

NOTICE OF PUBLIC HEARING
THE FREEPORT CITY COUNCIL
MONDAY, MAY 4, 2015, 6:00 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
FREEPORT, TEXAS
AGENDA
FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the April 20, 2015 Council Minutes. Pg. 292-295
5. Attending citizens and their business.
6. **Proclamation:** Motorcycle Safety and Awareness Month. Pg. 296
7. **Recognition:** A certificate of appreciation awarded to Mr. Jeff Pynes in recognition of valuable contributions to the Youth Addiction & Recovery symposium.
Pg. 297
8. Consideration of approving Resolution No. 2015-2466 denying the distribution cost recovery factor rate increase of Centerpoint Energy Houston Electric, LLC made on or about April 6, 2015. Pg. 298-301
9. Consideration of approving Resolution No. 2015-2467 amending the City's Fair Housing Activities Statement (FHAST) so that remaining impediments are addressed by December 31, 2015. Pg. 302-304
10. Consideration of approving an Anti-NIMBY Action Plan as described in the City's Fair Housing Activities Statement (FHAST). Pg. 305-306
11. Consideration of approving an amendment/Addendum to Cooperation Agreement for the Community Development Block Grant (CDBG). Pg. 307-310

Adjourn

Items not necessary 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).

In compliance with the Americans with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meeting. Please contact the City Secretary office at 979-233-3526.

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, May 1, 2015 at or before 5:00 p.m.

Delia Munoz - City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council and the Planning & Traffic Commission met on Monday, April 20, 2015 at 6:05 p.m., at the Freeport Police Department Building, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Norma Moreno Garcia
Councilman Larry L. McDonald
Councilman Fred Bolton
Councilman Sandra Loeza
Councilman Sandra Barbree

Planning Commission: Edward T. Garcia – Chairman
Tobey Davenport
Royce McCoy
Lesa Girouard
Eddie Virgil – Absent

Staff: Kola Olayiwola, Building Official
Nat Hickey, Property Manager
Delia Munoz, City Secretary
Gilbert Arispe, Assistant City Manager
Wallace Shaw, City Attorney
Brian Davis, Fire Chief
Dan Pennington, Police Chief
Larry Fansher, Parks Director

Visitors: Tina Rogers Jim Pirrung
Jerry Meeks Troy Brimage
Darlene Wier Manning Rollerson
Nicole Mireles Sam Reyna
Melanie Oldham Sherril Mercer
Chad Elliston Eric Hayes
Jennifer Hawkins Martin Velez
Denny Corder

Call to order.

Mayor Norma M. Garcia called the meeting to order at 6:05 p.m.

Invocation.

Wallace Shaw offered the Invocation.

Pledge of Allegiance.

Mayor Norma M. Garcia led the Pledge of Allegiance.

Consideration of approving the April 6, 2015 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved the April 6, 2015 Council Minutes.

Attending citizens and their business.

Manning Rollerson complemented the street striping in the City. He was disappointed that the street striping ended under the Pine Street Bridge toward East 2nd Street.

Joint Public Hearing: The City Council and the Planning Commission of said City will conduct a joint public hearing to consider a proposed amendment to the Comprehensive Zoning Ordinance and Map of said City, codified as Chapter 155 of the Code of Ordinance of said City granting to Kimley-Horn for Verizon Wireless a Specific Use Permit for the erection and operation of a new 151 foot high monopole telecommunication tower on portion of the property described a Tracts 101B, 526 & 527B of the Brazos Coast Investment Company Subdivision, Division 14, A. Calvit Survey, Abstract 49, Brazoria County, Texas containing 7.2 acres of land and locally known as 2121 Zapata Street, within the corporate limits of said City.

Mayor Norma Garcia opened the Joint Public Hearing at 6:08 p.m. to consider a proposed amendment to the Comprehensive Zoning Ordinance and Map of said City, codified as Chapter 155 of the Code of Ordinance of said City granting to Kimley-Horn for Verizon Wireless a Specific Use Permit for the erection and operation of a new 151 foot high monopole telecommunication tower on portion of the property described a Tracts 101B, 526 & 527B of the Brazos Coast Investment Company Subdivision, Division 14, A. Calvit Survey, Abstract 49, Brazoria County, Texas containing 7.2 acres of land and locally known as 2121 Zapata Street, within the corporate limits of said City.

Mayor Norma Garcia asked the audience and staff if they had any comments on the proposed telecommunication tower. Mr. Ed Garcia stated that they had paid their application fee and had met all the requirements. Mr. Royce McCoy stated that he had visited the proposed location on 2121 Zapata and had no opposition to the request. Councilwoman Sandra Loeza had one complaint in her ward opposing the monopole telecommunication tower.

There being no more comments, Mayor Norma Garcia closed the Joint Public Hearing at 6:15 p.m.

Consideration of approving Ordinance No. 2015-2087 amending the Comprehensive Zoning Ordinance of said City to permit the specific use of Tracts 101B, 526 and 527B, Brazos Coast Investment Company Subdivision, Division 14, Abstract 49 A Calvit Survey, Brazoria County Texas containing 7.2 acres acres of land located within the corporate limits of said City and known locally as 2121 Zapata as a site for communication tower to be operated by Kimley Horn and associates for Verizon Wireless.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting "Aye", Council unanimously approved Ordinance No. 2015-2087 amending the Comprehensive Zoning Ordinance of said City to permit the specific use of Tracts 101B, 526 and 527B, Brazos Coast Investment Company Subdivision, Division 14, Abstract 49 A Calvit Survey, Brazoria County Texas containing 7.2 acres acres of land located within the corporate limits of said City and known locally as 2121 Zapata as a site for communication tower to be operated by Kimley Horn and associates for Verizon Wireless.

Consideration of approving Resolution No. 2015-2465 consenting to the temporary closing of the South Levee Road.

On a motion by Councilman McDonald, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved Resolution No. 2015-2465 consenting to the temporary closing of the South Levee Road in order that the Velasco Drainage District can secure the South Levee Structure area.

Consideration of taking action on any item discussed in Executive Session.

Reconvened at 6:30 p.m., to discuss the Emergency Power and Monitoring Systems bid.

Sherril Mercer of Mercer Constructions and Chad Elliston with Total Energy had questions on the specifications.

Gilbert Arispe's, recommendation is to rebid the project.

Councilman Bolton asked why alternate bids had not been submitted and requested Jerry Meeks be more involved with the project.

On a motion by Councilman Bolton to rebid the Emergency Power and Monitoring System, Motion died for lack of second.

On a motion by Councilwoman Barbree, seconded by Councilman McDonald, with all present voting "Aye", Council unanimously approved to reject the bid and rebid with alternate specifications.

Mayor Norma M. Garcia closed the Formal Session and opened the Executive Session at 6:17 p.m.

Executive Session:

Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matter in which his duty to the City Council under the Texas Disciplinary Rules of Professional Conduct of the state Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- Emergency Power and Monitoring Systems bids.

No action taken

Mayor Norma M. Garcia closed the Executive Session at 6:30 p.m. and Reconvened the Formal Session.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Mayor Norma M. Garcia adjourned the meeting at 7:03 p.m.

Mayor Norma M. Garcia
City of Freeport, Texas

City Secretary Delia Munoz
City of Freeport, Texas

PROCLAMATION

MOTORCYCLE SAFETY AND AWARENESS MONTH

WHEREAS, today's society is funding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are roughly unprotected and much more likely to be injured or killed in a crash than other vehicle's drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and

WHEREAS, urging all of our community to become aware of the inherent danger involved in operating a motorcycle and give the operator the respect on the road they deserve;

NOW THEREFORE, I, Norma Moreno Garcia, Mayor of the City of Freeport, Texas do hereby proclaim the month of May 2015 as Motorcycle Safety and Awareness month in Freeport, Texas.

Mayor Norma Moreno Garcia
City of Freeport, Texas

Certificate of Appreciation

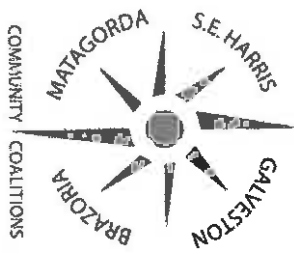
February 25 2015

Jeff Pynes
City Manager
City of Freeport

in recognition of valuable contributions to the



Dannielle G Meyer
Brazoria County
Community Coalitions Coordinator



AGENDA INFORMATION SHEET
ITEM NO. # 8

**DENIAL OF APPLICATION FOR APPROVAL OF A RATE INCREASE
SUBMITTED BY CENTERPOINT ENERGY**

BACKGROUND

On or about April 6, 2015, CenterPoint Energy Houston Electric, LLC (“CenterPoint”) submitted an Application for Approval of a Distribution Cost Recovery Factor (“DCRF”) to increase its annual revenue requirement by approximately \$16.7. CenterPoint proposes to implement this increase effective September 1, 2015.

CenterPoint’s application affects all retail electric providers (“REPs”) serving end-use retail electric customers in CenterPoint’s service-area and will affect the retail electric customers of those REPS to the extent the REPs chose to pass along these charges to their customers.

This is the first time CenterPoint has filed a DCRF. A DCRF permits CenterPoint to include in its rates distribution investment that occurred after the conclusion of its most recent comprehensive base rate case, Docket No. 38339. Docket No. 38339’s test year ended December 31, 2009. CenterPoint’s DCRF Application includes distribution investments and related expenses from January 1, 2010 through December 31, 2014.

A DCRF filing is a streamlined single-issue proceeding outside of a comprehensive base rate case. CenterPoint had to file its DCRF from April 1 through April 8. The Commission’s rule dictates that September 1, 2015, absent good cause, is the effective date. This means, absent good cause, the case will be resolved in approximately 148 days. Discovery is also very limited. Parties may not serve more than 20 requests for information and requests for admissions of fact without good cause. A DCRF case is designed to move quickly and for parties to have limited review.

REPRESENTATION

The law firm of Herrera & Boyle, PLLC (through Mr. Alfred R. Herrera) has previously represented the Texas Coast Utilities Coalition (“TCUC”) in rate matters involving CenterPoint Energy. Similarly, the firm of Herrera & Boyle has represented other Texas cities dealing with rate case matters, therefore providing a depth of experience in dealings with CenterPoint and the Public Utility Commission of Texas (“Commission”).

INTERVENTION AT THE PUBLIC UTILITY COMMISSION OF TEXAS AND COURT PROCEEDINGS, IF ANY

CenterPoint Energy filed its Application for Approval of a DCRF with the City on the same date it filed its application with the Railroad Commission of Texas. It is important to participate in the Commission's proceeding because its final decision may impact rates within the City. Thus, the accompanying Resolution authorizes intervention in proceedings at the Public Utility Commission of Texas, including any appeal of the City's decision on rates.

RATE CASE EXPENSES

Cities, by statute, are entitled to recover their reasonable rate case expenses from the utility. Legal counsel and consultants approved by the City will submit monthly invoices to the City that will be forwarded to CenterPoint for reimbursement.

ACTION: DENIAL OF CENTERPOINT'S PROPOSED RATE INCREASE

CenterPoint's DCRF application is the first of its kind in CenterPoint's service territory and may contain novel or unreasonable proposals and therefore should be carefully reviewed. The City only has 60 days to act on CenterPoint's request. If the City has not acted within 60 days, the application is deemed denied and appealed to the Commission to be consolidated with the DCRF proceeding.

The application was filed on April 6, 2015, therefore the City has until June 5, 2015 to act. It is virtually impossible for the City to set just and reasonable rates before the expiration of City's jurisdiction at the 60-day mark. Denial does not preclude the City's special regulatory counsel and experts an opportunity to perform a review of CenterPoint's application and request additional information as necessary to fully evaluate the proposal and determine the most appropriate response. Further, a denial will not eliminate the possibility of resolving the proceeding through settlement.

RECOMMENDATION

It is recommended that the City deny CenterPoint's application to approve its DCRF rate increase.

It is also recommended that the City retain the law firm of Herrera & Boyle, PLLC to represent the City's interest in matters related to CenterPoint's DCRF filing and to advise the City with regard to CenterPoint's application, and that the City intervene in the proceeding before the Public Utility Commission of Texas, and represent the City in appeals, if any, regarding CenterPoint's application. A resolution to deny CenterPoint's rate increase is provided with this agenda information sheet.

The City must take action no later than June 5, 2015.

RESOLUTION NO. 2015-2466

RESOLUTION BY THE CITY OF _____, TEXAS (“CITY”) DENYING THE DISTRIBUTION COST RECOVERY FACTOR RATE INCREASE OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC MADE ON OR ABOUT APRIL 6, 2015; AUTHORIZING PARTICIPATION IN A COALITION OF SIMILARLY SITUATED CITIES; AUTHORIZING PARTICIPATION IN RELATED RATE PROCEEDINGS; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, CenterPoint Energy Houston Electric, LLC (“CenterPoint”) filed an application for authority to implement a Distribution Cost Recovery Factor with the City to increase rates effective September 1, 2015; and

WHEREAS, the City is a regulatory authority under the Public Utility Regulatory Act (“PURA”) and under Chapter 33, §33.001 et seq. of PURA has exclusive original jurisdiction over CenterPoint’s rates, operations, and services within the municipality; and

WHEREAS, CenterPoint plans to increase its revenue requirement by \$16.7 million per year; and

WHEREAS, the jurisdictional deadline for the City to act in this rate matter is 60 days from the application date or June 5, 2015; and

WHEREAS, the City will require the assistance of specialized legal counsel and rate experts to review the merits of CenterPoint’s application to increase rates; and

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing and investigating CenterPoint’s rate request it is prudent to coordinate the City’s efforts with a coalition of similarly situated municipalities; and

WHEREAS, the City, in matters regarding applications by CenterPoint to change rates, has in the past joined with other local regulatory authorities to form the Texas Coast Utilities Coalition (“TCUC”) and hereby continues its participation in TCUC; and

WHEREAS, CenterPoint simultaneously filed its statement of intent to increase rates with the Public Utility Commission of Texas, therefore the decision of the Public Utility Commission of Texas could have an impact on the rates paid by the City and its citizens who are customers in CenterPoint's service territory and in order for the City's participation to be meaningful it is important that the City promptly intervene in such proceeding at the Public Utility Commission of Texas; and

WHEREAS, CenterPoint failed to show that its proposed rate increase is reasonable and therefore the City has concluded that CenterPoint's proposed rate increase is unreasonable.

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

Section 1. The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

Section 2. The City **DENIES** the rate increase CenterPoint filed on or about April 6, 2015.

Section 3. The City authorizes intervention in proceedings related to CenterPoint's application for approval of a DCRF before the Public Utility Commission of Texas and related proceedings in courts of law as part of the coalition of cities known as Texas Coast Utilities Coalition ("TCUC").

Section 4. The City hereby orders CenterPoint to reimburse the City's rate case expenses as provided in the Public Utility Regulatory Act and that CenterPoint shall do so on a monthly basis and within 30 days after submission of the City's invoices for the City's reasonable costs associated with the City's activities related to this rate review or to related proceedings involving CenterPoint before the City, the Public Utility Commission of Texas, or any court of law.

Section 5. Subject to the right to terminate employment at any time, the City retains and authorizes the law firm of Herrera & Boyle, PLLC to act as Special Counsel with regard to rate proceedings involving CenterPoint before the City, the Public Utility Commission of Texas, or any court of law and to retain such experts as may be

reasonably necessary for review of CenterPoint's rate application subject to approval by the City.

Section 6. The City shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to CenterPoint for reimbursement.

Section 7. A copy of this resolution shall be sent to CenterPoint Energy, care of Denise Gaw, CenterPoint Energy Service Company, LLC, 111 Louisiana Street, Houston, Texas 77002; and to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Ave., Suite 1250, Austin, Texas 78701.

Section 8. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this _____ day of _____, 2015.

Mayor

ATTEST:

City Secretary

Munoz, Delia

From: Cristal Funderburk <cristal@grantworks.net>
Sent: Wednesday, April 08, 2015 10:38 AM
To: Welch, Bob
Cc: Munoz, Delia
Subject: 4/20 Agenda Items FFAST - Freeport
Attachments: Fair Housing Proclamation 2015_Freeport.docx; Resolution for 2015 Amendment.docx; Anti NIMBY Memo.pdf; Anti NIMBY Action Plan.docx; FH Opp for All flyer.pdf; We do Business FH flyer.pdf; 3.1.A.3 GLO FH EEO flyer Freeport March 2014.pdf

Hi Bob,

This email contains action items that are required by the Fair Housing Action Plan (aka "FFAST"), originally adopted on February 6, 2012 as part of the Round 2 Disaster Recovery funding.

Please place the following items on your Mon 4/20 agenda for consideration.

1. Proclaim April as Fair Housing Month.
2. Consider amending the City's Fair Housing Activities Statement (FFAST) so that remaining impediments are addressed by December 31, 2015.
3. Review and consider adoption of the Anti-NIMBYism Action Plan as described in the City's Fair Housing Activities Statement (FFAST).

The backup material for these agenda items are attached, with explanation below:

Resolution Amending Fair Housing Action Plan

Amends the *Fair Housing Action Plan* to reflect that any outstanding activities will be undertaken on or before December 31, 2015.

Adoption of Anti-NIMBYism Action Plan

Adopts the *Anti-NIMBYism Action Plan* which establishes actions that the City will take to mitigate potential anti-NIMBYism that might arise from proposed future development.

You'll also find fair housing posters and flyers attached. Please post and distribute these materials as part of your April as Fair Housing Month activities. *Then please snap a picture and email to me for the FFAST file.* I saw that the fair housing flyer is still on the City's website, and have documented that as an activity.

In about a week or so, I'll be sending another email with more FFAST forms to update. If you have any questions on these items or if I can be of further assistance, please let me know.

Thanks!

Cristal Funderburk
Community Development Project Manager
GrantWorks, Inc.
2201 Northland Drive
Austin, TX 78756
P (512) 420-0303 ext. 318
F (888) 347-1109
www.grantworks.net

RESOLUTION NO. 2015-2467

AMENDMENT TO FAIR HOUSING ACTIVITY STATEMENT

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT AMENDING THE CITY'S PREVIOUSLY APPROVED FAIR HOUSING ACTION PLAN.

WHEREAS, The City is actively implementing measures to comply with its Fair Housing Action Plan.

WHEREAS, additional time is required to implement a number of related activities.

NOW, THEREFORE, BE IT RESOLVED:

THAT the City amends its Fair Housing Action Plan so that local action items may be completed in 2015.

DULY APPROVED BY THE CITY COUNCIL OF THE CITY THIS _____ DAY OF _____, 2015.

APPROVED:

ATTEST:



**Planning, Housing, and
Community Development Services
for Rural Texas Since 1979**

2201 Northland Drive
Austin, Texas 78756

Voice (512) 420-0303 x339
Fax (512) 420-0302

Anti-NIMBYism Action Plan Briefing Notes

On February 6, 2012, in order to receive Disaster Recovery funding from the General Land Office, the City of Freeport adopted a Fair Housing Activity Statement (FHASt). The FHASt outlines specific steps that the City will take in order support Fair Housing and to remove impediments to the same.

The Anti-NIMBYism Action Plan helps address FHASt Impediment #4, which states that "Not in my Backyard" (NIMBY) may be an impediment to fair housing in Texas Communities." The specific activity that the City committed to taking is "We will develop an anti-NIMBYism action plan."

NIMBYism can be defined as opposition to the locating of something considered undesirable in one's neighborhood. Often the use in question is considered necessary but the opposition arises to its proximity to one's home or neighborhood.

HUD defines NIMBYism as "a mentality adopted by those who reject certain changes to their communities." The NIMBY mentality makes it difficult to consider compromise, recognize personal property rights, and/or seek alternatives, all which can impact growth and development.

The attached draft Anti-NIMBYism Action Plan outlines specific steps that the City can take to help increase public awareness and to encourage communication about proposed developments that may trigger NIMBY concerns.

This draft plan is based on other communities' anti-NIMBYism Action Plans and is provided as a template. The City may choose to adopt the plan as presented or modify to meet specific community needs.

If passed, this plan will successfully meet the City's FHASt Impediment 4 commitment.

If I can be of any further assistance or provide you with any further information, please do not hesitate to contact me by phone at 512/420-0303

Sincerely,

Betty Collier
Director of Client Relations

Anti-NIMBYism Action Plan

It is the policy of the City of Freeport to discourage 'NIMBYism' within our community. NIMBY is an acronym for "Not In My Backyard". The U.S. Department of Housing and Urban Development defines NIMBYism as "a mentality adopted by those who reject certain changes to their communities." The NIMBY mentality makes it difficult for communities to consider compromise, recognize personal property rights, and/or seek alternatives, all which can impact growth and development.

The City of Freeport understands the importance of informed residents, the importance of fair housing, and a diversified tax base. The City will strive to see that new developments, including those that offer fair and affordable housing opportunities within the City, are considered with cooperation and understanding.

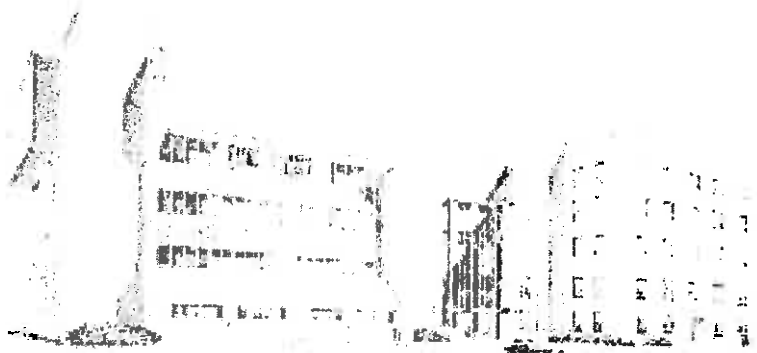
To address NIMBYism, the City of Freeport will:

- 1) Increase awareness by distributing and making accessible clear and accurate information on proposed developments through available community resources.
- 2) Respond to community concerns at public forums.
- 3) Provide a copy of this plan to local elected and non-elected officials to raise awareness of NIMBYism.
- 4) Encourage developers to construct well-designed buildings that compliment surrounding neighborhoods.
- 5) Inform developers of potential NIMBY concerns during pre-development meetings with City staff. Staff will share previous experiences with issues which created NIMBYism in the community and encourage the developer to work within the adjoining neighborhoods to ensure the proposed project compliments the neighborhood and can become an asset to the City.

Adopted this _____ of _____, _____ by the City Council of City of Freeport.

NANCY FRIUDENBERG
DIRECTOR

JENNIFER CRAINER
ASSISTANT DIRECTOR



MELISSA SHADE
PROJECT COORDINATOR

TAMMY HUGHES
FINANCIAL COORDINATOR

BRAZORIA COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

March 25, 2015

Dear Mayor:

This year Brazoria County will be re-qualifying for Community Development Block Grant (CDBG), HOME, and Emergency Solutions Grant (ESG) Program funds from the U. S. Department of Housing and Urban Development for FY 2016-2018. The County has to re-qualify for these funds every three years. Currently, twenty Cities in the County participate in the Brazoria County CDBG, HOME, and ESG Programs. A list of these Cities is attached hereto.

If your City no longer wishes to participate in the Brazoria County CDBG, HOME, and ESG Program, you will need to notify this office that your City elects to be excluded as a participating jurisdiction in the Brazoria County CDBG, HOME, and ESG Program. We must receive this notification in our office no later than 5:00 p.m. on April 30, 2015. However, I must also point out to you that by continuing to be included in the County's program; your City will not be eligible to apply for grants under the Texas Community Development Program (TX-CDBG) or the Texas HOME Investment Partnership Program through the Texas Department of Agriculture (TDA) during this same period. This will not however affect any other grant program you wish to apply for (e.g., Texas Parks and Wildlife Department, Federal Aviation Administration/Texas Aeronautical Commission, Texas State Library, Criminal Justice Council, etc.)

If we do not receive notification from your City indicating that your City no longer wishes to participate in the County program, then according to the previously executed agreement your City will be automatically included in our County program through September 30, 2018. We do hope that your City will continue to be a partner with the County and we look forward to continuing housing and community development efforts within your City.

Please send the signed documents or any notices to Nancy Friudenberg, Brazoria County Community Development, 1524 E. Mulberry, Suite 162, Angleton, Texas, 77515. PLEASE NOTE THAT THE AMENDMENT/ADDENDUM ATTACHED HERETO WILL NEED TO BE APPROVED BY CITY COUNCIL.

If you have any questions about the program, please feel free to call me at (979) 864-1860.

Sincerely,

Nancy Friudenberg
Director

1524 EAST MULBERRY SUITE 162, ANGLETON, TEXAS 77515

Angleton Area
(979) 864-1710

Brazosport Area
(979) 388-1710

Houston Area
(281) 756-1710

Fax Number
(979) 864-1089

AMENDMENT/ADDENDUM TO COOPERATION AGREEMENT

This Agreement Amendment/Addendum covers the CDBG Entitlement program and, where applicable, the HOME Investment Partnership (HOME) and Emergency Solutions Grants (ESG) Programs.

Per requirement of the CPD Notice 14-07: Instructions for Urban County Qualification for Participation in the Community Development Block Grant (CDBG) Program to read:

Paragraph II has been amended to read as follows:

The City and County acknowledge that this Cooperation Agreement covers the Community Development Block Grant (CDBG) Entitlement Program, the HOME Investment Partnership (HOME) Program, and the Emergency Solutions Grants (ESG) Program. Furthermore, the City understands that it may not apply for grants from appropriations under the small cities or State CDBG Programs, nor participate in HOME, HOME consortium, or ESG Programs with other local governments except through the County during the period in which it is participating in the County's entitlement program.

Paragraph XIII has been added to read as follows:

A unit of general local government may not sell, trade, or otherwise transfer all or any portion of such funds to a metropolitan city, urban county, unit of general local government, Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.

Paragraph XIV now reads as follows:

This Agreement shall be of no force and effect unless and until it is executed by both parties hereto and as set forth below.

IN WITNESS WHEREOF this instrument in duplicate originals has been executed by the parties hereto as follows:

- a. It has been executed on behalf of Brazoria County on the _____ day of _____, 2015, by the County Judge of Brazoria County and attested by the County Clerk of Brazoria County pursuant to an order authorizing such execution.
- b. It has been executed on behalf of the City on the _____ day of _____, 2015, by its Mayor and attested by its City Secretary, pursuant to action of the City Council of the City authorizing such execution.

BRAZORIA COUNTY

Matt Sebesta, County Judge

ATTEST

By: _____
County Clerk

CITY OF

Mayor

ATTEST

By: _____
City Secretary

**Participating Cities in Brazoria County
CDBG, HOME & ESG Programs**

Alvin
Angleton
Bailey's Prairie
Bonney
Brazoria
Brookside Village
Clute
Danbury
Freeport
Holiday Lakes
Iowa Colony
Jones Creek Village
Lake Jackson
Manvel
Oyster Creek Village
Richwood
Sandy Point
Surfside Beach
Sweeny
West Columbia

Non-Participating Cities

Hillcrest Village
Liverpool
Pearland
Quintana