.

Staff will present for Council consideration specific streets to be completed under this agreement later this year.

**Special Considerations:**

If approved, the Interlocal Agreement will renew on October 1, 2024 to September 30, 2024

**Financial Impact:**

N/A

**Board or 3<sup>rd</sup> Party recommendation:**

The proposed renewal has been reviewed by staff

**Supporting Documentation:**

Interlocal Agreement received from Brazoria County

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

### **INTERLOCAL AGREEMENT**

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

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

1.0 The term of this agreement shall be from October 1, 2023, to September 30, 2024. The AGREEMENT may be renewed annually by the written approval of COUNTY and CITY.

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



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

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

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

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

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

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

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

## II.

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

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

III.

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

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

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

SIGNED AND ENTERED this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BRAZORIA COUNTY, TEXAS



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

\_\_\_\_\_  
By: Mayor

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CITY SECRETARY



## City Council Agenda Item # 7

**Title:** Public Hearing: Consideration and possible action regarding a request for replat Velasco Townsite Lot 19A Block 16 0.437 Acre- 1 Lot – 1 Block being a replat of Lots 19,20,21,22,23 & 24 Block 16 Velasco Townsite Vol.32, Pg. 14 P.R.B.C.T.C.C.F.N. 2023029506 O.P.R.B.C.T. Brazoria County, Texas.

**Date:** August 7, 2023

**From:** Kacey Roman, Director of Building and Code

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**Staff Recommendation:**

Recommendation to Approve Replat.

**Item Summary:**

This property is located at 307 S. Gulf Blvd inside the Freeport City Limits. The owner is combining 6 lots into one lot for commercial development of a Daquiri Shack to be called Casa Azul. The property is zoned C-2, which allows for Commercial Use.

**Background Information:**

The owner on record per the Brazoria County Appraisal District is Caselda Aquines.

**Special Considerations:** NA

**Financial Impact:** NA

**Board or 3<sup>rd</sup> Party recommendation:**

The Planning and Zoning Commission voted on July 25, 2023, to approve the replat.

**Supporting Documentation:**

See attached.

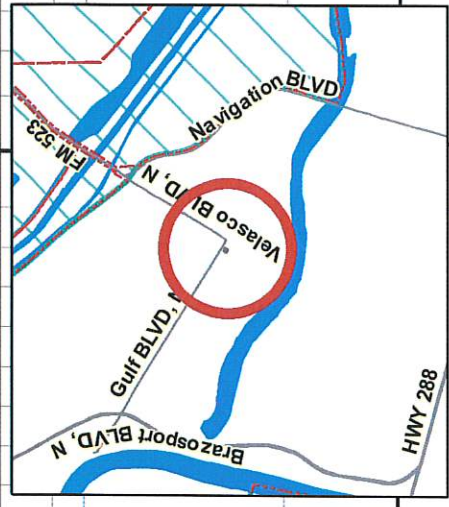
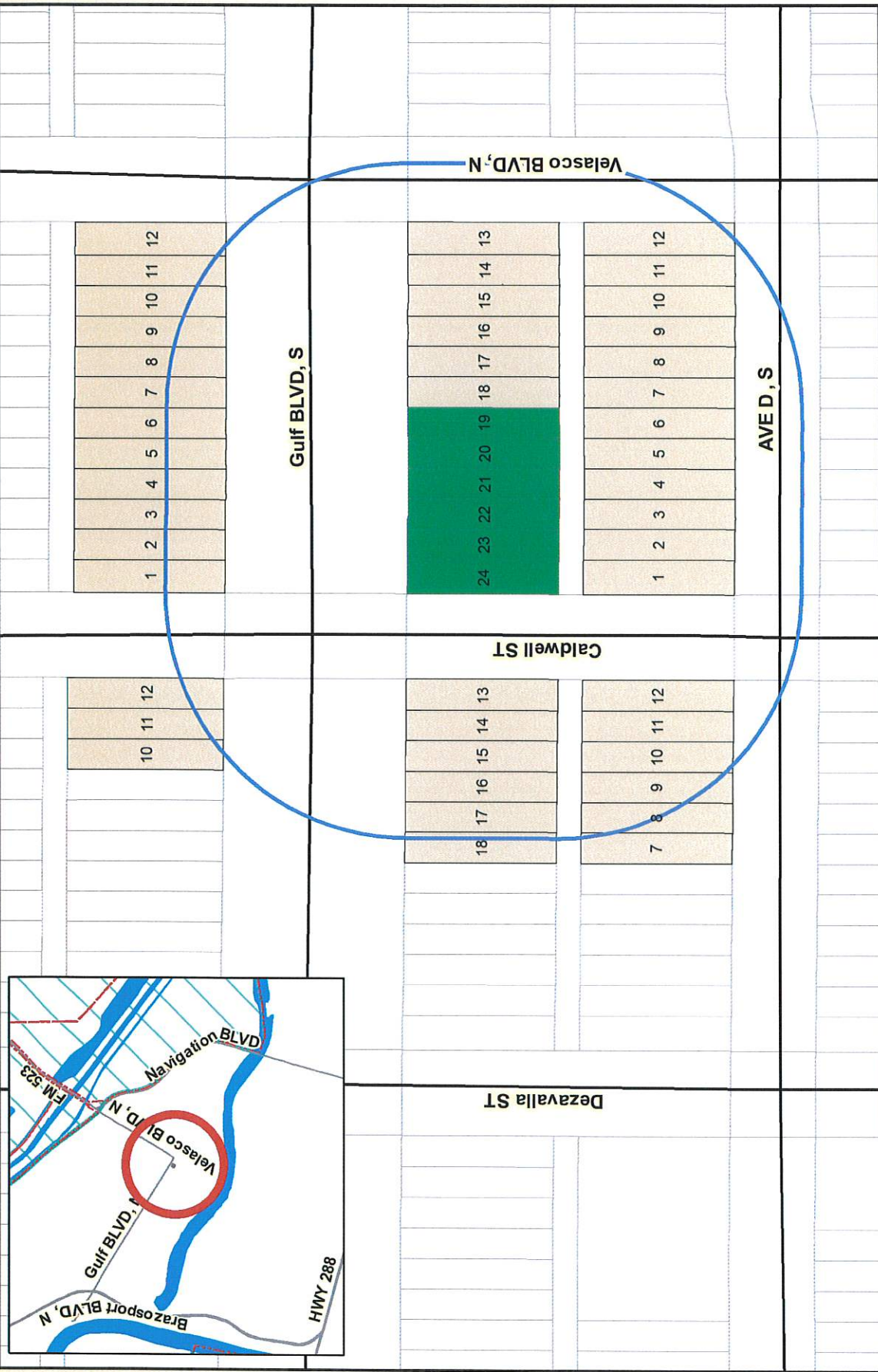


Author: Laura Cramer  
Document Path: S:\GIS Data\259754  
200ft w template 070623.mxd

# Replat Property Location Map

## Property ID: 259754

- Legend**
- 200' Buffer
  - 259754
  - Roads
  - Water
  - Buffered Parcels
  - Parcels
  - City of Freeport ETJ





## City Council Agenda Item # 8

**Title:** Public Hearing: Consideration and possible action regarding request for a plat of Lot 1a and Lot 8a, block 47 of the Freeport Townsite, in the City of Freeport, Brazoria County, Texas a replat of Lots 1,2,3,4,5,6,7 and N.70 Ft of Lot 8, Block 47 according to the Map of Record in Volume 2, Page 95 of the Plat Records of Brazoria County, Texas

**Date:** August 7, 2023

**From:** Kacey Roman, Director of Building and Code

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**Staff Recommendation:**

Recommendation to Approve Replat.

**Item Summary:**

This property is located in the 200 block of W. 2<sup>nd</sup> Street between Oak and Cherry Street inside of the Freeport City Limits, across from City Hall. The owner is replating the current existing 8 lots into 2 lots for development or sale. The property is currently zoned Commercial C-1.

**Background Information:**

The owner on record at the Brazoria County Appraisal District is Roshan H. Wimalarathne.

**Special Considerations:** NA

**Financial Impact:** NA

**Board or 3<sup>rd</sup> Party recommendation:**

The Planning and Zoning Commission voted on July 25, 2023, to approve the replat.

**Supporting Documentation:**

See attached.

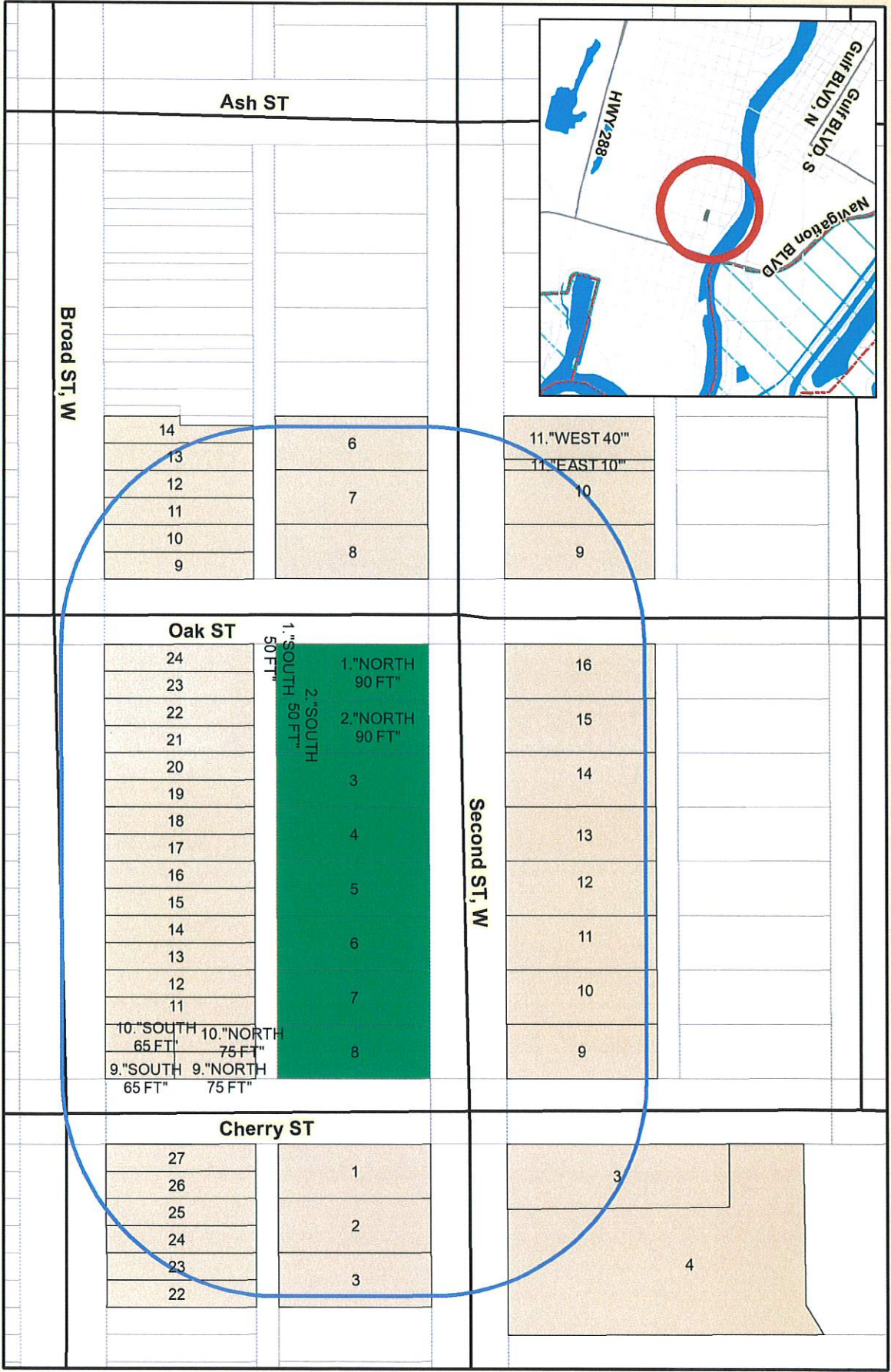
Legend

- 209339 209340 573725 209341 209342
- Water
- Unfilled Parcels
- City of Ferguson, MO

# Replat Property Location Map

Property ID: 2093339 209340 573725 209341 209342

Author: Laura Cramer  
 Document Path: S:\GIS Data\209339  
 209340 573725 209341 209342 200ft W





## City Council Agenda Item # 9

**Title:** Proposed Fiscal Year 2023-2024 Budget Discussion

**Date:** August 7, 2023

**From:** Cathy Ezell, Finance Director

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**Staff Recommendation:**

Staff recommends council discuss and make any recommendations in regards to the proposed FY23/24 Budget.

**Item Summary:**

This the presentation of the preliminary proposed budget. After the Strategic Planning Session held on Saturday, July 22, 2023 the following items were added to the budget:

- Building & Code – Part-time Admin. Assistant
- Fire
  - Portable Radio
  - Initiate Reserve Program w/5
- Golf
  - Greens Resurfacing
  - 5210 Tractor
  - Slope Mower
  - Z Master 72” Mower
  - Pumphouse Replacement
- Police
  - Adjust Step Plan 3.5%
  - Increase Salary Patrol, Dispatch, Animal Control, & Jailers by \$2.00 per hour
  - Promote 6 Officers in Charge to Corporals
  - Increase Overtime Budget
  - Increase Training Budget
  - SABA Kits for Vehicles
  - New Evidence Lockers
  - Remove Tower Outside PD
  - Sever Room Ventilation
  - Replace Gate Motor at PD
  - Sever Switch Replacements
  - Net Motion Cyber Security



- Off-site Backup and Software
- Public Works
  - Streets & Drainage
    - One Ton Dump Truck
    - ½ Ton 4x4 Work Truck
    - ¾ Yard Concrete Mixer
  - Maintenance
    - ½ Ton 4x4 Work Truck
    - FMP Kitchen Renovation
    - Riverplace Exterior Metal Coating
  - Parks
    - ½ Ton 4x4 Work Truck
  - Recreation Center
    - Splashpad Replacement Parts
    - Free Weights Replacement
  - Museum
    - Interpretive Panels
    - Traveling Exhibits
    - Advertising Brochures
    - Storage Renovations
    - Display Cases
    - New Doorway to Storage
  - Library
    - Restroom Upgrade
    - Double Pedestal Desk
    - Waste Receptacles
    - Nesting Training Tables
  - Finance – Budgeting Software

**Background Information:**

The preliminary proposed budget for Fiscal Year 2023-2024 was developed after the departments submitted operating costs to continue providing services at the same level in Fiscal Year 2023-2024 as they were provided during Fiscal Year 2022-2023. Additional items were then added after the Strategic Planning session. The preliminary proposed budget significantly reduces the City’s General Fund Reserves.

This is the time for City Council to provide staff with additional input on projects they would like added with guidance on how to fund any additional projects, through decreasing reserves, cutting current proposed projects, or generating additional revenue.

After discussion tonight, any changes brought forward by City Council will be made to the budget and a new proposed budget will be distributed. There will be further discussion on the budget at the August 21, 2023 meeting. Staff is recommending that the public hearings on the

budget and tax rate to be held on September 5, 2023. Also, the final adoption of the budget and tax rate will be at this September 5, 2023 meeting. If Council does not adopt the budget and tax rate at the September 5, 2023 meeting, a special meeting will have to be called before September 16, 2023 in order to have the budget and tax rate adopted as required by the City's Charter.

**Special Considerations:**

The Brazoria County Tax Office, provided the City with a tax calculation worksheet on July 31, 2023. From that worksheet a total tax rate of \$0.533 per \$100 of valuation is being proposed. This tax rate will generate over \$300,000 in revenue over what was originally projected in the draft provided. This additional revenue can be used to increase reserves or fund additional projects.

**Financial Impact:**

This proposed budget will be used to set the budget and tax rate for Fiscal Year 2023-2023.

**Board or 3<sup>rd</sup> Party Recommendation:**

The Freeport Economic Development Corporation (EDC) budget was included in the proposed budget with \$0.00. The EDC budget information will be added to the final budget document after adoption by City Council

**Supporting Documentation:**

Proposed FY23/24 Budget distributed separately to Council from agenda packet and posted to City Website.



## City Council Agenda Item # 10

**Title:** Consideration of and action on setting the public hearing for the Fiscal Year 2023-2024 Budget.

**Date:** August 7, 2023

**From:** Cathy Ezell, Finance Director

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**Staff Recommendation:**

Staff recommends Council authorize publication of notice for a Public Hearing for the Fiscal Year 2023-2024 Budget on Tuesday, September 5, 2023 with the adoption on the same date.

**Item Summary:**

On July 31, 2023, the City Manager and Finance Director presented a proposed budget for the Fiscal Year 2022-2023 which was filed with the City Secretary and posted on the City website as required by Local Government Code Section 102.005.

**Background Information:**

Per Section 102.006 of the Local Government Code, the City must hold a public hearing on the proposed budget. Any person may attend and may participate in the hearing. The governing body shall set the hearing for a date occurring after the 15th day after the date the proposed budget is filed with the municipal clerk but, before the governing body adopts its tax levy. Notice of this hearing will be made in compliance with Section 102.005(b) of Local Government Code.

**Special Considerations:**

N/A

**Financial Impact:**

The total Budget (which includes all Funds) is approximately \$28 million.

**Board or 3<sup>rd</sup> Party recommendation:**

N/A

**Supporting Documentation:**

N/A



## City Council Agenda Item # 11

**Title:** Consideration of and action on setting the City of Freeport proposed 2023 tax rate, setting public hearing (if necessary), and directing staff to publish the Notice of Proposed 2022 Tax Rate.

**Date:** August 7, 2023

**From:** Cathy Ezell, Finance Director

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**Staff Recommendation:**

Staff recommends that Council propose a tax rate in the amount of \$0.533 per \$100 of valuation. A vote on the proposed tax rate must be a record vote. The proposed rate of \$0.533 is a not to exceed rate. Council may only adopt a tax rate equal to or less than \$0.533 but not more, if this is approved at the proposed tax rate.

Staff recommends holding the Public Hearing on the Tax Rate on Tuesday, September 5, 2023 with the adoption on the same date.

**Motions:**

- 1. to set the proposed tax rate not to exceed \$0.533 per \$100 in property valuation.**
- 2. to set the public hearing for the tax rate on September 5, 2023 at 6:30 p.m. at 430 N Brazosport, Freeport, TX**

**Item Summary:**

The FY2023-2024 Proposed Budget was developed utilizing a projected taxable value and debt service amount. Since then, the City has received the final calculations based on an Adjusted 2023 taxable of \$777,168,613.

Based on calculations performed by the Tax Assessor/Collector, the required rates have been calculated and submitted to the governing body as follows:

No New Revenue Tax Rate: \$0.481220

Debt Rate: \$0.064661

Voter Approval Tax Rate including Unused Increment Rate: \$0.533012

**Background Information:**

Local government taxing units must provide notice using language specified in the Property Tax Code. The required notice may be published in a newspaper or by mailing it to each property owner in the city or county, as applicable. If published, it must also be placed on the homepage of the taxing unit's website.

Should Council propose a rate higher than the No-New Revenue Rate, a public hearing on the tax increase is required. After publishing the required notice, taxing units must hold one public hearing. A quorum of the governing body must be present at the hearing.

The public hearing must be held at least five days after the date notice of public hearing is given. This hearing must be held on a weekday that is not a public holiday and must take place in a public building inside the taxing unit's boundaries or a suitable building to which the public have normal access. Taxpayers must have the opportunity to express their views on the increase at the hearing.

Council may adopt the tax rate at this hearing. If Council does not vote on the proposed tax rate at the public hearing, Council must announce at the public hearing the date, time and place of the meeting at which it will vote on the tax rate.

**Special Considerations:**

If Council proposes the No New Revenue Rate, a Public Hearing is not required by tax law. The City must simply publish notice of the meeting to vote on the tax rate. Additionally, the deadline to approve a tax rate for consolidated tax bill is September 20, 2023.

**Financial Impact:**

Based on the 2022 Certified Estimate, the following table shows the financial impact of each rate. The current tax rate is above the No New Revenue Rate but below the Voter Approval Tax Rate.

Line	Description of Rate	Total Rate	M & O Rate	Debt Rate	% Over NNR	General Fund (M&O) Revenue	Budget Impact from M&O Rate
1	No New Revenue Tax Rate*	<b>0.481227</b>	0.416616	0.064661		\$3,237,808	(\$12,192)
2	Voter Approval Tax Rate	<b>0.533064</b>	0.468403	0.064661	<b>10.8%</b>	\$3,640,281	\$390,281
3	De Minimis Tax Rate	<b>0.553418</b>	0.488757	0.064661	<b>15.0%</b>	\$3,798,465	\$548,465
5	<i>Proposed Rate</i>	<b>0.533000</b>	0.468339	0.064461	<b>10.8%</b>	\$3,639,783	\$389,783

*\*The No New Revenue Tax Rate is the rate to receive the same total amount of revenue from all tax rates but actually reduces the amount of revenue received for maintenance and operations.*

**Board or 3<sup>rd</sup> Party recommendation:**

N/A

**Supporting Documentation:**

2023 Tax Rate Calculation Worksheet

# 2023 Tax Rate Calculation Worksheet

## Taxing Units Other Than School Districts or Water Districts

Form 50-856

CITY OF FREEPORT

979-871-0107

Taxing Unit Name

Phone (area code and number)

200 W 2nd Street, Freeport, TX 77541

www.freeport.tx.us

Taxing Unit's Address, City, State, ZIP Code

Taxing Unit's Website Address

**GENERAL INFORMATION:** Tax Code Section 26.04(c) requires an officer or employee designated by the governing body to calculate the no-new-revenue (NNR) tax rate and voter-approval tax rate for the taxing unit. These tax rates are expressed in dollars per \$100 of taxable value calculated. The calculation process starts after the chief appraiser delivers to the taxing unit the certified appraisal roll and the estimated values of properties under protest. The designated officer or employee shall certify that the officer or employee has accurately calculated the tax rates and used values shown for the certified appraisal roll or certified estimate. The officer or employee submits the rates to the governing body by Aug. 7 or as soon thereafter as practicable.

School districts do not use this form, but instead use Comptroller Form 50-859 *Tax Rate Calculation Worksheet, School District without Chapter 313 Agreements* or Comptroller Form 50-884 *Tax Rate Calculation Worksheet, School District with Chapter 313 Agreements*.

Water districts as defined under Water Code Section 49.001(1) do not use this form, but instead use Comptroller Form 50-858 *Water District Voter-Approval Tax Rate Worksheet for Low Tax Rate and Developing Districts* or Comptroller Form 50-860 *Developed Water District Voter-Approval Tax Rate Worksheet*.

The Comptroller's office provides this worksheet to assist taxing units in determining tax rates. The information provided in this worksheet is offered as technical assistance and not legal advice. Taxing units should consult legal counsel for interpretations of law regarding tax rate preparation and adoption.

### SECTION 1: No-New-Revenue Tax Rate

The NNR tax rate enables the public to evaluate the relationship between taxes for the prior year and for the current year based on a tax rate that would produce the same amount of taxes (no new taxes) if applied to the same properties that are taxed in both years. When appraisal values increase, the NNR tax rate should decrease.

The NNR tax rate for a county is the sum of the NNR tax rates calculated for each type of tax the county levies.

While uncommon, it is possible for a taxing unit to provide an exemption for only maintenance and operations taxes. In this case, the taxing unit will need to calculate the NNR tax rate separately for the maintenance and operations tax and the debt tax, then add the two components together.

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
1.	<b>2022 total taxable value.</b> Enter the amount of 2022 taxable value on the 2022 tax roll today. Include any adjustments since last year's certification; exclude Tax Code Section 25.25(d) one-fourth and one-third over-appraisal corrections from these adjustments. Exclude any property value subject to an appeal under Chapter 42 as of July 25 (will add undisputed value in Line 6). This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (adjustment is made by deducting TIF taxes, as reflected in Line 17). <sup>1</sup>	\$ 638,294,563
2.	<b>2022 tax ceilings.</b> Counties, cities and junior college districts. Enter 2022 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2022 or a prior year for homeowners age 65 or older or disabled, use this step. <sup>2</sup>	\$ 0
3.	<b>Preliminary 2022 adjusted taxable value.</b> Subtract Line 2 from Line 1.	\$ 638,294,563
4.	<b>2022 total adopted tax rate.</b>	\$ 0.600000 /\$100
5.	<b>2022 taxable value lost because court appeals of ARB decisions reduced 2022 appraised value.</b>	
	A. Original 2022 ARB values: .....	\$ 1,337,550
	B. 2022 values resulting from final court decisions: .....	-\$ 1,100,000
	C. 2022 value loss. Subtract B from A. <sup>3</sup>	\$ 237,550
6.	<b>2022 taxable value subject to an appeal under Chapter 42, as of July 25.</b>	
	A. 2022 ARB certified value: .....	\$ 0
	B. 2022 disputed value: .....	-\$ 0
	C. 2022 undisputed value. Subtract B from A. <sup>4</sup>	\$ 0
7.	<b>2022 Chapter 42 related adjusted values.</b> Add Line 5C and Line 6C.	\$ 237,550

<sup>1</sup> Tex. Tax Code §26.012(14)

<sup>2</sup> Tex. Tax Code §26.012(14)

<sup>3</sup> Tex. Tax Code §26.012(13)

<sup>4</sup> Tex. Tax Code §26.012(13)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
8.	<b>2022 taxable value, adjusted for actual and potential court-ordered adjustments.</b> Add Line 3 and Line 7.	\$ 638,532,113
9.	<b>2022 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2022.</b> Enter the 2022 value of property in deannexed territory. <sup>5</sup>	\$ 0
10.	<p><b>2022 taxable value lost because property first qualified for an exemption in 2023.</b> If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost due to freeport, goods-in-transit, temporary disaster exemptions. Note that lowering the amount or percentage of an existing exemption in 2023 does not create a new exemption or reduce taxable value.</p> <p><b>A. Absolute exemptions.</b> Use 2022 market value: ..... \$ 44,660</p> <p><b>B. Partial exemptions.</b> 2023 exemption amount or 2023 percentage exemption times 2022 value: ..... + \$ 4,345,662</p> <p><b>C. Value loss.</b> Add A and B.<sup>6</sup></p>	\$ 4,390,322
11.	<p><b>2022 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2023.</b> Use only properties that qualified in 2023 for the first time; do not use properties that qualified in 2022.</p> <p><b>A. 2022 market value:</b> ..... \$ 0</p> <p><b>B. 2023 productivity or special appraised value:</b> ..... - \$ 0</p> <p><b>C. Value loss.</b> Subtract B from A.<sup>7</sup></p>	\$ 0
12.	<b>Total adjustments for lost value.</b> Add Lines 9, 10C and 11C.	\$ 4,390,322
13.	<b>2022 captured value of property in a TIF.</b> Enter the total value of 2022 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which 2022 taxes were deposited into the tax increment fund. <sup>8</sup> If the taxing unit has no captured appraised value in line 18D, enter 0.	\$ 15,366,508
14.	<b>2022 total value.</b> Subtract Line 12 and Line 13 from Line 8.	\$ 618,775,283
15.	<b>Adjusted 2022 total levy.</b> Multiply Line 4 by Line 14 and divide by \$100.	\$ 3,712,651
16.	<b>Taxes refunded for years preceding tax year 2022.</b> Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2022. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2022. This line applies only to tax years preceding tax year 2022. <sup>9</sup>	\$ 1,351
17.	<b>Adjusted 2022 levy with refunds and TIF adjustment.</b> Add Lines 15 and 16. <sup>10</sup>	\$ 3,714,002
18.	<p><b>Total 2023 taxable value on the 2023 certified appraisal roll today.</b> This value includes only certified values or certified estimate of values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 20). These homesteads include homeowners age 65 or older or disabled.<sup>11</sup></p> <p><b>A. Certified values:</b> ..... \$ 696,240,177</p> <p><b>B. Counties:</b> Include railroad rolling stock values certified by the Comptroller's office: ..... + \$</p> <p><b>C. Pollution control and energy storage system exemption:</b> Deduct the value of property exempted for the current tax year for the first time as pollution control or energy storage system property: ..... - \$ 0</p> <p><b>D. Tax increment financing:</b> Deduct the 2023 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2023 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 23 below.<sup>12</sup> ..... - \$ 35,355,797</p> <p><b>E. Total 2023 value.</b> Add A and B, then subtract C and D.</p>	\$ 660,884,380

<sup>5</sup> Tex. Tax Code §26.012(15)

<sup>6</sup> Tex. Tax Code §26.012(15)

<sup>7</sup> Tex. Tax Code §26.012(15)

<sup>8</sup> Tex. Tax Code §26.03(c)

<sup>9</sup> Tex. Tax Code §26.012(13)

<sup>10</sup> Tex. Tax Code §26.012(13)

<sup>11</sup> Tex. Tax Code §26.012, 26.04(c-2)

<sup>12</sup> Tex. Tax Code §26.03(c)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
19.	<p><b>Total value of properties under protest or not included on certified appraisal roll.</b> <sup>13</sup></p> <p><b>A. 2023 taxable value of properties under protest.</b> The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value under protest. <sup>14</sup>..... \$ <u>116,284,233</u></p> <p><b>B. 2023 value of properties not under protest or included on certified appraisal roll.</b> The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about but are not included in the appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value of property not on the certified roll. <sup>15</sup> ..... + \$ <u>0</u></p> <p><b>C. Total value under protest or not certified.</b> Add A and B. \$ <u>116,284,233</u></p>	
20.	<b>2023 tax ceilings.</b> Counties, cities and junior colleges enter 2023 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2022 or a prior year for homeowners age 65 or older or disabled, use this step. <sup>16</sup>	\$ <u>0</u>
21.	<b>2023 total taxable value.</b> Add Lines 18E and 19C. Subtract Line 20. <sup>17</sup>	\$ <u>777,168,613</u>
22.	<b>Total 2023 taxable value of properties in territory annexed after Jan. 1, 2022.</b> Include both real and personal property. Enter the 2023 value of property in territory annexed. <sup>18</sup>	\$ <u>0</u>
23.	<b>Total 2023 taxable value of new improvements and new personal property located in new improvements.</b> New means the item was not on the appraisal roll in 2022. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after Jan. 1, 2022 and be located in a new improvement. New improvements <b>do</b> include property on which a tax abatement agreement has expired for 2023. <sup>19</sup>	\$ <u>5,472,714</u>
24.	<b>Total adjustments to the 2023 taxable value.</b> Add Lines 22 and 23.	\$ <u>5,472,714</u>
25.	<b>Adjusted 2023 taxable value.</b> Subtract Line 24 from Line 21.	\$ <u>771,695,899</u>
26.	<b>2023 NNR tax rate.</b> Divide Line 17 by Line 25 and multiply by \$100. <sup>20</sup>	\$ <u>0.481277</u> /\$100
27.	<b>COUNTIES ONLY.</b> Add together the NNR tax rates for each type of tax the county levies. The total is the 2023 county NNR tax rate. <sup>21</sup>	\$ _____ /\$100

**SECTION 2: Voter-Approval Tax Rate**

The voter-approval tax rate is the highest tax rate that a taxing unit may adopt without holding an election to seek voter approval of the rate. The voter-approval tax rate is split into two separate rates:

- Maintenance and Operations (M&O) Tax Rate:** The M&O portion is the tax rate that is needed to raise the same amount of taxes that the taxing unit levied in the prior year plus the applicable percentage allowed by law. This rate accounts for such things as salaries, utilities and day-to-day operations.
- Debt Rate:** The debt rate includes the debt service necessary to pay the taxing unit's debt payments in the coming year. This rate accounts for principal and interest on bonds and other debt secured by property tax revenue.

The voter-approval tax rate for a county is the sum of the voter-approval tax rates calculated for each type of tax the county levies. In most cases the voter-approval tax rate exceeds the no-new-revenue tax rate, but occasionally decreases in a taxing unit's debt service will cause the NNR tax rate to be higher than the voter-approval tax rate.

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
28.	<b>2022 M&amp;O tax rate.</b> Enter the 2022 M&O tax rate.	\$ <u>0.522997</u> /\$100
29.	<b>2022 taxable value, adjusted for actual and potential court-ordered adjustments.</b> Enter the amount in Line 8 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>638,532,113</u>

<sup>13</sup> Tex. Tax Code §26.01(c) and (d)  
<sup>14</sup> Tex. Tax Code §26.01(c)  
<sup>15</sup> Tex. Tax Code §26.01(d)  
<sup>16</sup> Tex. Tax Code §26.012(6)(B)  
<sup>17</sup> Tex. Tax Code §26.012(6)  
<sup>18</sup> Tex. Tax Code §26.012(17)  
<sup>19</sup> Tex. Tax Code §26.012(17)  
<sup>20</sup> Tex. Tax Code §26.04(c)  
<sup>21</sup> Tex. Tax Code §26.04(d)



Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
30.	<b>Total 2022 M&amp;O levy.</b> Multiply Line 28 by Line 29 and divide by \$100	\$ 3,339,503
31.	<b>Adjusted 2022 levy for calculating NNR M&amp;O rate.</b>	
	<p><b>A. M&amp;O taxes refunded for years preceding tax year 2022.</b> Enter the amount of M&amp;O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2022. This line applies only to tax years preceding tax year 2022. .... + \$ 1,119</p> <p><b>B. 2022 taxes in TIF.</b> Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2023 captured appraised value in Line 18D, enter 0. .... - \$ 65,375</p> <p><b>C. 2022 transferred function.</b> If discontinuing all of a department, function or activity and transferring it to another taxing unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the taxing unit operated the function. The taxing unit discontinuing the function will subtract this amount in D below. The taxing unit receiving the function will add this amount in D below. Other taxing units enter 0. .... +/- \$ 0</p> <p><b>D. 2022 M&amp;O levy adjustments.</b> Subtract B from A. For taxing unit with C, subtract if discontinuing function and add if receiving function. .... \$ -64,256</p> <p><b>E. Add Line 30 to 31D.</b></p>	\$ 3,275,247
32.	<b>Adjusted 2023 taxable value.</b> Enter the amount in Line 25 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 771,695,899
33.	<b>2023 NNR M&amp;O rate (unadjusted).</b> Divide Line 31E by Line 32 and multiply by \$100.	\$ 0.424421 /\$100
34.	<b>Rate adjustment for state criminal justice mandate.</b> <sup>23</sup> <b>If not applicable or less than zero, enter 0.</b>	
	<p><b>A. 2023 state criminal justice mandate.</b> Enter the amount spent by a county in the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose. .... \$ 0</p> <p><b>B. 2022 state criminal justice mandate.</b> Enter the amount spent by a county in the 12 months prior to the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose. Enter zero if this is the first time the mandate applies. .... - \$ 0</p> <p><b>C. Subtract B from A and divide by Line 32 and multiply by \$100.</b> .... \$ 0 /\$100</p> <p><b>D. Enter the rate calculated in C. If not applicable, enter 0.</b></p>	\$ 0 /\$100
35.	<b>Rate adjustment for indigent health care expenditures.</b> <sup>24</sup> <b>If not applicable or less than zero, enter 0.</b>	
	<p><b>A. 2023 indigent health care expenditures.</b> Enter the amount paid by a taxing unit providing for the maintenance and operation cost of providing indigent health care for the period beginning on July 1, 2022 and ending on June 30, 2023, less any state assistance received for the same purpose. .... \$ 0</p> <p><b>B. 2022 indigent health care expenditures.</b> Enter the amount paid by a taxing unit providing for the maintenance and operation cost of providing indigent health care for the period beginning on July 1, 2021 and ending on June 30, 2022, less any state assistance received for the same purpose. .... - \$ 0</p> <p><b>C. Subtract B from A and divide by Line 32 and multiply by \$100.</b> .... \$ 0 /\$100</p> <p><b>D. Enter the rate calculated in C. If not applicable, enter 0.</b></p>	\$ 0 /\$100

<sup>22</sup> [Reserved for expansion]

<sup>23</sup> Tex. Tax Code §26.044

<sup>24</sup> Tex. Tax Code §26.041

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
36.	<p><b>Rate adjustment for county indigent defense compensation.</b> <sup>25</sup> If not applicable or less than zero, enter 0.</p> <p><b>A. 2023 indigent defense compensation expenditures.</b> Enter the amount paid by a county to provide appointed counsel for indigent individuals and fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure for the period beginning on July 1, 2022 and ending on June 30, 2023, less any state grants received by the county for the same purpose..... \$ <u>0</u></p> <p><b>B. 2022 indigent defense compensation expenditures.</b> Enter the amount paid by a county to provide appointed counsel for indigent individuals and fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure for the period beginning on July 1, 2021 and ending on June 30, 2022, less any state grants received by the county for the same purpose..... \$ <u>0</u></p> <p><b>C.</b> Subtract B from A and divide by Line 32 and multiply by \$100..... \$ <u>0</u> /\$100</p> <p><b>D.</b> Multiply B by 0.05 and divide by Line 32 and multiply by \$100..... \$ <u>0</u> /\$100</p> <p><b>E.</b> Enter the lesser of C and D. If not applicable, enter 0.</p>	\$ <u>0</u> /\$100
37.	<p><b>Rate adjustment for county hospital expenditures.</b> <sup>26</sup> If not applicable or less than zero, enter 0.</p> <p><b>A. 2023 eligible county hospital expenditures.</b> Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, 2022 and ending on June 30, 2023. .... \$ <u>0</u></p> <p><b>B. 2022 eligible county hospital expenditures.</b> Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, 2021 and ending on June 30, 2022. .... \$ <u>0</u></p> <p><b>C.</b> Subtract B from A and divide by Line 32 and multiply by \$100..... \$ <u>0</u> /\$100</p> <p><b>D.</b> Multiply B by 0.08 and divide by Line 32 and multiply by \$100..... \$ <u>0</u> /\$100</p> <p><b>E.</b> Enter the lesser of C and D, if applicable. If not applicable, enter 0.</p>	\$ <u>0</u> /\$100
38.	<p><b>Rate adjustment for defunding municipality.</b> This adjustment only applies to a municipality that is considered to be a defunding municipality for the current tax year under Chapter 109, Local Government Code. Chapter 109, Local Government Code only applies to municipalities with a population of more than 250,000 and includes a written determination by the Office of the Governor. See Tax Code Section 26.0444 for more information.</p> <p><b>A. Amount appropriated for public safety in 2022.</b> Enter the amount of money appropriated for public safety in the budget adopted by the municipality for the preceding fiscal year ..... \$ <u>0</u></p> <p><b>B. Expenditures for public safety in 2022.</b> Enter the amount of money spent by the municipality for public safety during the preceding fiscal year ..... \$ <u>0</u></p> <p><b>C.</b> Subtract B from A and divide by Line 32 and multiply by \$100 ..... \$ <u>0</u> /\$100</p> <p><b>D.</b> Enter the rate calculated in C. If not applicable, enter 0.</p>	\$ <u>0</u> /\$100
39.	<p><b>Adjusted 2023 NNR M&amp;O rate.</b> Add Lines 33, 34D, 35D, 36E, and 37E. Subtract Line 38D.</p>	\$ <u>0.424421</u> /\$100
40.	<p><b>Adjustment for 2022 sales tax specifically to reduce property taxes.</b> Cities, counties and hospital districts that collected and spent additional sales tax on M&amp;O expenses in 2022 should complete this line. These entities will deduct the sales tax gain rate for 2023 in Section 3. Other taxing units, enter zero.</p> <p><b>A.</b> Enter the amount of additional sales tax collected and spent on M&amp;O expenses in 2022, if any. Counties must exclude any amount that was spent for economic development grants from the amount of sales tax spent ..... \$ <u>0</u></p> <p><b>B.</b> Divide Line 40A by Line 32 and multiply by \$100 ..... \$ <u>0</u> /\$100</p> <p><b>C.</b> Add Line 40B to Line 39.</p>	\$ <u>0.424421</u> /\$100
41.	<p><b>2023 voter-approval M&amp;O rate.</b> Enter the rate as calculated by the appropriate scenario below.</p> <p><b>Special Taxing Unit.</b> If the taxing unit qualifies as a special taxing unit, multiply Line 40C by 1.08.</p> <p>- or -</p> <p><b>Other Taxing Unit.</b> If the taxing unit does not qualify as a special taxing unit, multiply Line 40C by 1.035.</p>	\$ <u>0.439275</u> /\$100

<sup>25</sup> Tex. Tax Code §26.0442  
<sup>26</sup> Tex. Tax Code §26.0443

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
D41.	<p><b>Disaster Line 41 (D41): 2023 voter-approval M&amp;O rate for taxing unit affected by disaster declaration.</b> If the taxing unit is located in an area declared a disaster area and at least one person is granted an exemption under Tax Code Section 11.35 for property located in the taxing unit, the governing body may direct the person calculating the voter-approval tax rate to calculate in the manner provided for a special taxing unit. The taxing unit shall continue to calculate the voter-approval tax rate in this manner until the earlier of</p> <p>1) the first year in which total taxable value on the certified appraisal roll exceeds the total taxable value of the tax year in which the disaster occurred, or</p> <p>2) the third tax year after the tax year in which the disaster occurred</p> <p>If the taxing unit qualifies under this scenario, multiply Line 40C by 1.08.<sup>27</sup> If the taxing unit does not qualify, do not complete Disaster Line 41 (Line D41).</p>	\$ <u>0</u> /\$100
42.	<p><b>Total 2023 debt to be paid with property taxes and additional sales tax revenue.</b> Debt means the interest and principal that will be paid on debts that:</p> <p>(1) are paid by property taxes,</p> <p>(2) are secured by property taxes,</p> <p>(3) are scheduled for payment over a period longer than one year, and</p> <p>(4) are not classified in the taxing unit's budget as M&amp;O expenses.</p> <p><b>A. Debt</b> also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. If the governing body of a taxing unit authorized or agreed to authorize a bond, warrant, certificate of obligation, or other evidence of indebtedness on or after Sept. 1, 2021, verify if it meets the amended definition of debt before including it here.<sup>28</sup></p> <p>Enter debt amount ..... \$ <u>500,519</u></p> <p><b>B. Subtract unencumbered fund amount</b> used to reduce total debt. .... - \$ <u>0</u></p> <p><b>C. Subtract certified amount spent from sales tax to reduce debt</b> (enter zero if none) ..... - \$ <u>0</u></p> <p><b>D. Subtract amount paid</b> from other resources ..... - \$ <u>0</u></p> <p><b>E. Adjusted debt.</b> Subtract B, C and D from A. .... \$ <u>500,519</u></p>	\$ <u>500,519</u>
43.	<b>Certified 2022 excess debt collections.</b> Enter the amount certified by the collector. <sup>29</sup>	\$ <u>0</u>
44.	<b>Adjusted 2023 debt.</b> Subtract Line 43 from Line 42E.	\$ <u>500,519</u>
45.	<p><b>2023 anticipated collection rate.</b></p> <p><b>A.</b> Enter the 2023 anticipated collection rate certified by the collector.<sup>30</sup> ..... <u>99.60</u> %</p> <p><b>B.</b> Enter the 2022 actual collection rate. .... <u>99.60</u> %</p> <p><b>C.</b> Enter the 2021 actual collection rate. .... <u>103.41</u> %</p> <p><b>D.</b> Enter the 2020 actual collection rate. .... <u>100.66</u> %</p> <p><b>E.</b> If the anticipated collection rate in A is lower than actual collection rates in B, C and D, enter the lowest collection rate from B, C and D. If the anticipated rate in A is higher than at least one of the rates in the prior three years, enter the rate from A. Note that the rate can be greater than 100%.<sup>31</sup></p>	\$ <u>99.60</u> %
46.	<b>2023 debt adjusted for collections.</b> Divide Line 44 by Line 45E.	\$ <u>502,529</u>
47.	<b>2023 total taxable value.</b> Enter the amount on Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ <u>777,168,613</u>
48.	<b>2023 debt rate.</b> Divide Line 46 by Line 47 and multiply by \$100.	\$ <u>0.064661</u> /\$100
49.	<b>2023 voter-approval tax rate.</b> Add Lines 41 and 48.	\$ <u>0.503936</u> /\$100
D49.	<p><b>Disaster Line 49 (D49): 2023 voter-approval tax rate for taxing unit affected by disaster declaration.</b> Complete this line if the taxing unit calculated the voter-approval tax rate in the manner provided for a special taxing unit on Line D41. Add Line D41 and 48.</p>	\$ _____ /\$100

<sup>27</sup> Tex. Tax Code §26.042(a)  
<sup>28</sup> Tex. Tax Code §26.012(7)  
<sup>29</sup> Tex. Tax Code §26.012(10) and 26.04(b)  
<sup>30</sup> Tex. Tax Code §26.04(b)  
<sup>31</sup> Tex. Tax Code §§26.04(h), (h-1) and (h-2)

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
50.	<b>COUNTIES ONLY.</b> Add together the voter-approval tax rates for each type of tax the county levies. The total is the 2023 county voter-approval tax rate.	\$ 0 /\$100

**SECTION 3: NNR Tax Rate and Voter-Approval Tax Rate Adjustments for Additional Sales Tax to Reduce Property Taxes**

Cities, counties and hospital districts may levy a sales tax specifically to reduce property taxes. Local voters by election must approve imposing or abolishing the additional sales tax. If approved, the taxing unit must reduce its NNR and voter-approval tax rates to offset the expected sales tax revenue.

This section should only be completed by a county, city or hospital district that is required to adjust its NNR tax rate and/or voter-approval tax rate because it adopted the additional sales tax.

Line	Additional Sales and Use Tax Worksheet	Amount/Rate
51.	<b>Taxable Sales.</b> For taxing units that adopted the sales tax in November 2022 or May 2023, enter the Comptroller's estimate of taxable sales for the previous four quarters. <sup>32</sup> Estimates of taxable sales may be obtained through the Comptroller's Allocation Historical Summary webpage. Taxing units that adopted the sales tax before November 2022, enter 0.	\$ 0
52.	<b>Estimated sales tax revenue.</b> Counties exclude any amount that is or will be spent for economic development grants from the amount of estimated sales tax revenue. <sup>33</sup>  <b>Taxing units that adopted the sales tax in November 2022 or in May 2023.</b> Multiply the amount on Line 51 by the sales tax rate (.01, .005 or .0025, as applicable) and multiply the result by .95. <sup>34</sup> <b>- or -</b> <b>Taxing units that adopted the sales tax before November 2022.</b> Enter the sales tax revenue for the previous four quarters. Do not multiply by .95.	\$ 0
53.	<b>2023 total taxable value.</b> Enter the amount from Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 777,168,613
54.	<b>Sales tax adjustment rate.</b> Divide Line 52 by Line 53 and multiply by \$100.	\$ 0 /\$100
55.	<b>2023 NNR tax rate, unadjusted for sales tax.</b> <sup>35</sup> Enter the rate from Line 26 or 27, as applicable, on the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 0.481277 /\$100
56.	<b>2023 NNR tax rate, adjusted for sales tax.</b> <b>Taxing units that adopted the sales tax in November 2022 or in May 2023.</b> Subtract Line 54 from Line 55. Skip to Line 57 if you adopted the additional sales tax before November 2022.	\$ 0.481277 /\$100
57.	<b>2023 voter-approval tax rate, unadjusted for sales tax.</b> <sup>36</sup> Enter the rate from Line 49, Line D49 (disaster) or Line 50 (counties) as applicable, of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$ 0.503936 /\$100
58.	<b>2023 voter-approval tax rate, adjusted for sales tax.</b> Subtract Line 54 from Line 57.	\$ 0.503936 /\$100

**SECTION 4: Voter-Approval Tax Rate Adjustment for Pollution Control**

A taxing unit may raise its rate for M&O funds used to pay for a facility, device or method for the control of air, water or land pollution. This includes any land, structure, building, installation, excavation, machinery, equipment or device that is used, constructed, acquired or installed wholly or partly to meet or exceed pollution control requirements. The taxing unit's expenses are those necessary to meet the requirements of a permit issued by the Texas Commission on Environmental Quality (TCEQ). The taxing unit must provide the tax assessor with a copy of the TCEQ letter of determination that states the portion of the cost of the installation for pollution control.

This section should only be completed by a taxing unit that uses M&O funds to pay for a facility, device or method for the control of air, water or land pollution.

Line	Voter-Approval Rate Adjustment for Pollution Control Requirements Worksheet	Amount/Rate
59.	<b>Certified expenses from the Texas Commission on Environmental Quality (TCEQ).</b> Enter the amount certified in the determination letter from TCEQ. <sup>37</sup> The taxing unit shall provide its tax assessor-collector with a copy of the letter. <sup>38</sup>	\$ 0
60.	<b>2023 total taxable value.</b> Enter the amount from Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 777,168,613
61.	<b>Additional rate for pollution control.</b> Divide Line 59 by Line 60 and multiply by \$100.	\$ 0 /\$100
62.	<b>2023 voter-approval tax rate, adjusted for pollution control.</b> Add Line 61 to one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties) or Line 58 (taxing units with the additional sales tax).	\$ 0.503936 /\$100

<sup>32</sup> Tex. Tax Code §26.041(d)  
<sup>33</sup> Tex. Tax Code §26.041(i)  
<sup>34</sup> Tex. Tax Code §26.041(d)  
<sup>35</sup> Tex. Tax Code §26.04(c)  
<sup>36</sup> Tex. Tax Code §26.04(c)  
<sup>37</sup> Tex. Tax Code §26.045(d)  
<sup>38</sup> Tex. Tax Code §26.045(i)

**SECTION 5: Voter-Approval Tax Rate Adjustment for Unused Increment Rate**

The unused increment rate is the rate equal to the difference between the adopted tax rate and voter-approval tax rate adjusted to remove the unused increment rate for the prior three years.<sup>39</sup> In a year where a taxing unit adopts a rate by applying any portion of the unused increment rate, the portion of the unused increment rate must be backed out of the calculation for that year.

The difference between the adopted tax rate and adjusted voter-approval tax rate is considered zero in the following scenarios:

- a tax year before 2020;<sup>40</sup>
- a tax year in which the municipality is a defunding municipality, as defined by Tax Code Section 26.0501(a);<sup>41</sup> or
- after Jan. 1, 2022, a tax year in which the comptroller determines that the county implemented a budget reduction or reallocation described by Local Government Code Section 120.002(a) without the required voter approval.<sup>42</sup>

Individual components can be negative, but the overall rate would be the greater of zero or the calculated rate.

This section should only be completed by a taxing unit that does not meet the definition of a special taxing unit.<sup>43</sup>

Line	Unused Increment Rate Worksheet	Amount/Rate
63.	<b>Year 3 component.</b> Subtract the 2022 actual tax rate and the 2022 unused increment rate from the 2022 voter-approval tax rate.	
	A. Voter-approval tax rate (Line 67).....	\$ 0.616028 /\$100
	B. Unused increment rate (Line 66).....	\$ 0.010832 /\$100
	C. Subtract B from A.....	\$ 0.605196 /\$100
	D. Adopted Tax Rate.....	\$ 0.600000 /\$100
	E. Subtract D from C.....	\$ 0.005196 /\$100
64.	<b>Year 2 component.</b> Subtract the 2021 actual tax rate and the 2021 unused increment rate from the 2021 voter-approval tax rate.	
	A. Voter-approval tax rate (Line 67).....	\$ 0.623932 /\$100
	B. Unused increment rate (Line 66).....	\$ 0.013100 /\$100
	C. Subtract B from A.....	\$ 0.610832 /\$100
	D. Adopted Tax Rate.....	\$ 0.600000 /\$100
	E. Subtract D from C.....	\$ 0.010832 /\$100
65.	<b>Year 1 component.</b> Subtract the 2020 actual tax rate and the 2020 unused increment rate from the 2020 voter-approval tax rate.	
	A. Voter-approval tax rate (Line 65).....	\$ 0.628959 /\$100
	B. Unused increment rate (Line 64).....	\$ 0 /\$100
	C. Subtract B from A.....	\$ 0.628959 /\$100
	D. Adopted Tax Rate.....	\$ 0.615859 /\$100
	E. Subtract D from C.....	\$ 0.013100 /\$100
66.	<b>2023 unused increment rate.</b> Add Lines 63E, 64E and 65E.	\$ 0.029128 /\$100
67.	<b>Total 2023 voter-approval tax rate, including the unused increment rate.</b> Add Line 66 to one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (taxing units with the additional sales tax) or Line 62 (taxing units with pollution control).	\$ 0.533064 /\$100

<sup>39</sup> Tex. Tax Code §26.013(a)  
<sup>40</sup> Tex. Tax Code §26.013(c)  
<sup>41</sup> Tex. Tax Code §26.0501(a) and (c)  
<sup>42</sup> Tex. Local Gov't Code §120.007(d), effective Jan. 1, 2022  
<sup>43</sup> Tex. Tax Code §26.063(a)(1)  
<sup>44</sup> Tex. Tax Code §26.012(8-a)  
<sup>45</sup> Tex. Tax Code §26.063(a)(1)

**SECTION 6: De Minimis Rate**

The de minimis rate is the rate equal to the sum of the no-new-revenue maintenance and operations rate, the rate that will raise \$500,000, and the current debt rate for a taxing unit.<sup>44</sup> This section should only be completed by a taxing unit that is a municipality of less than 30,000 or a taxing unit that does not meet the definition of a special taxing unit.<sup>45</sup>

Line	De Minimis Rate Worksheet	Amount/Rate
68.	<b>Adjusted 2023 NNR M&amp;O tax rate.</b> Enter the rate from Line 39 of the <i>Voter-Approval Tax Rate Worksheet</i>	\$ 0.424421 /\$100
69.	<b>2023 total taxable value.</b> Enter the amount on Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 777,168,613
70.	<b>Rate necessary to impose \$500,000 in taxes.</b> Divide \$500,000 by Line 69 and multiply by \$100.	\$ 0.064336 /\$100
71.	<b>2023 debt rate.</b> Enter the rate from Line 48 of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$ 0.064661 /\$100
72.	<b>De minimis rate.</b> Add Lines 68, 70 and 71.	\$ 0.553418 /\$100

**SECTION 7: Voter Approval Tax Rate Adjustment for Emergency Revenue Rate**

In the tax year after the end of the disaster calculation time period detailed in Tax Code Section 26.042(a), a taxing unit that calculated its voter-approval tax rate in the manner provided for a special taxing unit due to a disaster must calculate its emergency revenue rate and reduce its voter-approval tax rate for that year.<sup>46</sup>

Similarly, if a taxing unit adopted a tax rate that exceeded its voter-approval tax rate, calculated normally, without holding an election to respond to a disaster, as allowed by Tax Code Section 26.042(d), in the prior year, it must also reduce its voter-approval tax rate for the current tax year.<sup>47</sup>

This section will apply to a taxing unit other than a special taxing unit that:

- directed the designated officer or employee to calculate the voter-approval tax rate of the taxing unit in the manner provided for a special taxing unit in the prior year; and
- the current year is the first tax year in which the total taxable value of property taxable by the taxing unit as shown on the appraisal roll for the taxing unit submitted by the assessor for the taxing unit to the governing body exceeds the total taxable value of property taxable by the taxing unit on January 1 of the tax year in which the disaster occurred or the disaster occurred four years ago. This section will apply to a taxing unit in a disaster area that adopted a tax rate greater than its voter-approval tax rate without holding an election in the prior year.

Note: This section does not apply if a taxing unit is continuing to calculate its voter-approval tax rate in the manner provided for a special taxing unit because it is still within the disaster calculation time period detailed in Tax Code Section 26.042(a) because it has not met the conditions in Tax Code Section 26.042(a)(1) or (2).

Line	Emergency Revenue Rate Worksheet	Amount/Rate
73.	<b>2022 adopted tax rate.</b> Enter the rate in Line 4 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 0.600000 /\$100
74.	<b>Adjusted 2022 voter-approval tax rate.</b> Use the taxing unit's Tax Rate Calculation Worksheets from the prior year(s) to complete this line.  If a disaster occurred in 2022 and the taxing unit calculated its 2022 voter-approval tax rate using a multiplier of 1.08 on Disaster Line 41 (D41) of the 2022 worksheet due to a disaster, complete the applicable sections or lines of Form 50-856-a, Adjusted Voter-Approval Tax Rate for Taxing Units in Disaster Area Calculation Worksheet. - or - If a disaster occurred prior to 2022 for which the taxing unit continued to calculate its voter-approval tax rate using a multiplier of 1.08 on Disaster Line 41 (D41) in 2022, complete the separate <i>Adjusted Voter-Approval Tax Rate for Taxing Units in Disaster Area Calculation Worksheet</i> to recalculate the voter-approval tax rate the taxing unit would have calculated in 2022 if it had generated revenue based on an adopted tax rate using a multiplier of 1.035 in the year(s) following the disaster. <sup>48</sup> Enter the final adjusted 2022 voter-approval tax rate from the worksheet. - or - If the taxing unit adopted a tax rate above the 2022 voter-approval tax rate without calculating a disaster tax rate or holding an election due to a disaster, no recalculation is necessary. Enter the voter-approval tax rate from the prior year's worksheet.	\$ 0 /\$100
75.	<b>Increase in 2022 tax rate due to disaster.</b> Subtract Line 74 from Line 73.	\$ 0 /\$100
76.	<b>Adjusted 2022 taxable value.</b> Enter the amount in Line 14 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 618,775,283
77.	<b>Emergency revenue.</b> Multiply Line 75 by Line 76 and divide by \$100.	\$ 0
78.	<b>Adjusted 2023 taxable value.</b> Enter the amount in Line 25 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 771,695,899
79.	<b>Emergency revenue rate.</b> Divide Line 77 by Line 78 and multiply by \$100. <sup>49</sup>	\$ 0 /\$100

<sup>46</sup> Tex. Tax Code §26.042(b)

<sup>47</sup> Tex. Tax Code §26.042(f)

<sup>48</sup> Tex. Tax Code §26.042(c)

<sup>49</sup> Tex. Tax Code §26.042(b)

Line	Emergency Revenue Rate Worksheet	Amount/Rate
80.	<b>2023 voter-approval tax rate, adjusted for emergency revenue.</b> Subtract Line 79 from one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (taxing units with the additional sales tax), Line 62 (taxing units with pollution control) or Line 67 (taxing units with the unused increment rate).	\$ 0.533064 /\$100

**SECTION 8: Total Tax Rate**

Indicate the applicable total tax rates as calculated above.

- No-new-revenue tax rate.** ..... \$ 0.481277 /\$100  
 As applicable, enter the 2023 NNR tax rate from: Line 26, Line 27 (counties), or Line 56 (adjusted for sales tax).  
 Indicate the line number used: 26
  
- Voter-approval tax rate.** ..... \$ 0.533064 /\$100  
 As applicable, enter the 2023 voter-approval tax rate from: Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (adjusted for sales tax), Line 62 (adjusted for pollution control), Line 67 (adjusted for unused increment), or Line 80 (adjusted for emergency revenue).  
 Indicate the line number used: 67
  
- De minimis rate.** ..... \$ 0.553418 /\$100  
 If applicable, enter the 2023 de minimis rate from Line 72.

**SECTION 9: Taxing Unit Representative Name and Signature**

Enter the name of the person preparing the tax rate as authorized by the governing body of the taxing unit. By signing below, you certify that you are the designated officer or employee of the taxing unit and have accurately calculated the tax rates using values that are the same as the values shown in the taxing unit's certified appraisal roll or certified estimate of taxable value, in accordance with requirements in the Tax Code.<sup>50</sup>

**print here** ▶ KRISTIN R. BULANEK  
 Printed Name of Taxing Unit Representative

**sign here** ▶ **Kristin Bulanek**  
 Taxing Unit Representative

Digitally signed by Kristin Bulanek  
 Date: 2023.08.04 09:39:06 -05'00'  
 Date

<sup>50</sup> Tex. Tax Code §§26.04(c-2) and (d-2)



## City Council Agenda Item # 12

**Title:** Consideration and possible action on a Resolution Amending the City of Freeport Master Fee Schedule adjusting the rates for sewer taps, water rates, and sewer rates.

**Date:** August 7, 2023

**From:** Cathy Ezell, Finance Director

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**Staff Recommendation:**

Staff recommends approval of the Resolution.

**Item Summary:**

Currently, the sewer tap fee is \$500.00. The current cost to do a standard four-inch sewer tap is \$1,000.00. The cost of a sewer taps larger than four inches is based on actual costs, size and location of the tap. The City Water/Sewer Fund is subsidizing \$500.00 of the cost to complete the standard sewer tap.

The proposed rate increase is being presented to offset the increase cost for water resulting from Brazosport Water Authority (BWA) adopting an 7.7% increase, cost of the unfunded mandate by the Federal Government for lead and copper water line identification and plans, the increase in costs for Veolia operations, and repair and maintenance services based on the increase in the Consumer Price Index (CPI), and the cost overruns by Veolia for Fiscal Years 2022 and 2023. The proposed rate will raise water rates by 12.4% and sewer rates by 2.3%. Below is a summary of the changes to the Singe-Family Residences beginning September 1, 2023. The Ordinance presented has the new rates for all the rate schedules.

Single-Family Residences	Current Rate	Proposed Rate	Increase \$	Increase %
Water Rates				
0 gal. to 2,000 gal.	\$ 16.43	\$18.47	\$2.04	12.4%
3,000 gal. to 12,000 gal.	\$ 5.68	\$ 6.38	\$0.70	12.4%
All over 12,000 gal.	\$ 7.47	\$ 8.40	\$0.93	12.4%



<b>Commercial/Non-Res</b>	<b>Current Rate</b>	<b>Proposed Rate</b>	<b>Increase \$</b>	<b>Increase %</b>
<b>Water Rates</b>				
0 gal. to 2,000 gal.				
1" Meter	\$ 23.07	\$ 25.93	\$ 2.86	12.4%
1.5" Meter	\$ 29.67	\$ 33.35	\$ 3.68	12.4%
2" Meter	\$ 47.74	\$ 53.66	\$ 5.92	12.4%
3" Meter	\$181.22	\$203.69	\$22.47	12.4%
4" Meter	\$230.92	\$259.55	\$28.63	12.4%
6" Meter	\$345.94	\$388.84	\$42.90	12.4%
8" Meter	\$477.72	\$536.96	\$59.24	12.4%
10" Meter	\$619.28	\$696.07	\$76.79	12.4%
3,000 gal. to 12,000 gal.	\$ 10.78	\$ 12.12	\$ 1.34	12.4%
All over 12,000 gal.	\$ 14.21	\$ 15.97	\$ 1.76	12.4%

<b>Single-Family Residences</b>	<b>Current Rate</b>	<b>Proposed Rate</b>	<b>Increase \$</b>	<b>Increase %</b>
<b>Sewer Rates</b>				
0 gal. to 2,000 gal.	\$13.71	\$14.03	\$0.32	2.3%
3,000 gal. to 12,000 gal.	\$ 4.73	\$ 4.84	\$0.11	2.3%

<b>Commercial/Non-Res</b>	<b>Current Rate</b>	<b>Proposed Rate</b>	<b>Increase \$</b>	<b>Increase %</b>
<b>Sewer Rates</b>				
0 gal. to 2,000 gal.				
1" Meter	\$ 18.32	\$ 18.74	\$ 0.42	2.3%
1.5" Meter	\$ 23.55	\$ 24.09	\$ 0.54	2.3%
2" Meter	\$ 37.95	\$ 38.82	\$ 0.87	2.3%
3" Meter	\$143.89	\$147.20	\$ 3.31	2.3%
4" Meter	\$183.12	\$187.33	\$ 4.21	2.3%
6" Meter	\$274.70	\$281.02	\$ 6.32	2.3%
8" Meter	\$379.33	\$388.05	\$ 8.72	2.3%
10" Meter	\$484.62	\$495.77	\$11.15	2.3%
3,000 gal. to 12,000 gal.	\$ 9.87	\$ 10.10	\$ 0.23	2.3%
13,000 gal. and up	\$ 14.21	\$ 14.54	\$ 0.33	2.3%

<b>5,000 gal. bill</b>	<b>Current Rate</b>	<b>Proposed Rate</b>	<b>Increase \$</b>	<b>Increase %</b>
Water	\$33.47	\$37.61	\$4.14	12.4%
Sewer	\$27.90	\$28.55	\$0.65	2.3%
<b>Total</b>	<b>\$61.37</b>	<b>\$66.16</b>	<b>\$4.79</b>	<b>7.8%</b>

**Background Information:**

On April 18, 2022, City Council approved setting the fee for sewer taps at \$500.00 for a standard four-inch sewer tap. This adjustment does not cover the complete cost of the standard sewer tap. The adjustment made on April 18, 2022 did move the charge for a sewer tap from \$20.00 to \$500.00.

BWA sells the City of Freeport water along with the Cities of Angleton, Brazoria, Clute, Lake Jackson, Oyster Creek, and Richwood. On June 28, 2023, the Cities received a letter from BWA stating that they were increasing the rate per 1,000 gallons of water sold from \$3.78 to \$4.07 (\$0.29 difference). This is a 7.7% increase and will cost the City of Freeport \$211,700.

The Federal Mandate for Lead and Copper waterlines will cost the City approximately \$305,000. This funding is for the creation of the required plans, creation of required communications to citizens and any other required plans and documents. Also, it funds two part-time employees to inventory the City's water meters.

Per the contract with Veolia to provide water/sewer operation and repair and maintenance services, the cost of services will increase based on the Consumer Price Index. This increase is will cost approximately \$185,600. Also, in Fiscal Year 2022, the costs of repairs and maintenance to the water/sewer system overran the budget by more than \$300,000 and it is estimated that these costs will overrun the budget by more than \$300,000 in Fiscal Year 2023.

**Special Considerations:**

<b>5,000 gal. bill</b>	<b>Current Rate</b>	<b>Proposed Rate</b>	<b>Increase \$</b>	<b>Increase %</b>
<b><u>Freeport</u></b>				
Water	33.47	37.61	4.14	12.4%
Sewer	27.90	28.55	0.65	2.3%
Total	61.37	66.16	4.79	7.8%
<b><u>Angleton</u></b>				
Water	55.09	62.25	7.16	13.0%
Sewer	32.67	34.31	1.64	5.0%
Total	87.76	96.56	8.80	10.0%
<b><u>Richwood</u></b>				
Water	52.04	55.95	3.91	7.5%
Sewer	40.06	43.35	3.29	8.2%
Total	92.10	99.30	7.20	7.8%
<b><u>Lake Jackson</u></b>				
Water	31.40	32.30	0.90	2.9%

Sewer	<u>33.15</u>	<u>34.90</u>	<u>1.75</u>	<u>5.3%</u>
Total	<u>64.55</u>	<u>67.20</u>	<u>2.65</u>	<u>4.1%</u>

**West Columbia**

Water	<u>38.40</u>	<u>39.94</u>	<u>1.54</u>	<u>4.0%</u>
Sewer	<u>38.40</u>	<u>39.94</u>	<u>1.54</u>	<u>4.0%</u>
	<u>76.80</u>	<u>79.88</u>	<u>3.08</u>	<u>4.0%</u>

**Clute**

Water	<u>31.68</u>	<u>33.42</u>	<u>1.74</u>	<u>5.5%</u>
Sewer	<u>31.68</u>	<u>33.42</u>	<u>1.74</u>	<u>5.5%</u>
Total	<u>63.36</u>	<u>66.84</u>	<u>3.48</u>	<u>5.5%</u>

**Oyster Creek**

**unknown**

Water	<u>29.73</u>
Sewer	<u>23.78</u>
Total	<u>53.51</u>

**Financial Impact:**

There will be an increase in sewer tap revenue, water rates and sewer rates.

**Board or 3<sup>rd</sup> Party recommendation:** N/A

**Supporting Documentation:**

Resolution  
Master Fee Schedule – Exhibit A

**RESOLUTION NO. 2023-2809**

**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 CERTAIN GOODS PROVIDED BY THE CITY; SPECIFICALLY SETTING FEES FOR SEWER TAPS; AUTHORIZING THE CITY CLERK TO MAINTAIN THE MASTER FEE SCHEDULE AND RECOMMEND ADJUSTMENTS; 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**, the City Council finds that the Code of Ordinances of the City of Freeport, Texas (“Code”) contains rates and fees throughout the Code and desires to consolidate all City rates and fees to provide a single and convenient location for a list of all rates and fees charged by the City through a Master Rate Schedule; and

**WHEREAS**, by Ordinance the City Council of the City authorized the establishment and maintenance of a Master Fee Schedule; a

**WHEREAS**, the City Council has determined that the public welfare would be best served by maintaining and amending sewer tap fees in the Master Fee Schedule;

**NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:**

**SECTION 1. FEES.** Pursuant to the provisions of its Code of Ordinances, the City Council of the City hereby amends the Master Fee Schedule with the rates and fees 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 \_\_\_\_\_, 2023.

**ATTEST:**

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Betty Wells, City Secretary  
City of Freeport, Texas

**APPROVED:**

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Brooks Bass, Mayor  
City of Freeport, Texas

**APPROVED AS TO FORM ONLY**

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David Olson, City Attorney  
City of Freeport, Texas

Exhibit A

FREEPORT SEWER AND WATER DEPARTMENT 2022		
<b>Sewer Service</b>		
<b>DESCRIPTION</b>	<b>Fee</b>	
<b>Single-Family Residences &amp; Multi-Family Residences</b>		
0 to 2,000 gal.	\$14.03	Base Fee
3,000 to 12,000 gal.	\$4.84	per 1,000 gal.
<b>Industrial Facilities, Offices &amp; Other Commercial Establishments</b>		
1" Meter 0 to 2,000 gal.	\$18.74	Base Fee
1-1/2" Meter 0 to 2,000 gal	\$24.09	Base Fee
2" Meter 0 to 2,000 gal	\$38.82	Base Fee
3" Meter 0 to 2,000 gal	\$147.20	Base Fee
4" Meter 0 to 2,000 gal	\$187.33	Base Fee
6" Meter 0 to 2,000 gal	\$281.02	Base Fee
8" Meter 0 to 2,000 gal	\$388.05	Base Fee
10" Meter 0 to 2,000 gal	\$495.77	Base Fee
3,000 to 12,000 gal.	\$10.10	per 1,000 gal.
13,000 gal. and up	\$14.54	per 1,000 gal.
<b>Water Service</b>		
<b>Deposits for water</b>		
Residential Owner	\$100.00	
Residential Renter	\$100.00	
Senior Citizen	\$50.00	
Commercial Accounts	\$100.00	or based on average bill
Apartments	\$50.00	per unit
Connection Fee/Cut-on	\$25.00	
Disconnect Fee/Cut-off	\$25.00	
Transfer Fee	\$25.00	
10 Day Clean (Up to 2,000 Gallons)	\$21.00	
Return Check Fee	\$25.00	
Meter Read For Pool Filing Credit	\$25.00	

Exhibit A

<b>Single-Family Residences &amp; Multi-Family Residences</b>		
0 gallons to 2,000 gallons	\$18.47	Base Fee
3,000 gallons to 12,000 gallons	\$6.38	per 1,000 gal.
All over 12,000 gallons	\$8.40	per 1,000 gal.
<b>Industrial Facilities, Offices &amp; Other Commercial Establishments Within the City</b>		
1" Meter 0 to 2,000 gal.	\$25.93	Base Fee
1-1/2" Meter 0 to 2,000 gal	\$33.35	Base Fee
2" Meter 0 to 2,000 gal	\$53.66	Base Fee
3" Meter 0 to 2,000 gal	\$203.69	Base Fee
4" Meter 0 to 2,000 gal	\$259.55	Base Fee
6" Meter 0 to 2,000 gal	\$388.84	Base Fee
8" Meter 0 to 2,000 gal	\$536.96	Base Fee
10" Meter 0 to 2,000 gal	\$696.07	Base Fee
3,000 gallons to 12,000 gallons	\$12.12	per 1,000 gal.
13,000 gallons and up gallons	\$15.97	per 1,000 gal.
<b>Customers Outside the Corporate Limits of the City</b>		
1" Meter 0 to 2,000 gal.	\$38.90	Base Fee
1-1/2" Meter 0 to 2,000 gal	\$50.00	Base Fee
2" Meter 0 to 2,000 gal	\$80.53	Base Fee
3" Meter 0 to 2,000 gal	\$314.23	Base Fee
4" Meter 0 to 2,000 gal	\$388.76	Base Fee
6" Meter 0 to 2,000 gal	\$583.13	Base Fee
8" Meter 0 to 2,000 gal	\$801.90	Base Fee
10" Meter 0 to 2,000 gal	\$1,028.75	Base Fee
3,000 gallons and up	\$18.15	per 1,000 gal.
<b>Water-Only Service Inside the Corporate Limits of the City</b>		
1" Meter 0 to 2,000 gal.	\$37.02	Base Fee
1-1/2" Meter 0 to 2,000 gal	\$47.61	Base Fee
2" Meter 0 to 2,000 gal	\$77.15	Base Fee
3" Meter 0 to 2,000 gal	\$290.87	Base Fee
4" Meter 0 to 2,000 gal	\$370.19	Base Fee
6" Meter 0 to 2,000 gal	\$555.27	Base Fee
8" Meter 0 to 2,000 gal	\$766.79	Base Fee
10" Meter 0 to 2,000 gal	\$978.86	Base Fee
3,000 gallons to 12,000 gallons	\$12.77	per 1,000 gal.
13,000 gallons and up gallons	\$16.85	per 1,000 gal.
<b>Tap Charges</b>		
<b>Water</b>		
Five-eighths-inch x three-fourths-inch water tap	\$550.00	
All other size taps will be charged based on actual cost, size and location		
<b>Sewer</b>		
Standard four inch tap	\$1,000.00	
All other size taps will be charged based on actual cost, size and location		



## City Council Agenda Item # 13

**Title:** Consideration and possible action approving an ordinance allowing for fences to be constructed past the front building line in W-R Zoning district.

**Date:** August 7, 2023

**From:** Kacey Roman, Building Official

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**Staff Recommendation:** Recommendation to approve modification of fence ordinance.

**Item Summary:** A citizen requested a permit for a fence to be built past the front building line in the WR Zone. City Ordinance currently prohibits this, and the permit was denied.

In the zoning ordinance in the W-R Zone the front yard faces the water and the rear yard faces the street.

This ordinance will affect two different areas: Bridge Harbor and Riverfront Lots with Levees. Bridge Harbor residents expressed concerns at a Planning and Zoning Commission Public Hearing that front yard fences could block their water views. Several houses on Front Street already have fences that extend to the water's edge, most of which were constructed prior to the ordinance change in 2022.

**Background Information:** On July 7, 2023, the Planning and Zoning Commission held a Workshop. The following changes were proposed for the WR Zone:

- Allow Fences past the front building line (from the front building line to the water's edge)
- May be more than 10% opaque to allow for visibility.
- Parallel to the water in the front yard
  - 6 feet maximum height
  - Must have a pedestrian gate on the water side of the fence.
- Perpendicular to the water –
  - 8 feet maximum height

**Special Considerations:** NA

**Financial Impact:** NA



**Board or 3<sup>rd</sup> Party recommendation:** Planning and Zoning Commission voted to recommend approval of the attached ordinance on July 25, 2023.

**Supporting Documentation:** Ordinance

**ORDINANCE NO. 2023-2702**

**AN ORDINANCE AMENDING THE CITY OF FREEPORT'S ZONING ORDINANCE BY AMENDING SECTION 155.403 ACCESSORY USES AND STRUCTURES, BY REVISING SUBSECTIONS 155.403(C)(5)(b) AND 155.403(C)(5)(c) TO ALLOW THE BUILDING OF FENCES FORWARD OF THE FRONT BUILDING LINE IN THE WATERFRONT RESIDENTIAL DISTRICT (SYMBOL "WR") WITH CERTAIN RESTRICTIONS; CONTAINING A PREAMBLE; CONTAINING A SEVERANCE CLAUSE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AND PROPERLY PUBLISHED FOR HEARING AS REQUIRED BY LAW 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 of Freeport (the "City") recognizes that the Waterfront Residential District ("WR") lots have front yards that face the waterfront, rather than the street side of the lot;

**WHEREAS**, the City Council wants to allow WR lots to build fences from the front building line to the water's edge to provide security for these properties;

**WHEREAS**, the City may establish by ordinance, general rules and regulations governing the zoning of land within its corporate limits in order to promote the health, safety, and general welfare of the City and to promote the safe, orderly and healthful development of the City; and

**WHEREAS**, the City Council has determined, based upon the findings stated above, that the regulations established by this Ordinance are necessary for the good government, peace and order the City; and

**WHEREAS**, 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:**

**Section 1.** 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.

**Section 2.** Section 155.403(C)(5)(b) and Section 155.403(C)(5)(c) are hereby revised to now read as follows:

“Section 155.403 ACCESSORY USES AND STRUCTURES

\* \* \*

(C) **Fences and Walls.**

\* \* \*

(5) *Residential Districts and Uses.* The following standards for height, location, and design shall apply to residentially zoned (R1, R2, MH, WR) or used properties, excluding multi-family:

\* \* \*

(b) *Front Yard.* No fence allowed forward of front building line; provided, however, the WR District will be allowed to build a fence forward of the front building line under the following conditions:

1. The front building line faces the waterfront;
2. A front yard fence running parallel to the water shall not exceed six (6) feet in height

and must have a pedestrian gate on the water side of the fence;

3. The front yard fence running perpendicular to the water shall not exceed eight (8) feet in height;
4. A front yard fence must be at least 90% non-opaque; and,
5. The fence complies with all other fence requirements provided for in this Section.

(c) *Street Side Yard.* No fence or wall located in a street side yard shall exceed 7 feet in height. But in no case may a fence be built forward of the front building line, except as provided for in paragraph (b) above.”

**Section 3.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgement or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

**Section 5.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**Section 6.** This Ordinance shall take effect and be in force from and after the descriptive caption of this ordinance has been published twice in the Brazosport Facts.

**READ, PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023.**

\_\_\_\_\_  
Brooks Bass, Mayor

**ATTEST:**

\_\_\_\_\_  
Betty Wells, City Secretary

**APPROVED AS TO FORM ONLY:**

\_\_\_\_\_  
David W. Olson, Interim City Attorney



## City Council Agenda Item # 14

**Title:** Consideration and possible action regarding an ordinance amending regulations regarding Short-term Rental Facilities.

**Date:** August 7, 2023

**From:** Kacey Roman, Director of Building and Code  
Tim Kelty, City Manager

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**Staff Recommendation:**

Staff recommends adoption of this ordinance.

**Item Summary:**

This proposed ordinance amends the Short-term rental regulations adopted by City Council in November last year.

It includes the following changes/additions:

- Responsible Party –
  - Change of employment – must notify City within 10 business days of new Local Responsible Person, or license may be suspended.
- Location –
  - No short-term rental may be located within 200 feet of another existing short-term rental property,
  - Existing registered short-term rentals are exempt from this restriction in perpetuity, as long as registration is maintained for that property(s).
- Vehicles/Parking –
  - Vehicles and parking at Short-term rentals in the Bridge Harbor area are restricted to the number of vehicles that may be parked in a garage area or Driveway, without extending into the public right-of-way.
  - Vehicles and parking at Short Term rentals in other parts of the city shall not prevent or obstruct ingress or egress to neighboring properties or to emergency vehicles.
- Posting of Permit and notice of short-term rental instructions –
  - A copy of the approved short-term rental permit and notice of instructions shall be posted at conspicuous locations, both inside the front entrance to the short-term rental unit and outside within two feet of the front entrance
  - Outdoor postings shall be laminated and visible, enclosed in a weatherproof container or frame.

**Background Information:**

In November of 2021, the City of Freeport adopted an ordinance requiring the registration and inspection of Short-Term Rentals; Ordinance 2021-2640.

Staff has met many challenges enforcing this ordinance. Refusal of owners to register, non-payment of HOT Taxes, violating occupancy limits (huge overnight parties), violations of noise and parking restrictions (loud music at 3am), etc. The police and Code Enforcement have been called on many occasions to assist the homeowners on the weekends.

At the last council meeting, Council conducted a workshop/public hearing where this issue was discussed at length. All property owners and citizens in affected area were mailed notice of that public hearing a week in advance. At the meeting 7 residents and STR owners were in attendance and spoke, and 3 other residents, unable to attend voiced their opinion regarding the regulations via written statements submitted in advance. Of those, 5 were in favor of the proposed changes and 4 stated their opposition. One expressed dissatisfaction with the process.

**Special Considerations:**

Staff has identified 21 short-term rental properties, some with multiple short-term units through research and listing on various short-term rental websites. Of those 13 have registered and are in compliance with previously established regulations. Three have only recently been identified and have been notified. And, 5 have been out of compliance and refused to register.

**Financial Impact:**

n/a

**Board or 3<sup>rd</sup> Party recommendation:**

n/a

**Supporting Documentation:**

List of known short term rentals in Freeport, Proposed Ordinance amending Short-term rental regulations.

ADDRESS	OWNER	DATES OF ISSUANCE	UPDATES
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**Inspected and In Compliance**

1	1804 N AVE L, FREEPORT TX, 77541	EDWARDS ANTHONY 1804 N AVE L FREEPORT TX, 77541	9/23/2022	INSPECTED AND IN COMPLIANCE
2	923 W 12TH, FREEPORT TX, 77541	WELLS JOSHUA M & ASHLEY A, 3565 RODEHAMPTON CT COLORADO SPRINGS, CO 80918	8/17/2022	INSPECTED AND IN COMPLIANCE
3	71 DOLPHIN, FREEPORT TX, 77541	BOUNDS KELLY & KATRINA 2689 FM 2705 MEXIA, TX 76667-2082	10/5/2022	INSPECTED AND IN COMPLIANCE
4	82 DOLPHIN, FREEPORT TX, 77541	BAYFRONT RENTAL LIMITED LIABILITY COMPANY 7915 RANIC DR HOUSTON, TX 77064-1720	8/4/2022	INSPECTED AND IN COMPLIANCE
5	87 DOLPHIN, FREEPORT, TX 77541	CHU DIEM T & QUOC D HOANG 6418 FERRIS DR # 3 HOUSTON, TX 77081-4690	10/17/2022	INSPECTED AND IN COMPLIANCE
6	91 DOLPHIN, FREEPORT TX 77541	WARREN BRUCE & DEBBIE 2307 WHITE TAIL LN LAKE JACKSON, TX 77566-3604	8/5/2022	INSPECTED AND IN COMPLIANCE
7	95 DOLPHIN, FREEPORT TX, 77541	PARKER MARK & CAROL N 76 DOLPHIN LN FREEPORT, TX 77541-8338	8/9/2022	INSPECTED AND IN COMPLIANCE
8	98 DOLPHIN, FREEPORT TX, 77541	COTTONWOOD TRAIL INVESTMENTS P O BOX 25458 HOUSTON, TX 77265-5458	10/20/2022	INSPECTED AND IN COMPLIANCE
9	307 W 1ST ST, FREEPORT TX, 77541	DOWNEY KAREN MARIE 315 W 1ST ST FREEPORT, TX 77541	9/19/2022	INSPECTED AND IN COMPLIANCE
10	223 S FRONT ST, FREEPORT TX, 77541	APHRODITE HOLDINGS 2510 E SUNSET RD STE 5-982 LAS VEGAS, NV 89120	8/9/2022	INSPECTED AND IN COMPLIANCE
11	62 MARLIN, FREEPORT TX, 77541	SHAHAN DONALD A & GINGER A & RYAN & ASHLEY 32603 WESTON CT FULSHEAR, TX 77441	8/29/2022	INSPECTED AND IN COMPLIANCE
12	125 MARLIN, FREEPORT TX, 77541	VIETTEX 20119 BALDWIN OAK ST KATY, TX 77449-7685	8/9/2022	INSPECTED AND IN COMPLIANCE
13	118 REDFISH, FREEPORT TX, 77541	CAI QUYNH NGUYEN & LAN THU THI HUYNH 17406 MEADOW LIGHT DR RICHMOND, TX 77407	8/26/2022	INSPECTED AND IN COMPLIANCE

**Notified and Pending**

1	403 W BROAD UNIT A	TRAN LOC BA 11507 PAGODA DR STAFFORD, TX 77477-1218		Has been inspected, waiting on them to finish some small repairs.
2	403 W BROAD UNIT B	TRAN LOC BA 11507 PAGODA DR STAFFORD, TX 77477-1218		Has a current long term resident - may change to AirBNB when tenant leaves.
3	104 MARLIN, FREEPORT TX, 77541	CRYSTAL CRUISE INVESTMENTS LLC DBA WATER WOES 2413 MARKET ST GALVESTON, TX 77550		LAST INSPECTED ON 4/27/2023 FOR SHORT TERM RENTAL, Pulled Permits for Repairs

**Sent Notifications - Not In Compliance**

1	511 W 6TH ST, FREEPORT TX, 77541	ADD RENTALS LLC 9609 HOCKER ST KANSAS CITY, MO 64139		NEW LISTING ON AIRBNB. Sent Notice.
2	224 W PARK, FREEPORT TX, 77541	Park Avenue Lofts Attn: Jeff Pena 224 W PARK, SUITE 100 FREEPORT, TX 77541		Refuses to Register and Comply. Appealed to BoA and was denied. Filed Lawsuit in District Court
3	220 W PARK, FREEPORT TX, 77541	SUN TERRA ENTERPRISES 945 MCKINNEY ST #10942 HOUSTON, TX 77002		NEW LISTING ON AIRBNB. Sent Notice.
4	59 MARLIN, FREEPORT TX, 77541	LONE CONE REAL ESTATE LLC 1572 COUNTY ROAD 351 MUENSTER, TX 76252		SPOKE WITH KIM VELDERHOFF ON 2/24/2023; IN REGARDS TO APPLYING FOR SHORT TERM RENTAL
5	102 DOLPHIN, FREEPORT TX, 77541	GARZA TRAVIS & IVY AUSTIN-GARZA 15818 CYPRESS HALL DR CYPRESS, TX 77429-6989		Investigating. Owner denies that it is a Short Term Rental.

**Not a Short Term Rental**

1	427 W 1ST ST, FREEPORT TX, 77541	RUSSELL GENE EDWARD III & STACI R 5222 NODAWAY LN SPRING, TX 77379		Listed as Rentals only over 30 days.
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**ORDINANCE NO. 2023-2698**

**AN ORDINANCE AMENDING CHAPTER 124, "SHORT-TERM RENTAL FACILITIES" CONTAINED IN TITLE 11 "BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF FREEPORT, TEXAS, TO AMEND REQUIREMENTS AND REGULATIONS RELATED TO SHORT TERM RENTALS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AND PROPERLY PUBLISHED FOR HEARING AS REQUIRED BY LAW.**

**WHEREAS**, the City Council (the "Council") of the City of Freeport, Texas (the "City"), determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the City's Code of Ordinances (the "Code") related to the location, registration, permitting, and operation of short-term rentals in the City; 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 FOR THE CITY OF FREEPORT, TEXAS:**

**Section 1.** 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.

**Section 2.** Section 124.10, "Designation of local responsible party required" of Chapter 124 "Short-term Rental Facilities" in Title 11 " Business Regulations" of the Code of Ordinances of the City of Freeport, Texas, is hereby amended to read as follows:

**Section 124.10 Designation of local responsible party required**

An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must reside in Brazoria County, Texas and be available to be reached in person or by phone on a 24-hour basis, 365 days of the year. If called, a local responsible party must be able to and shall be present at the premises within one (1) hour of call from Administrator, or his designee. A local responsible party must be authorized to make decisions regarding the premises and its occupants. A local responsible party may be required to, and shall not refuse to, accept service of citation for any violations on the premises. Acceptance of service shall not act to release owner of any liability under this chapter. The owner has a duty to notify the

City within ten (10) calendar days, in writing, of any change to the designated local responsible party. Failure to notify the City within ten (10) calendar days of changes to the designated local responsible party shall be grounds for permit suspension.

**Section 3.** Section 124.16, "Restrictions on number of occupants" of Chapter 124 "Short-term Rental Facilities" in Title 11 "Business Regulations" of the Code of Ordinances of the City of Freeport, Texas, is hereby amended to read as follows:

**Section 124.16 Limitations on location, number of occupants, and vehicles.**

A. *Location.* No Short-Term Rental shall be located within 200 feet of another Short-Term Rental measured from the nearest property line to the nearest property line.

B. *Previously existing Short-Term Rentals.* A Short-Term Rental property in existence prior to the effective date of this ordinance, whether owner occupied or non-owner occupied, is not subject to the 200-foot spacing requirement.

C. *Existing Short-Term Rentals.* An existing short-term rental is allowed to continue, subject to the following:

1. An owner/operator must provide a sworn affidavit and demonstrate to the satisfaction of the City Manager or their designee that the Short-Term Rental was being used as a Short-Term Rental on a continuous basis for the twelve (12) months preceding the effective date of this Ordinance;

2. An owner/operator, within ninety (90) days of the adoption date of this Ordinance, must apply for an Existing Short-Term Rental permit on an application provided for by the City. An existing Short-Term Rental shall be considered a new Short-Term Rental if the operator fails to obtain a permit within the 90-day period of time; and

3. An owner/operator pays the permit fee as required by this ordinance.

C. *Occupants Per Bedroom.* It shall be unlawful for an owner or person to rent, allow, provide, or advertise for more than two (2) persons per bedroom, plus two (2) additional persons, when using the premises as a short-term rental.

D. *Total Occupants.* Regardless of the number of bedrooms at the premises, it shall be unlawful:

1. For more than twelve (12) persons (including children), to occupy a short-term rental at any one time; or

2. For the owner or operator to allow, suffer or permit the number of occupants living, sleeping within or possessing a short-term rental to exceed

the maximum occupancy shown on the short-term rental permit or renewal permit.

E. *Prima Facie Evidence.* A visual inspection of more than twelve (12) persons by a city employee at the premises is prima facie evidence of and shall be probable cause to issue a citation for a violation of this subsection D.

F. *Number of vehicles.* Unless limited by subsection G, the maximum amount of motor vehicles allowed at a short-term rental shall be limited to the number of vehicles that can be accommodated within the garage and driveway, without extending over the public rights of way and designated on-street parking directly contiguous to the boundary lines of the premises.

G. *Number of vehicles - Bridge Harbor.* The maximum amount of motor vehicles allowed at a short-term rental in Bridge Harbor shall be limited to the number of vehicles that can be accommodated within the garage and driveway, without extending over the public rights of way.

F. *Parking by Renters.* Parked vehicles shall not prevent or obstruct ingress and egress to the neighboring properties or to emergency and/or fire vehicles.

**Section 4.** Section 124.23, "Permit to be displayed" of Chapter 124 "Short-term Rental Facilities" in Title 11 "Business Regulations" of the Code of Ordinances of the City of Freeport, Texas, is hereby amended to read as follows:

**Section 124.23 Permit and notice of instructions to be displayed.**

A. A copy of the approved short-term rental permit and notice of instructions as defined in section 124.22 shall be posted at a conspicuous location:

1. inside the front entrance(s) to the short-term rental; and
2. outside within two (2) feet of the front entrance(s) to the short-term rental.

B. Outdoor postings under this section shall be laminated and enclosed in a weatherproof container or frame that does not block visibility."

**Section 5.** This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Freeport and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

**Section 6.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 7.** All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for City of Freeport in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

**Section 8.** Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Freeport in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Freeport.

**Section 9.** 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 \_\_\_\_\_, 2023.

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Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST:

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Betty Wells, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

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



## City Council Agenda Items # 15

**Title:** Consideration and possible action approving proposed Resolution of appointment for the open position on the Charter Review Commission.

**Date:** August 7, 2023

**From:** Betty Wells, City Secretary

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**Staff Recommendation:**

Staff recommends selection of Donna Hayes and the approval of the proposed resolution to appoint the qualified individual to serve on the above listed Board.

**Item Summary:**

The Charter Review Commission has one vacancy, at the time of this memo the city has received one application from Donna Hayes who is interested in serving on this Board.

All board members are appointed to fulfill 2-year terms 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.

The application is attached to this memo of the interested applicant to serve on this Board.

**Background Information:** None

**Special Consideration:** There is one applicant to fill the one position on the Charter Review Commission.

**Financial Impact:** None

**Supporting Documentation:** Resolution for Board, and application received from individual.

**RESOLUTION NO. 2023-2810**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, NOMINATING, CONSTITUTING AND APPOINTING QUALIFIED PERSON TO THE CHARTER REVIEW BOARD 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 member **Ana Silbas**, named member of the Charter Review Board of the City of Freeport, Texas ("the City"), has expired;

WHEREAS, the term of the above member expired on May 31, 2023, and the City desires to appoint another qualified person 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 to the Charter Review Board of the City for a term of two (2) years which expires on May 31, 2025 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 Charter Review 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST: \_\_\_\_\_  
Betty Wells, City Secretary  
City of Freeport, Texas



## City Council Agenda Item # 16

**Title:** Consideration and possible action approving Rifle Resistant Body Armor Grant Program.

**Date:** August 7, 2023

**From:** Police Chief Howell

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**Staff Recommendation:** To approve the resolution to accept the grant money to fund the project, Rifle Resistant Body Armor Grant Program.

**Item Summary:** We are seeking funding for 26 NIJ rated soft ballistic plate carriers and 52 NIJ rated rifle armor plates (1 front plate and 1 back plate) for 26 full-time, sworn officers who are engaged in traffic or highway patrol, otherwise regularly detain or stop motor vehicles, are primary responders to calls for assistance from the public, or execute arrest or search warrants for criminal offense (e.g., Patrol, SWAT, Narcotics and other proactive investigation units).

**Background Information:** All of our full-time sworn officers are issued rifle armor plates. However, these plates were purchased in 2018. All of said rifle armor plates will expire in 2023. Rifle resistant body armor has a guarantee life of 5 years. After that time, material begins to break down and no longer provides officers the protection they need. Our police department has had an increase over the last 10 years of our violent crime rate as well, to include a number of shootings. Having several large companies in our area that often have protest, which could easily turn violent, officers are again in need of the protection for those events.

**Special Considerations:** None

**Financial Impact:** None – grant covers 100%

**Board or 3<sup>rd</sup> Party recommendation:** N/A

**Supporting Documentation:** Resolution

**RESOLUTION NO. 2023-2811**

**A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; AUTHORIZING THE CITY MANAGER TO APPLY TO THE OFFICE OF THE GOVERNOR, FOR THE GRANT FOR RIFLE-RESISTANT BODY ARMOR, AND AGREEING TO CERTAIN CONDITIONS IN CONNECTION WITH SUCH GRANT; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.**

**WHEREAS**, the City of Freeport, Texas, hereinafter "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**, the Local Government Code and the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Resolution; and,

**WHEREAS**, the City Council of the City of Freeport finds it in the best interest of and to benefit the health, safety, and welfare of the citizens of Freeport, that the city submit an application to the Office of the Governor of the State of Texas to receive a grant for the Rifle-Resistant Body Armor be operated for the Fiscal Year 2023-2024 and comply with all the conditions contained therein.

**WHEREAS** the City Council of the City of Freeport agrees that in the event of loss or misuse of the Office of the Governor Funds, City of Freeport assures that the funds will be returned to the Office of the Governor in full.

**WHEREAS**, the City Council of the City of Freeport designates City Manager Tim Kelty as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

First, that the City Council of the City approves submission of an application to the Office of the Governor, for a Grant for the Rifle-Resistant Body.

Second, that the City Council of the City designates The Freeport City Manager as the grantee's authorized official.

Third, that the authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the City.

Fourth, the City agrees that in the event of loss or misuse of the Office of the Governor Funds, the City assures



that the funds will be returned to the Office of the Governor in full.

Fifth, in the event any section or provision of this resolution is found to be unconstitutional, 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 of this resolution and such remaining sections and provisions shall remain in full force and effect.

Sixth, this resolution shall take effect and be in force from and after its passage and adoption.

Seventh, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City.

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Betty Wells, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
David Olson, Interim City Attorney,  
City of Freeport, Texas



## City Council Agenda Item #17

**Title:** Consideration and possible action approving Resolution for Body Worn Camera (BWC) Program

**Date:** August 7, 2023

**From:** Police Chief Howell

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**Staff Recommendation:** To approve the resolution to accept the grant money and provide match to fund the project, Body Worn Camera (BWC) Grant Program.

**Item Summary:** We are seeking to purchase 30 body cameras, batteries and docking/transfer stations to replace items that are approaching their end of life and end of service. In addition, we requested the grant to cover 1 year of license/cloud storage for the software and storage that will hold video and evidence captured from the body cameras in a secure online environment. Paid Professional services will be handled by the manufacturer that includes install, configuration and training for new body cameras.

**Background Information:** The City of Freeport Police Department has 30 body worn camera systems assigned to officers. All of these video systems are designed to work with a proprietary in car camera system and cloud storage system for storing videos captured on these devices. These cameras are nearing their end of life and due to parts shortages, the manufacturer has stated that they will continue to repair, replace and service these cameras while they have parts. Once parts run out they will no longer be able to service these cameras. We are many iterations behind in their body camera line and require an update to newer technology. Without an update we could be in a situation where we are unable to repair or replace cameras as they break. Currently when these cameras break it takes 4 to 6 months to receive a replacement. Additionally, the department has a back-end system in place that is incompatible with this new version of body cameras. This will require us to move over to a cloud hosted back-end system to manage these cameras and to store video evidence captured on these devices.

**Special Considerations:** Grant is 75% funding. The matching funds are 25%, or an estimated cost of \$14,441.25.

**Financial Impact:** The city must agree to match the 25% to receive the grant.

**Board or 3<sup>rd</sup> Party recommendation:** N/A

**Supporting Documentation:** Resolution

**RESOLUTION NO. 2023-2812**

**A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; AUTHORIZING THE CITY MANAGER TO APPLY TO THE OFFICE OF THE GOVERNOR, FOR THE GRANT FOR BODY CAMERA UPGRADE PROJECT, AND AGREEING TO CERTAIN CONDITIONS IN CONNECTION WITH SUCH GRANT; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.**

**WHEREAS**, the City of Freeport, Texas, hereinafter "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**, the Local Government Code and the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Resolution; and,

**WHEREAS**, the City Council of the City finds it in the best interest of and to benefit the health, safety, and welfare of the citizens of Freeport, that the City submit an application to the Office of the Governor of the State of Texas to receive a grant for the Body Camera Upgrade Project Fiscal Year 2023-2024 and comply with all the conditions contained therein.

**WHEREAS**, the City Council of the City agrees that in the event of loss or misuse of the Office of the Governor Funds, City assures that the funds will be returned to the Office of the Governor in full.

**WHEREAS**, the City Council of the City designates City Manager Tim Kelty as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

First, that the City Council of the City approves submission of an application to the Office of the Governor, for a Grant for the Body Camera Upgrade Project.

Second, that the City Council of the City designates the Freeport City Manager as the grantee's authorized official.

Third, that the authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the City.

Fourth, the City agrees that in the event of loss or misuse of the Office of the Governor Funds, the City assures

that the funds will be returned to the Office of the Governor in full.

Fifth, in the event any section or provision of this resolution is found to be unconstitutional, 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 of this resolution and such remaining sections and provisions shall remain in full force and effect.

Sixth, this resolution shall take effect and be in force from and after its passage and adoption.

Seventh, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City.

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Betty Wells, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
David Olson, Interim City Attorney,  
City of Freeport, Texas



## City Council Agenda Item # 18

**Title:** Consideration and possible action approving Resolution for Mobile Video Upgrade Grant Project

**Date:** August 7, 2023

**From:** Police Chief Jennifer Howell

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**Staff Recommendation:** To approve the resolution to accept the grant money to fund the project, Mobile Video Upgrade Grant Program.

**Item Summary:** We are seeking funding to buy and install 14 in-car (mobile) video recording cameras for our fleet of marked patrol cars, installing 1 interview room camera system for the departments interview room. It also includes purchasing 1 year of license/cloud storage for the software and storage that will hold video and evidence captured from the body cameras in a secure online environment.

**Background Information:** All of these video systems are designed to work with a proprietary body camera/body microphone and back-end system for storing videos captured on these devices. These 14 camera system and interview room are reaching their end of life, the manufacturer is no longer allowing the renewal of maintenance warranties on these items due to the product lines age. Once this maintenance window expires that can leave us in a situation where we can be without camera systems for extended periods due to hardware failures. Further, newer technologies being released such as body cameras and door triggers to start and stop record events will not function with these older in car camera systems. Additionally the department has a back-end systems in place that stores video evidence for these car systems and interview room that is reaching its end of life. This system is incompatible with the newer body worn camera system and in car camera systems and will require an upgrade to a subscription based cloud system.

**Special Considerations:** The grant will not cover installation of cameras into units.

**Financial Impact:** The estimated cost to install cameras is \$18,000.

**Board or 3<sup>rd</sup> Party recommendation:** N/A

**Supporting Documentation:** Resolution.

**RESOLUTION NO. 2023-2813**

**A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; AUTHORIZING THE CITY MANAGER TO APPLY TO THE OFFICE OF THE GOVERNOR, FOR THE GRANT FOR MOBILE VIDEO EQUIPMENT UPGRADE, AND AGREEING TO CERTAIN CONDITIONS IN CONNECTION WITH SUCH GRANT; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.**

**WHEREAS**, the City of Freeport, Texas, hereinafter "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**, the Local Government Code and the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Resolution; and,

**WHEREAS**, the City Council of the City finds it in the best interest of and to benefit the health, safety, and welfare of the citizens of Freeport, that the City submit an application to the Office of the Governor of the State of Texas to receive a grant for the Mobile Video Equipment Upgrade Fiscal Year 2023-2024 and comply with all the conditions contained therein.

**WHEREAS**, the City Council of the City agrees that in the event of loss or misuse of the Office of the Governor Funds, City assures that the funds will be returned to the Office of the Governor in full.

**WHEREAS**, the City Council of the City designates City Manager Tim Kelty as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

First, that the City Council of the City approves submission of an application to the Office of the Governor, for a Grant for the Mobile Video Equipment Upgrade.

Second, that the City Council of the City designates the Freeport City Manager as the grantee's authorized official.

Third, that the authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the City.

Fourth, the City agrees that in the event of loss or misuse of the Office of the Governor Funds, the City assures

that the funds will be returned to the Office of the Governor in full.

Fifth, in the event any section or provision of this resolution is found to be unconstitutional, 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 of this resolution and such remaining sections and provisions shall remain in full force and effect.

Sixth, this resolution shall take effect and be in force from and after its passage and adoption.

Seventh, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City.

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Brooks Bass, Mayor  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Betty Wells, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
David Olson, Interim City Attorney,  
City of Freeport, Texas